

mailed 1/19/12

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WEST LINN, OR 97068

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7401 S FORK LITTLE BUTTE CRK RD
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24979 SW QUARRYVIEW DR
WILSONVILLE, OR 97070

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20375 Willamette Dr
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5797 ROBERT MOORE ST
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FORSETH DEANNA L
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GADOW SANDRA
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GRAY DANIEL
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GREENWOOD DARRELL W & VICKI M
24323 SW MOUNTAIN RD
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HALE JUDY A
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HAMILTON MALCOLM H & ANN B
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HANDRIS MARK
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HANES JAMES E & JUDITH D
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HANSEN DEBRA L
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HIBBARD LORI
100 KERR PKWY APT 37
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HIEMSTRA PROPERTIES INC
17420 SW PARRETT MOUNTAIN RD
SHERWOOD, OR 97140

HOFFNER DENISE
1706 6TH AVE
WEST LINN, OR 97068

HOUSTON WILLIAM M JR & BARBARA
M
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INMAN TROY & MIMI
1296 13TH ST
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JACK ALAN R & LAURIE V
5495 GROVE ST
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JOHNSON SCOTT A & MICHELLE J
1696 5TH AVE
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KIERES ELIZABETH S
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KNIGHT CHRISTOPHER JON & S JACOBI
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LASIT SHARON RUTH
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LEINEWEBER JOHN J
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LORIAUX D LYNN & TERESA CHOATE
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OFFER RUTH C
1870 5TH AVE
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PAZMOL WILLAMETTE PROPERTIES LLC
1832 WILLAMETTE FALLS DR
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1742 WILLAMETTE FALLS DR
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April 20, 2015

FIRST CLASS MAIL

Megan Thornton
Assistant City Attorney
22500 Salamo Road
West Linn, OR 97068

Re: *Lonny and Kristine Webb; File Nos. DR-14-02 and ZC-14-02*

Dear Megan:

This letter is to confirm our discussion this week. The above matters are currently scheduled to be heard by City Council in an on-the-record proceeding on May 11, 2015. The DR-14-02 matter is an appeal of a decision by the Historic Review Board ("HRB"). The ZC-14-02 matter is a review of a recommendation from HRB.

I explained a few problems my clients had understanding the process and what they were supposed to introduce at the HRB proceedings. In the DR-14-02 case, they understood that they would have a subsequent opportunity to present evidence and alternatives in response to input from HRB. In the ZC-14-02 matter, staff stated in a report that there was no evidence of an owner objection in 1983, but the records of those proceedings were not available to my client. We still do not understand how the planner could have made such a statement without any records, but it clearly disadvantaged my clients. We have since taken steps with your office to obtain some of the relevant records.

Another significant complication is that in October 2013, my client made a written demand under ORS 197.772(3) that they be allowed to remove the current historic designation on their property. As far as we can tell, the City never acted upon that demand. I believe that you and I agree that that demand is not encompassed in my clients' requested zone change under CDC 25.100 because the relevant criteria is different. CDC 25.100 has one element that is not required under ORS 197.772(3).

For the reasons set forth above, you and I discussed the merits of jointly seeking a remand from City Council on May 11, 2015. I can confirm that my clients desire a remand and agree that the May 11, 2015 hearing should be limited to the question of whether the Council will order a remand. My client's request for the remand is based upon your statement that on remand, the City will include their October 2013 demand under ORS 197.772(3) that the historic designation on their property be removed.

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April 20, 2015

My clients understand that if a remand is ordered, the City will need a further extension on the 120 day period. They hereby grant an extension to August 13, 2015.

Very truly yours,

HATHAWAY KOBACK CONNORS LLP



Christopher P. Koback

CPK/pl

**CITY OF WEST LINN
PLANNING COMMISSION PUBLIC HEARING
CDC-12-01**

This is to notify you that the City of West Linn has proposed a land use regulation that may affect the permissible uses of your property and other properties.

**AMENDMENTS TO CHAPTERS 2, 11, 13, 19, 25, 26, 34, 43, 58, 59, 60, AND 99 OF THE
COMMUNITY DEVELOPMENT CODE (CDC).**

The West Linn Planning Commission is scheduled to hold a public hearing on April 17, 2013, at 7:00 p.m., in the Council Chambers of City Hall, 22500 Salamo Road, West Linn, to consider proposed amendments to chapters 2, 11, 13, 19, 25, 26, 34, 43, 58, 59, 60, and 99 of the CDC. The proposed amendments address the City's historic resources including permitted uses, historic design review, design standards, designation, removal of designation, relocation, and demolition.

You have been notified of this proposal because County records indicate that you own property that the City has designated as a historic landmark or is within a historic district. The City has determined that the adoption of these amendments may affect the permissible uses of your property, and other properties in the affected zone, and may change the value of your property.

The hearing will be conducted in accordance with the rules of CDC Section 98.120. Anyone wishing to present written testimony on this proposed action may do so in writing prior to, or at the public hearing. Oral testimony may be presented at the public hearing. At the public hearing, the Planning Commission will receive a staff presentation, and invite both oral and written testimony. The Planning Commission may continue the public hearing to another meeting to obtain additional information, leave the record open, or close the public hearing and take action on the proposed amendments as provided by state law. Failure to raise an issue in person or by letter at some point prior to the close of the hearing, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes an appeal to the Land Use Board of Appeals (LUBA) based on that issue.

The proposed land use regulations are available for inspection at City Hall, 22500 Salamo Road, West Linn, OR 97068. A copy is available for purchase at a minimal charge. At least 10 days prior to the hearing, a copy of the proposed amendments and associated staff report will be available for inspection and also on the City's web site at <http://westlinnoregon.gov/planning/historic-code-amendments-0>. In addition, the project file CDC-12-01, Historic Code Amendments, containing the proposed amendments and related information is available for review at the Planning Department.

Following the hearing, the Planning Commission will make a recommendation to the City Council. The Council will make a final decision regarding the proposed amendments following its own public hearing. For further information, please contact Sara Javoronok, Associate Planner, at City Hall, 22500 Salamo Road, West Linn, OR 97068, phone (503) 722-5512, or via e-mail at sjavoronok@westlinnoregon.gov.

Shauna Shroyer
Planning Administrative Assistant

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1562 BUCK ST
WEST LINN, OR 97068

BRIDGEFRONT APARTMENTS LLC
7115 SE 36TH
PORTLAND, OR 97202

BRINEY MICHAEL J & MARY JILL
1808 4TH AVE
WEST LINN, OR 97068

BROWN RONALD G CO-TRUSTEE
14204 S MUELLER RD
OREGON CITY, OR 97045

BRUNE ROBERT G & KARLYN L
1620 5TH AVE
WEST LINN, OR 97068

BURCH MARVIN D & SHARON A
1900 SW RIVER DRIVE #113
PORTLAND, OR 97201

BUTLER KELLY R & STEPHANIE A
1508 14TH ST
WEST LINN, OR 97068

CARLEY ROY A & SUSAN E
5575 RIVER ST
WEST LINN, OR 97068

CARSON JODY & JOHN E KLATT
1296 12TH ST
WEST LINN, OR 97068

CLARK RICHARD J TRSTE
1674 5TH AVE
WEST LINN, OR 97068

COKE ANTHONY J & KIMBERLY S
1819 6TH AVE
WEST LINN, OR 97068

CONVERGENT PACIFIC LLC
8975 SW CENTER ST
TIGARD, OR 97223

COOPER SUSAN E
1788 4TH AVE
WEST LINN, OR 97068

DAVIES RICHARD C & LAURIE F
1724 4TH AVE
WEST LINN, OR 97068

DAVISSON GISELA A
737 ASH ST
LAKE OSWEGO, OR 97034

DAVISSON UJAHN B & TARA T
1715 BUCK ST
WEST LINN, OR 97068

MAILED
3-26-13 SS

Measure 50 Notice

EVANS MARK A & LINDA R G
4600 ALDER ST
WEST LINN, OR 97068

FLOYD DANIEL T
1831 6TH AVE
WEST LINN, OR 97068

FORSETH DEANNA L
1865 6TH AVE
WEST LINN, OR 97068

GADOW SANDRA
1769 4TH AVE
WEST LINN, OR 97068

GRAY DANIEL
4865 WILLAMETTE FALLS DR
WEST LINN, OR 97068

GREENWOOD DARRELL W & VICKI M
24323 SW MOUNTAIN RD
WEST LINN, OR 97068

HALE JUDY A
1608 6TH AVE
WEST LINN, OR 97068

HAMILTON MALCOLM H & ANN B
1630 5TH AVE
WEST LINN, OR 97068

HANDRIS MARK
2008 WILLAMETTE FALLS DR #B
WEST LINN, OR 97068

HANES JAMES E & JUDITH D
1819 4TH AVE
WEST LINN, OR 97068

HANSEN DEBRA L
1707 DOLLAR ST
WEST LINN, OR 97068

HIBBARD LORI
100 KERR PKWY APT 37
LAKE OSWEGO, OR 97035

HIEMSTRA PROPERTIES INC
17420 SW PARRETT MOUNTAIN RD
SHERWOOD, OR 97140

HOFFNER DENISE
1706 6TH AVE
WEST LINN, OR 97068

HOUSTON WILLIAM M JR & BARBARA
M
1709 5TH AVE
WEST LINN, OR 97068

INMAN TROY & MIMI
1296 13TH ST
WEST LINN, OR 97068

JACK ALAN R & LAURIE V
5495 GROVE ST
WEST LINN, OR 97068

JOHNSON SCOTT A & MICHELLE J
1696 5TH AVE
WEST LINN, OR 97068

KIERES ELIZABETH S
1852 4TH AVE
WEST LINN, OR 97068

KNIGHT CHRISTOPHER JON & S JACOBI
1639 6TH AVE
WEST LINN, OR 97068

LASIT SHARON RUTH
1722 5TH AVE
WEST LINN, OR 97068

LEINWEBER JOHN J
6533 LOWRY DR
WEST LINN, OR 97068

LORIAUX D LYNN & TERESA CHOATE
1830 6TH AVE
WEST LINN, OR 97068

LORIAUX TERESA C & D LYNN
24369 SW VALLEY VIEW RD
WEST LINN, OR 97068

MACKESON JOAN P
1738 5TH AVE
WEST LINN, OR 97068

MACOM MOLLY T
21420 WILLAMETTE DR
WEST LINN, OR 97068

MATIS DANIELA
1352 WILLAMETTE FALLS DR
WEST LINN, OR 97068

MAYSELS CHERYL A TRUSTEE
1862 4TH AVE
WEST LINN, OR 97068

MCCOID PAUL M & LINDA K
1677 SE 6TH AVE
WEST LINN, OR 97068

MCCOY COLIN TRUSTEE
7401 S FORK LITTLE BUTTE CRK RD
EAGLE POINT, OR 97524

MCDONALD JAMES P & MELISSA A
1409 14TH ST
WEST LINN, OR 97068

MCFADDEN THOMAS A & SHARON L
1850 6TH AVE
WEST LINN, OR 97068

MCMATH NANCY MARIE
4845 WILLAMETTE FALLS DR
WEST LINN, OR 97068

MCNAMARA JOHN E & MARIANA P
1611 6TH AVE
WEST LINN, OR 97068

MERRITT JOSELLE
1492 13TH ST
WEST LINN, OR 97068

MEURER STEPHAN
1892 6TH AVE
WEST LINN, OR 97068

MIXER JAMES W & BARBARA A
1728 6TH AVE
WEST LINN, OR 97068

MORAN EDWARD J & LORDEAN G
20725 WILLAMETTE DR
WEST LINN, OR 97068

NELSON GEORGE & BETTY J
1686 5TH AVE
WEST LINN, OR 97068

OFFER JERRY D & RUTH C
1831 5TH AVE
WEST LINN, OR 97068

OFFER RUTH C
1870 5TH AVE
WEST LINN, OR 97068

PAUL & LYDIA BOLLINGER
1630 6TH AVE
WEST LINN, OR 97068

PAZMOL WILLAMETTE PROPERTIES LLC
1832 WILLAMETTE FALLS DR
WEST LINN, OR 97068

PERNISCO CLAUDIO A & ANGELA R
1798 4TH AVE
WEST LINN, OR 97068

PETERSEN ADAM A
1818 6TH AVE
WEST LINN, OR 97068

PIROOZMANDI JILLA & DAVID ADDISON
PO BOX 2545
PAGO PAGO, AS 96799

POPE BARBARA L
1790 6TH AVE
WEST LINN, OR 97068

RESIDENT
1847 6th Ave
WEST LINN, OR 97068

RESIDENT
1767 6th Ave
WEST LINN, OR 97068

RESIDENT
1745 4th Ave
WEST LINN, OR 97068

RESIDENT
1891 5th Ave
WEST LINN, OR 97068

RESIDENT
1888 6th Ave
WEST LINN, OR 97068

RESIDENT
1882 5th Ave
WEST LINN, OR 97068

RESIDENT
1777 6th Ave
WEST LINN, OR 97068

RESIDENT
20375 Willamette Dr
WEST LINN, OR 97068

RESIDENT
1646 Buck St
WEST LINN, OR 97068

RESIDENT
1690 Buck St
WEST LINN, OR 97068

RESIDENT
4835 Willamette Falls Dr
WEST LINN, OR 97068

ROZES JAMES JONATHAN
1780 6TH AVE
WEST LINN, OR 97068

SAMPSON MICHAEL J & BETHANY
1697 6TH AVE
WEST LINN, OR 97068

SCHREIBER DANIEL & NICOLE M
1870 6TH AVE
WEST LINN, OR 97068

SEELIN TIMOTHY & LINDA
1747 5TH AVE
WEST LINN, OR 97068

SELVAGGIO MICHAEL
1790 5TH AVE
WEST LINN, OR 97068

SKURDAHL PAUL J & SUSAN R
20685 WILLAMETTE DR
WEST LINN, OR 97068

SNYDER KENNETH L & S A M
MCMURRICH
1822 5TH AVE
WEST LINN, OR 97068

SOPHER SONJA LEE
1883 5TH AVE
WEST LINN, OR 97068

STELL INVESTMENTS LLC
1085 WILLAMETTE FALL DR
WEST LINN, OR 97068

STUTZNEGGER D ERIK & STEPHANIE P
4742 RIVERVIEW AVE
WEST LINN, OR 97068

SUCEVICH VAUGHN A SR & JOELLEN
5797 ROBERT MOORE ST
WEST LINN, OR 97068

SUTHERLAND PROPERTIES LLC
1742 WILLAMETTE FALLS DR
WEST LINN, OR 97068

SWANSON RODNEY D & SUSAN V
HARTFORD
1731 6TH AVE
WEST LINN, OR 97068

SWENSON ANN M
1892 4TH AVE
WEST LINN, OR 97068

TUOR DARREN C & KRISTEN D
1649 5TH AVE
WEST LINN, OR 97068

VAIL HAROLD L JR
1980 WILLAMETTE FALLS DR STE 230
WEST LINN, OR 97068

WEBB LONNY R
1344 14TH ST
WEST LINN, OR 97068

WERST DEAN C & JEAN A
1785 WILLAMETTE FALLS DR STE 6
WEST LINN, OR 97068

WERT TROY DEAN & SHELLY LEE
1723 5TH AVE
WEST LINN, OR 97068

WHITE MILTON N & MARJORIE
1744 4TH AVE
WEST LINN, OR 97068

WHITE PATRICK J & B J PERRY-WHITE
1872 5TH AVE
WEST LINN, OR 97068

WILLAMETTE CAPITAL INVESTMENTS
LLC
24979 SW QUARRYVIEW DR
WILSONVILLE, OR 97070

WILLAMETTE UNITED METH CH
1683 WILLAMETTE FALLS DR
WEST LINN, OR 97068

WITTMANN EDWARD J &
GWENDOLENE
6720 E GREEN LAKE WAY N #732
SEATTLE, WA 98103

WOOLENSACK BARBARA
1697 5TH AVE
WEST LINN, OR 97068

MAILED

AFFIDAVIT OF NOTICE

We, the undersigned do hereby certify that, in the interest of the party (parties) initiating a proposed land use, the following took place on the dates indicated below:

GENERAL

File No. CDC-12-01 Applicant's Name COWL
Development Name _____
Scheduled Meeting/Decision Date 4-17-13 and 5-1-13

NOTICE: Notices were sent at least 20 days prior to the scheduled hearing, meeting, or decision date per Section 99.080 of the Community Development Code. (check below)

TYPE A

- A. The applicant (date) _____ (signed) _____
B. Affected property owners (date) 3-26-13 (signed) S. Shroyer
C. School District/Board (date) _____ (signed) _____
D. Other affected gov't. agencies (date) 4-9-13 (signed) S. Shroyer
E. Affected neighborhood assns. (date) 4-9-13 (signed) S. Shroyer
F. All parties to an appeal or review (date) _____ (signed) _____

At least 10 days prior to the scheduled hearing or meeting, notice was published/posted:

Tidings (published date) 4-4-13 (signed) S. Shroyer
City's website (posted date) 4-5-13 (signed) S. Shroyer

SIGN

At least 10 days prior to the scheduled hearing, meeting or decision date, a sign was posted on the property per Section 99.080 of the Community Development Code.

(date) _____ (signed) _____

NOTICE: Notices were sent at least 14 days prior to the scheduled hearing, meeting, or decision date per Section 99.080 of the Community Development Code. (check below)

TYPE B _____

- A. The applicant (date) _____ (signed) _____
B. Affected property owners (date) _____ (signed) _____
C. School District/Board (date) _____ (signed) _____
D. Other affected gov't. agencies (date) _____ (signed) _____
E. Affected neighborhood assns. (date) _____ (signed) _____

Notice was posted on the City's website at least 10 days prior to the scheduled hearing or meeting.

Date: _____ (signed) _____

STAFF REPORT mailed to applicant, City Council/Planning Commission and any other applicable parties 10 days prior to the scheduled hearing.

(date) 4-5-13 (signed) S. Shroyer

FINAL DECISION notice mailed to applicant, all other parties with standing, and, if zone change, the County surveyor's office.

(date) _____ (signed) _____

FILE# : MISC. 86-06

NAME : AMENDMENT -
COMP. PLAN + DEV. CODE
CHANGES

LOCATION : _____

APPLICANT : _____

52.400 A

Only drive through establishments may have
a freestanding "mew board"

~~Change~~
~~Illustration 46-12~~
~~48.030 A.14 "24 feet"~~

Non-Conforming Use Section 65.040 -
The word "use" has been omitted

65.070 (A)(4) water or [and] power water

- Write up boundary change -

46.080 Replaced as follows:

MUST BE READY TO GO BY

~~APRIL~~ APRIL 11, 1986

May 1986 - NOTICE 2 weeks in advance
Code Amendments

1. Signs Code - expanded signage for review stations
- signs in recently annexed areas.
2. Land Div - sidewalk responsibilities

Mark 3. Hist Dist - boundary revision for comm. dist

Mark 4. Parking Stds per Turlotin - updated

5. Inconsistency between text & picture - parking

Mark 6. Street tree species, planting policy & planter strip stds per tree species.

Sept 1986 ~~Code~~ Code Amendments

Mark 7. Individual Hist Structures; justification (i.e. inventory ~~and~~ amendments), policies & code change (including criteria for ~~past~~ future Hist Structures)

Conditional Use for C-N Zone

GARDEN CENTER: The wholesale and retail sales of trees, shrubs, vines or flowering plants, seeds and cutting materials and all products such as fertilizer spray and dust for the control of insects and diseases, tools and implements accessory to the sale of plant and seed stock. The conduct of a garden center business presumes places for parking for customers, service unloading and loading, keeping of sales records and quarters for all functions, exterior and interior display and the sale of goods purchased off the premises that are auxillary to and complementary to the products listed above.

Conditional Use for R-7 Zone

NURSERY: The propagation of trees, shrubs, vines or flowering plants for transplanting, sale or for grafting or budding, planting and preparation for use of seeds or cuttings, grafting and budding one variety on another, spraying and dusting of plants to control insects and diseases, and buying and selling the above plant stock at wholesale or retail. Help and seasonal labor may be employed. The term "nursery" contemplates the sale of a product of such nursery. The conduct of a nursery business presumes loading and unloading, parking places for employees, the keeping of sales records, and quarters for these functions. However, the use does not include the business of reselling or handling of goods purchased off the premises, except plant stock or materials for the preparation of selling plant stock or plant materials.

CITY OF WEST LINN
PLANNING COMMISSION MEETING
AND CITY COUNCIL MEETING
PUBLIC HEARING NOTICE
FILE NO. MISC-86-06

The West Linn Planning Commission, at its regular meeting of April 21, 1986, starting at 8:00 P.M. in the Council Chambers of City Hall, and the West Linn City Council at its regular meeting of May 14, 1986, starting at 8:00 P.M. in the Council Chambers of City Hall, will hold public hearings to consider amendments to the West Linn Comprehensive Plan, Inventories and Community Development Code.

Proposed amendments, include:

- Allow outright single family detached residential units in the R-4.5 zone.
- Change the Willamette Historic District boundary, removing most 7th Avenue commercial properties from the District;
- Change certain sections of the "sign code" (Chapter 52) relating to service stations, real estate signs, development signs and signs in newly annexed areas;
- Change parking standards for most commercial uses;
- Change allowable conditional uses in Neighborhood Commercial Zone to include "Nursery" and add a description of this use in the "definitions" section.
- Clarify the responsibility for construction of sidewalks in new subdivisions.
- Change required sideyard setbacks in R-7.5 zone from 7-1/2 feet to 5 feet.

MISC-86-06
March 26, 1986
Page Two

All relevant materials and information pertaining to the proposed amendments may be obtained and reviewed at City Hall, 4900 Portland Avenue, West Linn, Oregon 97068 (Phone 656-4211).

Public oral or written testimony is invited on any of the proposals before the Commission and Council.

These hearings will be conducted in accordance with the provisions of Chapter 98, specifically 98.120 of the Community Development Code, adopted December 14, 1983, Ordinance No. 1129.

PATRICIA A. RICH
Planning Commission Secretary

(Publish - West Linn Tidings, April 2, & 9, 1986,
Enterprise Courier, April 4, & 11, 1986)

Planning Commission

Planning Staff

March 27, 1986

Proposed Community Development Code Amendments

(NOTE: Additions are underlined, deletions
are [bracketed]).

Section 14.030 add before #1 the following:

Section 14.06⁽¹⁾ and delete the following:
"1- Single family detached residential unit."

~~#1~~ [1. Single family detached residential unit.]

Section 52.300(C) and Section 52.400(E) amend to read as follows:

"C. Multi-Family Development [or Subdivision] Signs

Section 52.300(G) and 52.400(I) amend to read as follows:

[Any portion of the land division or development sign denoting the distributor or agency shall be limited to six (6) square feet in area.]

Development or
Temporary Construction Signs

1. Temporary Signs denoting the architect, engineer, contractor, land division or development shall be limited to thirty-two (32) square feet in area per sign.

2 [3] Only two (2) such signs shall be permitted on the premises.

3 [4] Shall not be artificially illuminated.

4 [5] Shall be removed upon completion of the project.

5 [7] Shall not require City approval."

60' ROW
shall not exceed 9' feet in height above the natural ground level.

Section 52.300(H)(4) amend to read as follows:

"4. Shall be limited from one (1) to five (5) signs as approved by the Planning Commission."

[Commission] Director.

Section 52.400 (A)(2) ⁽³⁾ ~~(1)~~ amend to read as follows:

"2. Only one (1) free-standing identity sign shall be permitted upon the premises, limited to [twenty-eight (28)] thirty two (32) square feet in area and may include a directory. "

"3. Only automobile service stations may have one (1) additional free-standing changeable copy sign for the single purpose of advertising the price of fuel, limited to [twelve (12)] eighteen (18) square feet in area, and one changeable promotion flat wall sign, limited to eighteen (18) square feet in area.

"6. Free-standing [identity] signs shall not exceed seven (7) feet in height."

"52.500 Newly Annexed Land: All signs on land annexed to the City of West Linn shall comply with the relevant provisions of the sign ordinance within 30 days of the completion of the annexation. ("

Section 524 OS (A)(2) add the following:

"An additional free standing menu board
may be permitted for drive through business."

Section 52.400(B)(4) amend to read as follows:

"4. Shall contain only the name of the ~~center or~~ center or company, ~~and~~ or name or logo of + tenants."

Section 52.400(2)(1) add the following

Signs¹⁰⁰ on parcels of land in excess of two acres may advertise sale, rental or lease provided ~~the signs~~ they do not exceed twenty-four (24) square feet in area and are set back from the public right-of-way a minimum of ^{sixty} 60 feet.

And add after 5 and renumber accordingly the following

"6. Shall not exceed nine (9) feet in height above the natural ground level, except for real estate signs on parcels in excess of two (2) acres, in which case, shall not exceed a height of twelve (12) feet.

Section 92.010(6) add the following:

In the case of double 'percentage' lots,
~~the back~~ ^{providing} sidewalks on the back side of
the lots shall be the responsibility of the
developer, and ~~shall be~~ ^{provide} front ~~and~~ ^{land side yard} sidewalks
shall be the responsibility of the landowner at
the time ~~of the request~~ ^{request} for a building permit
prior to occupancy and it is the
responsibility of the lot owner
to provide the sidewalk

Section 18.060 ⁽⁶⁾ amend the following:
~~add~~

"6 [Garden store and nursery supply]
Nursery

Section 02.030 (page 02-28) add the following:

NURSERY: The propagation of trees, shrubs, vines or flowering plants for transplanting, sale, or for grafting or budding; planting of seeds or cuttings; grafting and budding one variety on another; spraying and dusting of plants to control insects and diseases, and buying and selling the above plant stock at wholesale or retail. Help and seasonal labor may be employed. The term "nursery" contemplates the sale of a product of such nursery. The conduct of a nursery business presumes parking places for customers, the keeping of sales records, and quarters for these functions. However, the use does not include the business of reselling goods purchased off the premises, except plant stock.



City of West Linn

DEVELOPMENT SERVICES

4900 PORTLAND AVENUE
WEST LINN, OREGON 97068
PHONE (503) 656-4211

September 30, 1985

Mr. James F. Ross, Director
Department of Land, Conservation & Development
1175 Court Street, N.E.
Salem, OR 97310

Enclosed you will find four (4) copies of Ordinance No. 1172 amending the City of West Linn's Comprehensive Plan Inventories and Community Development Code. Said amendments were adopted on September 25, 1985.

Michael V. Butts

MICHAEL V. BUTTS,
Planning Director

MVB/par

Enclosure

ross

CITY OF WEST LINN
PLANNING COMMISSION MEETING
CITY COUNCIL MEETING
PUBLIC HEARING NOTICE

The West Linn Planning Commission, at its regular meeting of December 16, 1985, starting at 8:00 P.M. in the Council Chambers of City Hall, and the West Linn City Council, at its regular meeting of January 8, 1986, starting at 8:00 P.M. in the Council Chambers of City Hall, will hold public hearings to consider amendments to the Community Development Code.

Proposed amendments include: amending setback requirements in the Willamette Historic District to reflect adopted design standards; adding language including "satellite disks" under the provisions of accessory structures; and adding a section specifying street naming criteria.

All relevant materials and information pertaining to the proposed amendments may be obtained and reviewed at City Hall, 4900 Portland Avenue, West Linn, Oregon (phone 656-4211). Public oral or written testimony is invited. These hearings will be conducted in accordance with the provisions of Section 98.120 of the Community Development Code, Adopted December 14, 1983, Ordinance No. 1129.

PATRICIA A. RICH
Planning Commission Secretary

(Publish - West Linn Tidings, December 11, 1985
Enterprise Courier, December 13, 1985)

12-9-85
KS

COPY OF NOTICE TO
BE POSTED HERE

PUBLIC NOTICES

**CITY OF WEST LINN
PLANNING COMMISSION MEETING
CITY COUNCIL MEETING
PUBLIC HEARING NOTICE**

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Patricia A. Rich
Planning Commission Secretary
Publish West Linn Tidings, Dec. 11,
1985.

**AFFIDAVIT
OF PUBLICATION**

STATE OF OREGON,
COUNTY OF CLACKAMAS,—ss.

I, Tom K. Decker, being
first duly sworn, depose and say that
I am the Publisher of the
West Linn Tidings, a
newspaper of general circulation as
defined in sections 193.010, 193.020,
Oregon Revised Statutes, and
published in Lake Oswego, in the
aforesaid county and state; that the
City of West Linn Planning
Commission - Community Dev.

Code a printed copy
of which is hereto annexed, was
published in the entire issue of said
newspaper for one successive
and consecutive issue in the
following issues: _____

December 11, 1985

Tom K. Decker
(Signed)

Subscribed and sworn to before
me this 13th, day of
December 19 85

Eileen V. Nilson
Notary Public for Oregon

(My commission expires _____
3/4/87)

STATEMENT

Lake Oswego



635-8811

P.O. Box 548, Lake Oswego, Oregon 97034

City of West Linn
 4900 Portland Ave.
 West Linn, Or 97068

ALL ACCOUNTS DUE AND PAYABLE BY THE 10TH OF MONTH
 DETACH AND RETURN THIS STUB WITH YOUR REMITTANCE.

DATE	DESCRIPTION	CHARGES	Y	CREDITS	BALANCE
	PREVIOUS BALANCE				13518
12/5/85	pd ck #34497			5149	8369
12/11	Tidings 14 1/2" 25.15	7468			15837
12/12/85	pd ck #34596			13518	2319
12/11	Notice - Community Dev. Code	2188			4507

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PLEASE PAY
 LAST AMOUNT

The Enterprise
Courier

Clackamas County's Daily Newspaper
10th and Main Street Oregon City, Oregon 97045
Phone 503-656-1911

Date December 18, 1985

Sold to

City of West Linn
4900 Portland Ave
West Linn, Ore
97068

Legal #7677

656-4261

\$26.00

Legal #7677

Public Hearing Notice

December 13, 1985

\$26.00

Affidavit of Publication

CITY OF WEST LINN
PLANNING COMMISSION MEETING
CITY COUNCIL MEETING
PUBLIC HEARING NOTICE

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PATRICIA A. RICH
Planning Commission Secretary
(December 13, 1985)
Legal No. 7677

State of Oregon, }
County of Clackamas } ss.

I, Mary Beth White, being first duly sworn, depose and say that I am the principal clerk of the owner, of ENTERPRISE-COURIER, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at Oregon City in the aforesaid county and state; that the

Public Hearing Notice

Public Hearing Notice, a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for 1 successive and consecutive weeks in the following issues:

December 13, 1985

Mary Beth White

Subscribed and sworn to before me this 13th

day of December, 19 85

Kathy Smith
Notary Public of Oregon.

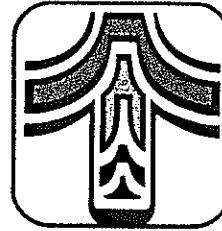
My commission expires 30th day of

January, 19 89

TUALATIN DEVELOPMENT COMMISSION

18880 S.W. MARTINAZZI AVENUE
P.O. BOX 369
TUALATIN, OREGON 97062-0369

503 / 692-2000



January 8, 1986

Mark Hess
Planner
City Hall
P.O. Box 29
West Linn, Oregon 97068

Dear Mark:

I am enclosing a summary table of parking space factors in the Portland area. These were compiled for a parking study of downtown Tualatin. The requirements have been standardized per 1,000 feet of gross leasable area, except for West Linn.

You will note that requirements are lower in cities with parking districts. This is due to lower demand where there is shared parking, or because lower requirements are used as a redevelopment incentive.

Please let me know if I can be of further assistance.

Sincerely,

Catherine Clark

Catherine Clark
Urban Renewal Planner

CC/se

Enclosure

CITY OF WEST LINN
PLANNING COMMISSION MEETING
AND CITY COUNCIL MEETING
PUBLIC HEARING NOTICE
FILE NO. MISC-86-06

The West Linn Planning Commission, at its regular meeting of April 21, 1986, starting at 8:00 P.M. in the Council Chambers of City Hall, and the West Linn City Council at its regular meeting of May 14, 1986, starting at 8:00 P.M. in the Council Chambers of City Hall, will hold public hearings to consider amendments to the West Linn Comprehensive Plan, Inventories and Community Development Code.

Proposed amendments, include:

- Allow outright single family detached residential units in the R-4.5 zone.
- Change the Willamette Historic District boundary, removing most 7th Avenue commercial properties from the District;
- Change certain sections of the "sign code" (Chapter 52) relating to service stations, real estate signs, development signs and signs in newly annexed areas;
- Change parking standards for most commercial uses;
- Change allowable conditional uses in Neighborhood Commercial Zone to include "Nursery" and add a description of this use in the "definitions" section.
- Clarify the responsibility for construction of sidewalks in new subdivisions.
- Change required sideyard setbacks in R-7.5 zone from 7-1/2 feet to 5 feet.

MISC-86-06
March 26, 1986
Page Two

All relevant materials and information pertaining to the proposed amendments may be obtained and reviewed at City Hall, 4900 Portland Avenue, West Linn, Oregon 97068 (Phone 656-4211).

Public oral or written testimony is invited on any of the proposals before the Commission and Council.

These hearings will be conducted in accordance with the provisions of Chapter 98, specifically 98.120 of the Community Development Code, adopted December 14, 1983, Ordinance No. 1129.

PATRICIA A. RICH
Planning Commission Secretary

(Publish - West Linn Tidings, April 2, & 9, 1986,
Enterprise Courier, April 4, & 11, 1986)

COPY OF NOTICE TO
BE POSTED HERE

PUBLIC NOTICES

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AND CITY COUNCIL MEETING
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Patricia A. Rich

Planning Commission Secretary

Publish West Linn Tidings, April 2, & 9, 1986.

**AFFIDAVIT
OF PUBLICATION**

STATE OF OREGON,
COUNTY OF CLACKAMAS,—ss.

I, Tom K. Decker, being first duly sworn, depose and say that

I am the Publisher of the West Linn Tidings, a

newspaper of general circulation as defined in sections 193.010, 193.020, Oregon Revised Statutes, and published in Lake Oswego, in the aforesaid county and state; that the

City of West Linn Planning Comm.

MISC-86-06

 a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for two successive and consecutive weeks in the following issues:

April 2, 9, 1986

Tom K. Decker

(Signed)

Subscribed and sworn to before me this 11th, day of

April 19 86

Eileen V. Nelson
Notary Public for Oregon

(My commission expires

3/4/87)



City of West Linn

1903 PORTLAND AVENUE
WEST LINN, OREGON 97146
PHONE (503) 656-4261

TO: WEST LINN PLANNING COMMISSION
FROM: WEST LINN PLANNING STAFF
DATE: APRIL 9, 1986
(HEARING DATES: APRIL 21, 1986, PLANNING
COMMISSION
MAY 14, 1986, CITY COUNCIL
SUBJECT: PROPOSED COMMUNITY DEVELOPMENT CODE AMENDMENTS

(NOTE: Additions are underlined, Deletions are [bracketed].)

PROPOSAL #1:

Revise the Willamette Historice District Boundary, removing most 7th Avenue Commercial Properties from the District.

COMPREHENSIVE PLAN AMENDMENTS

Insert District Map (Exhibit A) on Page 50, renumber subsequent pages accordingly.

COMPREHENSIVE PLAN AND ZONING MAPS

Amend the Comprehensive Plan Map and Zoning Map to reflect the boundary adjustment identified on Exhibit A.

COMPREHENSIVE PLAN INVENTORIES

Delete District Map on Page 56 and renumber subsequent pages accordingly.

PROPOSAL #2:

Change required sideyard setbacks in R-7.5 Zone from 7-1/2 feet to 5 feet.

Section 12.070(5)(b) amend as follows:

- b. for an interior side yard, 5 [7-1/2] feet.

PROPOSAL #3:

Change detached single-family residences from a "Conditional" to an "Outright" use in the R-4.5 Zone.

Section 14.030 add before #1 the following and renumber accordingly:

"1. Single-family detached residential unit."

Section 14.060(1), delete the following:

[1. Single-family detached residential unit.]

PROPOSAL #4:

Clarify allowable uses in Neighborhood Commercial Zone and Define "Nursery" uses.

Section 18.060(6) Amend the following:

"6. Nursery. [Garden store and nursery supply]

Section 02.030 (page 02-28) Add the Following:

NURSERY: The propagation of trees, shrubs, vines or flowering plants for transplanting, sale, or for grafting or budding; planting of seeds or cuttings; grafting and budding one variety on another; spraying and dusting of plants to control insects and diseases, and buying and selling the above plant stock at wholesale or retail. Seasonal labor may be employed. The term "nursery" contemplates the sale of products of the nursery. The conduct of a nursery business presumes parking places for customers, the keeping of sales records, and quarters for these functions. However, the use does not include the business of manufacturing and selling products composed of raw materials purchased off the premises. Plant related products manufactured elsewhere may be resold on the premises.

PROPOSAL #5:

Change parking standards for most commercial uses. The attached Exhibit B compares parking standards throughout the Portland Metropolitan Area. West Linn's existing standards are based on Gross Floor Area (G.F.A.) rather than Gross Leasable Area (G.L.A.). Our existing standards require more parking spaces than required for comparable buildings in other communities. This creates confusion for developers and designers and discourages new commercial investment in the City.

Section 46.080(C)(1-6) amend as follows:

1. Restaurants: Eating and drinking establishments
 - (a) Cafe, Diner, Taverns
Bars, Lounges 1 space for every
100 square feet of
gross leasable
[floor] area.
(Ord.1172;9/85)
2. General Retail Store except as
provided below. 1 space for every
200 square feet
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area, [plus 1 space
for each 2 employees].
3. Retail-Bulky (i.e., automobiles,
furniture, appliances such as
stoves, refrigerators, etc.) 1 space for every 600
square feet of gross
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area, [plus 1 space
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4. Service and Repair Shops (not
directly attached or associated
with furniture, appliance or
automobile retail sales). 1 space for every 500
square feet of gross
leasable [floor]
area, [plus 1 space
for each 2 employees].

5. Professional offices, banks and savings and loans. 1 space for every 300 [400] square feet of gross leasable [floor] area [plus 1 space for each 2 employees].
6. Medical/Dental Clinics. 1 space for every 200 square feet of gross leasable [floor] area.

PROPOSAL #6:

Change certain sections of the "sign code" (Chapter 52) relating to service stations, real estate signs, development signs and signs in newly annexed areas.

Section 52.300(C) and Section 52.400(E) amend to read as follows:

"C. Multi-family Development [or Subdivision] signs.

Section 52.300(G) and 52.400(I) amend to read as follows:

G. Temporary Development or Construction Signs

1. Temporary signs denoting the architect, engineer, contractor, land division or development shall be limited to thirty-two (32) square feet in area per sign.

2. Any portion of the land division or development signs denoting the listing realtor or agency shall be limited to six (6) square feet in area.

3[2] Only two (2) such signs shall be permitted on the premises.

4[3] Shall not be artificially illuminated.

5. Shall not exceed nine (9) feet in height above the natural ground level.

6[4] Shall be removed upon completion of the project.

7[5] Shall not require City Approval.

Section 52.300(H)(4) Amend to read as follows:

- "4. Shall be limited from one (1) to five (5) signs as approved by the Planning Director [Commission].

Section 52.400(A)(2)(3)&(6) Amend to read as follows:

- "2. Only one (1) free-standing identity sign shall be permitted upon the premises, limited to thirty-two (32) [twenty-eight (28)] square feet in area and may include a directory."
- "3. Only automobile service stations may have one (1) additional free-standing changeable copy sign for the single purpose of advertising the price of fuel, limited to eighteen (18) [twelve (12)] square feet in area, and one changeable promotion flatwall sign, limited to eighteen (18) square feet in area. This does not authorize "readerboards"."
- "6. Free-standing [identity] signs shall not exceed seven (7) feet in height."

Add the following Section:

52.500 Newly Annexed Land: All signs on land annexed to the City of West Linn shall comply with the relevant provisions of the sign ordinance within 30 days of the completion of the annexation.

Section 52.400(A)(2) Add the following:

"An additional free-standing menu board may be permitted for drive-thru businesses, limited to sixteen (16) square feet in area."

Section 52.400(B)(4) Amend to read as follows:

- "4. Shall contain only the name of the center or complex, or name or logo of tenants, and may include directory."

Section 52.400(L)(1). Add the following:

Signs for parcels of land in excess of two acres may advertise sale, rental or lease, provided they do not exceed twenty four (24) square feet in area and are set back from the public right-of-way a minimum of sixty (60) feet.

Add after Section 52.400(L)(5) and renumber accordingly the following:

"6. Shall not exceed nine (9) feet in height above the natural ground level, except for real estate signs or parcels in excess to two (2) acres, in which case, shall not exceed a height of twelve (12) feet."

PROPOSAL #7:

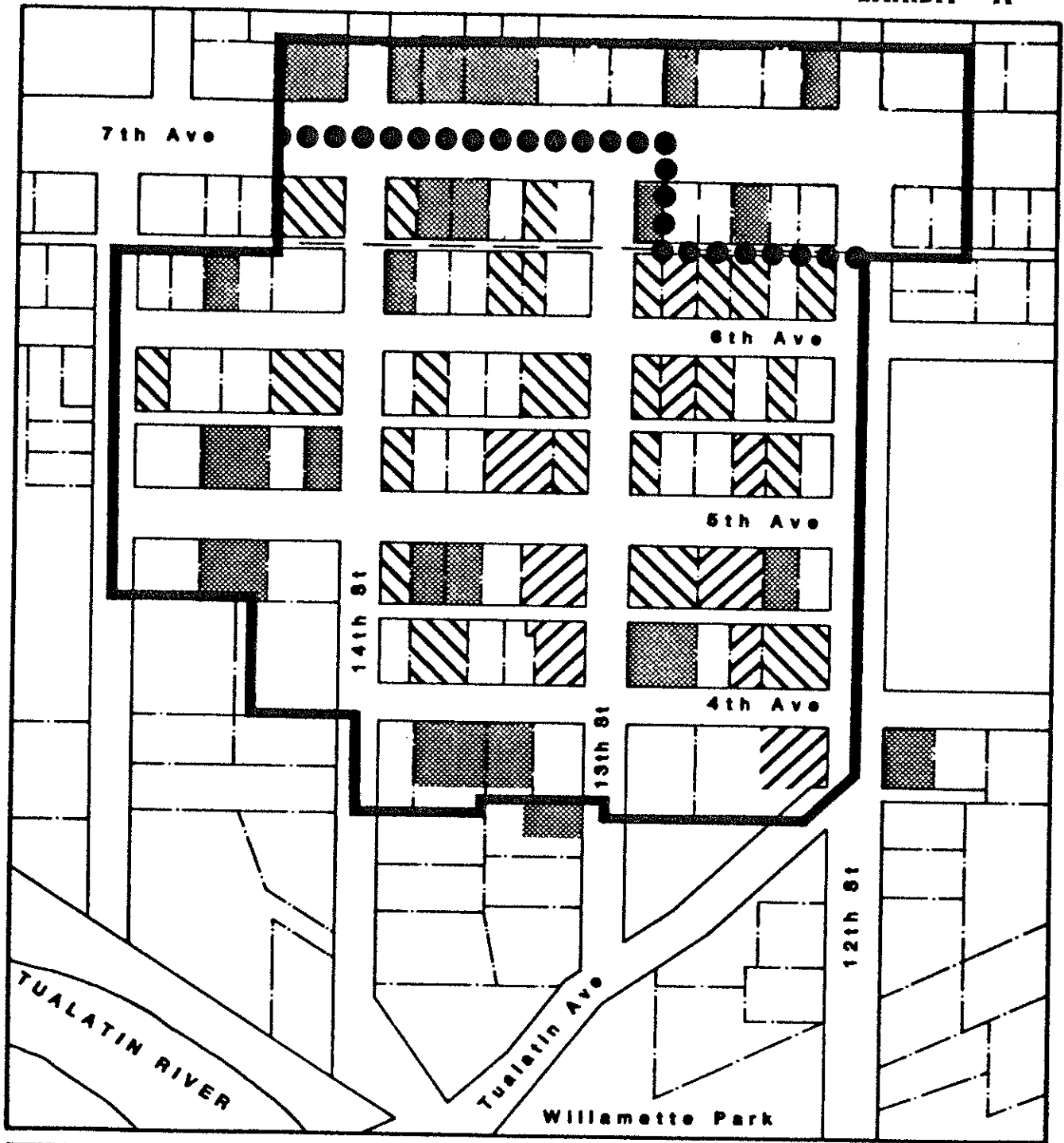
Clarify sidewalk improvement obligations on double frontage lots.

Section 92.010(6) Add the following:

In the case of double frontage lots, provision of sidewalks along the frontage not used for access shall be the responsibility of the developer. Providing front and side yard sidewalks shall be the responsibility of the landowner at the time of request for a building permit is received. Additionally, deed restrictions and CC&R's shall reflect that sidewalks are to be installed prior to occupancy and it is the responsibility of the lot or homeowner to provide the sidewalk, except as required above for double frontage lots.

WILLAMETTE HISTORIC DISTRICT

EXHIBIT "A"



LEGEND

PRIMARY STRUCTURES



SECONDARY STRUCTURES

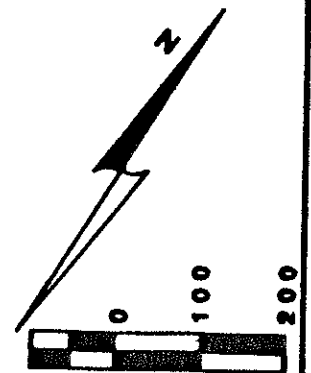


BOUNDARY



ADOPTED SEPT. 11, 1985

PROPOSED BOUNDARY

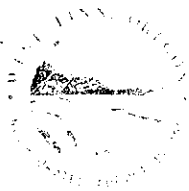


Table

Parking Space Factor Comparisons

Location	General Office	Medical/Dental Office	Banks/Saving & Loan	Retail/Service	Restaurant/Tavern	Place of Assembly	Comment
City of Tualatin	3.50	5.50	5.30	4.00*	10.00	-	*Shopping Ctr. <100,000sf
Tualatin Core Area	3.50	5.00	4.50	3.85	5.00	2.00	Has parking district
Vancouver, WA							
downtown	1.00	1.00	1.00	1.00	1.00	1.00	Has parking district
other commercial	2.50	6.66	2.50	2.85	5.00	-	
Lake Oswego	3.30	5.00	2.50	3.30	13.33	-	
Salem	.40-.80	2.40	2.00	2.60	1.80	-	Has parking district
Milwaukie	2.86	3.64	2.86	5.71	5.71	16.66	
Hillsboro	2.50	5.00	2.50	4.00	6.67	-	
West Linn	2.50gfa	5.00gfa	2.50gfa	5.00*gfa	10.00gfa	-	*Add 1 sp. per 2 employees
Beaverton	3.33	5.00	2.00	3.33-5.00	10.00	-	
Tigard	2.86	5.00	2.00	2.50	20.00*	-	*Add 1 sp. per 2 employees
Gresham	3.33	5.00	3.33	5.00	10.00	-	
Oregon City	3.33	3.33	3.33	5.00	5.00	-	
Wilsonville	4.00	4.00	4.00	5.00	5.00	-	
Portland							
general commercial	1.43	1.43	10.00*	2.00	10.00*	-	*Per 1,000sf patron service area
new garages	-	-	1.50	1.00	-	-	
s. waterfront	1.45-2.00	-	-	1.50	5.00	-	
Washington County	3.33	3.33	3.33	2.50	10.00	-	
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¹"Parking Requirements for Local Zoning Ordinances," ITE Journal, September 1985²"Shared Parking," ULI 1983



City of West Linn

4900 PORTLAND AVENUE
WEST LINN, OREGON 97068
PHONE (503) 656-1264

TO: WEST LINN PLANNING COMMISSION
FROM: WEST LINN PLANNING STAFF
DATE: APRIL 9, 1986
(HEARING DATES: APRIL 21, 1986, PLANNING COMMISSION
MAY 14, 1986, CITY COUNCIL
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Support

denial

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wants to go 24

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Clarify sidewalk improvement obligations on double frontage lots.

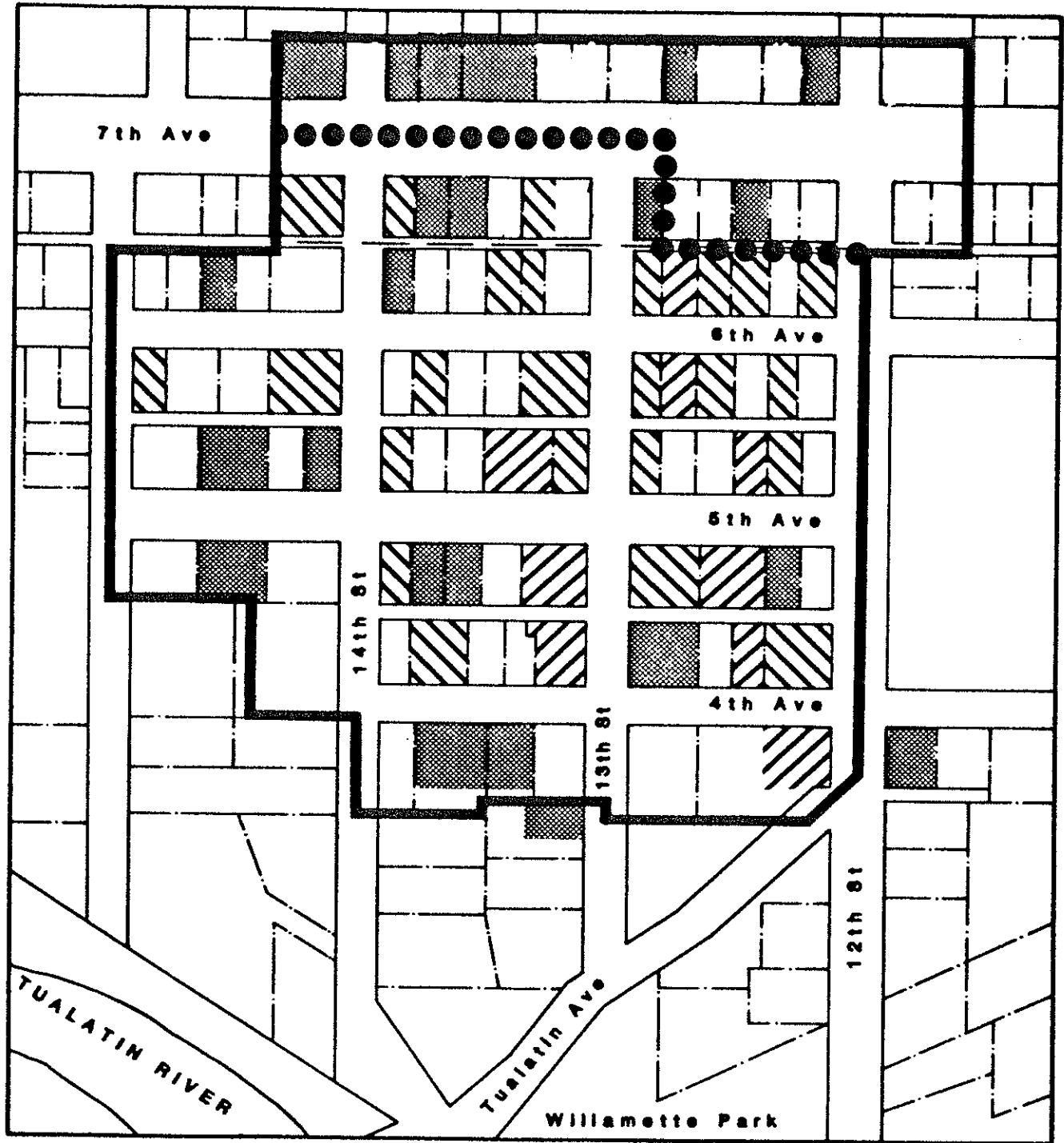
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Support

WILLAMETTE HISTORIC DISTRICT

EXHIBIT "A"



LEGEND

PRIMARY STRUCTURES



SECONDARY STRUCTURES

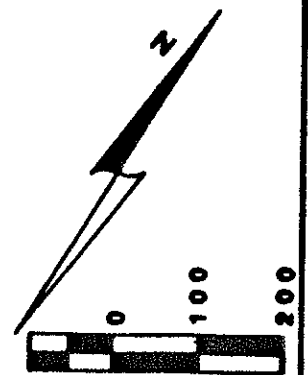


BOUNDARY



ADOPTED SEPT. 11, 1985

PROPOSED BOUNDARY



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s. waterfront	1.45-2.00	-	-	1.50	5.00	-	
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(mode)	(3.33)	(5.00)	(3.33)	(5.00)	(10.00)	(16.66)	
ITE Study '85 ¹	3.00	-	-	3.50-5.50	-	-	Rec. for Suburban Locations
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¹"Parking Requirements for Local Zoning Ordinances," ITE Journal, September 1985²"Shared Parking," ULI 1983

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PUBLIC NOTICES

**CITY OF WEST LINN
PLANNING COMMISSION MEETING
PUBLIC HEARING NOTICE**

File No. ZC-86-04/SUB-86-03/MISC-
86-02

The West Linn Planning Commission at its regular meeting of April 21, 1986, starting at 8:00 P.M. in the Council Chambers of City Hall, will hold a public hearing on the request of BenjFran Development, Inc. for approval of a 24-lot Planned Unit Development to be called "Rivers Edge Estates." The ten acre site would be developed with single-family detached housing. The proposal includes a boat moorage and riverfront natural area maintained by a homeowner's association.

The hearing will address three requests before the City:

1. A Planned Unit Development (PUD) overlay
2. A Tentative Subdivision Plan
3. A Willamette River Greenway Permit

The subject property is located at the northern limit of the City, east of Old River Road, along the Willamette River, also known as Tax Lot 200, Assessor's Map 2-1E-14AD.

All relevant materials and information pertaining to this request may be obtained and reviewed at City Hall, 4900 Portland Avenue, West Linn, Oregon (phone 656-4211).

This hearing will be conducted in accordance with the provisions of Section 99.170 of the Community Development Code, adopted December 14, 1983, Ordinance No. 1129.

Patricia A. Rich
Planning Commission Secretary
Publish West Linn Tidings, April 9, 1986

**AFFIDAVIT
OF PUBLICATION**

STATE OF OREGON,
COUNTY OF CLACKAMAS,—ss.

I, Tom K. Decker, being first duly sworn, depose and say that I am the Publisher of the West Linn Tidings, a newspaper of general circulation as defined in sections 193.010, 193.020, Oregon Revised Statutes, and published in Lake Oswego, in the aforesaid county and state; that the City of West Linn Planning Comm.
ZC 86-04, SUB 86-03, MISC 86-02

 a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for one successive and consecutive issue in the following issues:

April 9, 1986

Tom K Decker
(Signed)

Subscribed and sworn to before me this 11th, day of April 19 86

Eileen V. Neilson
Notary Public for Oregon

(My commission expires
3/4/87) .

COPY OF NOTICE TO
BE POSTED HERE

PUBLIC NOTICES

**CITY OF WEST LINN
PLANNING COMMISSION MEETING
PUBLIC HEARING NOTICE**

File No. CU-86-02/SUB-86-07

The West Linn Planning Commission, at its regular meeting of April 21, 1986, starting at 8:00 P.M. in the Council Chambers of City Hall, will hold a public hearing on the request of Dan Fowler and Mark Foley of Abernathy Development for Conditional Use and Tentative Plan Approval of "Fowler's Oak View Estates". Applicant proposes a 25-Lot subdivision near Exeter Street and Sunset Avenue. The "Conditional Use" requested will allow single-family development in the "duplex residential" (R-4.5) zone.

The subject property is located between Southslope Drive and Exeter Street, also known as Tax Lot(s) 900 and 1000, Assessor's Map 2-1E-36AC, and Tax Lot 10000, Assessor's Map 2-1E-36AB.

All relevant materials and information pertaining to the proposed amendments may be obtained and reviewed at City Hall, 4900 Portland Avenue, West Linn, Oregon (phone 656-4211).

This hearing will be conducted in accordance with the provisions of Section 99.170 of the Community Development Code, adopted December 14, 1983, Ordinance No. 1129.

Patricia A. Rich
Planning Commission Secretary
Publish West Linn Tidings, April 9, 1986

**AFFIDAVIT
OF PUBLICATION**

STATE OF OREGON,
COUNTY OF CLACKAMAS,—ss.

I, Tom K. Decker, being
first duly sworn, depose and say that
I am the Publisher of the
West Linn Tidings, a
newspaper of general circulation as
defined in sections 193.010, 193.020,
Oregon Revised Statutes, and
published in Lake Oswego, in the
aforesaid county and state; that the
City of West Linn Planning Comm.
CU 86-02/SUB 86-07

a printed copy
of which is hereto annexed, was
published in the entire issue of said
newspaper for one successive
and consecutive issue in the
following issues:

April 9, 1986

Tom K. Decker
(Signed)

Subscribed and sworn to before
me this 11th, day of
April 1986

Eileen V. Nelson
Notary Public for Oregon

(My commission expires 3/4/87)



STATEMENT

Lake Oswego

Review
- 635-8811 -

P.O. Box 548, Lake Oswego, Oregon 97034

1986 APR 15 AM 9:43

City of West Linn CITY OF WEST LINN
4900 Portland Ave.
West Linn, OR 97068

ALL ACCOUNTS DUE AND PAYABLE BY THE 10th OF MONTH
DETACH AND RETURN THIS STUB WITH YOUR REMITTANCE.

DATE	DESCRIPTION	CHARGES	Y	CREDITS	BALANCE
	BALANCE FORWARDED				3607
4/2	Plan. Comm.				
4/9	MISC 86-06	6180			9787
	Plan. Comm.				
4/9	CU86-02/SUB-07	2060			1184
	Plan. Comm. etc.				
4/9	2C86-4 SUB863	2703			1455

FORM NO. SP540NCR

STANDARD ACCOUNTING SYSTEMS

(12-84)

1 1/2% Charge Monthly on Past Due Accounts. 21% Annual Percentage Rate 5/1/81

Lake Oswego
Review

PLEASE PAY LAST AMOUNT

Affidavit of Publication

CITY OF WEST LINN
PLANNING COMMISSION MEETING
AND CITY COUNCIL MEETING
PUBLIC HEARING NOTICE
FILE NO. MISC-86-06

The West Linn Planning Commission, at its regular meeting of April 21, 1986, starting at 8:00 P.M. in the Council Chambers of City Hall, and the West Linn City Council at its regular meeting of May 14, 1986, starting at 8:00 P.M. in the Council Chambers of City Hall, will hold public hearings to consider amendments to the West Linn Comprehensive Plan, Inventories and Community Development Code.

- Proposed amendments, include:
- Allow outright single family detached residential units in the R-4.5 zone.
 - Change the Willamette Historic District boundary, removing most 7th Avenue commercial properties from the District;
 - Change certain sections of the "sign code" (Chapter 52) relating to service stations, real estate signs, development signs and signs in newly annexed areas;
 - Change parking standards for most commercial uses;
 - Change allowable conditional uses in Neighborhood Commercial Zone to include "Nursery" and add a description of this use in the "definitions" section.
 - Clarify the responsibility for construction of sidewalks in new subdivisions.
 - Change required sideyard setbacks in R-7.5 zone from 7-1/2 feet to 5 feet.

All relevant materials and information pertaining to the proposed amendments may be obtained and reviewed at City Hall, 4900 Portland, Avenue, West Linn, Oregon 97068 (Phone 656-4211).

Public oral or written testimony is invited on any of the proposals before the Commission and Council.

These hearings will be conducted in accordance with the provisions of Chapter 98, specifically 98.120 of the Community Development Code, adopted December 14, 1983, Ordinance No. 1129.

PATRICIA A. RICH
Planning Commission Secretary
(April 4, 11, 1986)
Legal No. 8008

State of Oregon, }
County of Clackamas } ss.

I, Mary Beth White, being first duly sworn, depose and say that I am the principal clerk of the owner, of ENTERPRISE-COURIER, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at Oregon City in the aforesaid county and state; that the

Public Hearing Notice, a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for 2 successive and consecutive weeks in the following issues:

April 4, 11, 1986

Mary Beth White

Subscribed and sworn to before me this 11th

day of April, 1986

Kathy Smith
Notary Public of Oregon.

My commission expires 30th day of

January, 1989

The Enterprise
Courier

Clackamas County's Daily Newspaper
10th and Main Street Oregon City, Oregon 97045
Phone 503-656-1911

Date April 11 1986

Sold to

1986 APR 14 AM 10
CITY OF WEST LINN

City of West Linn
4900 Portland Ave
West Linn, Ore
97068

Legal #8008

656-4261

\$84.00

Legal #8008

Public Hearing Notice

April 4, 11, 1986

\$84.00

**WEST LINN COMMUNITY
DEVELOPMENT CODE
PROPOSED AMENDMENTS**

Pg. 02-4; Section 02.030

Developer. The owner of land proposed to be developed, subdivided or partitioned, or representative. Consent shall be required from the legal owner of the premises for any proposed development or division of land as provided in this ordinance.

Pg. 11-4; Section 11.070(5)(a) and (b)

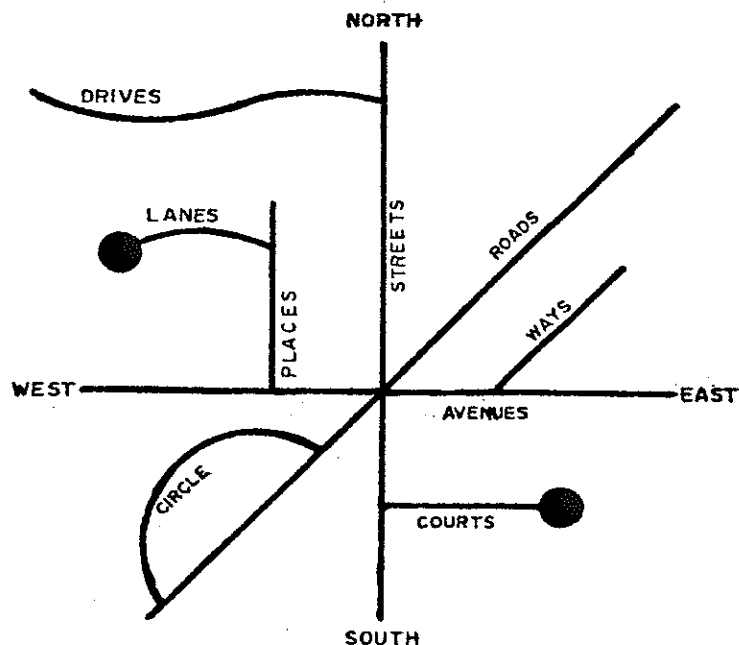
- a. For a front yard, 20 feet; except for steeply sloped lots, where the provisions of Section 41.010 shall apply; and as specified in Section 26.040(D) for the Willamette Historic District.
- b. for an interior side yard, 7-1/2 feet; except as specified in Section 26.040(D) for the Willamette Historic District.

Pg. 34-1; Section 34.020(A)

3. A satellite/earth station may be maintained accessory to a dwelling provided it is not located within the front yard, the structure does not exceed 15 feet in height, it is mounted on the ground, is screened from view and otherwise meets the requirements of Section 34.050.

Pg. 87-5; Section 87.030(F)(1.)

1. The streets, location, proposed name, right-of-way width and approximate radius of curves of each proposed street and street grades. Proposed street names shall comply with the street naming method illustrated below:





639-3262

(503) 226-6551 · (503) ~~648-5914~~

P. O. BOX 25357 · PORTLAND, OR 97225

1986 APR 18 AM 10:01

CITY OF WEST LINN

April 15, 1986

City Hall
West Linn, Oregon 97068

Re: Sign Code

To Whom It May Concern:

The major oil companies, Chevron, Texaco, Shell, and Exxon use a standard price sign (non-illuminated) industry wide to display gas prices. These signs are 5'8" x 4'0" or approximately 24 square feet.

I would request when you consider any change in the sign codes that this standard size be used as a gauge for future price signs.

Thank you.

Very truly yours,

BLAZE SIGNS OF AMERICA

A handwritten signature in cursive script that reads "Don Brenneman". The signature is written in dark ink and has a long, sweeping underline.

Don Brenneman

DB:mp



City of West Linn

4900 PORTLAND AVENUE
WEST LINN, OREGON 97068
PHONE (503) 656-4261

TO: WEST LINN PLANNING COMMISSION

FROM: MICHAEL BUTTS, PLANNING DIRECTOR

DATE: APRIL 24, 1986

SUBJECT: PROPOSED SIGN CODE AMENDMENTS FOR SERVICE STATIONS

Earlier this year I was approached by David Trump, Territorial Manager for Mobil Oil Corporation regarding developing a new sign plan for the Mobil Station located next to City Hall. His first need was to revise the gasoline sale price signs to accommodate Regular, Unleaded and Super-Unleaded Prices as is now required by recent State Legislation. The City presently allows a free-standing changeable copy sign for the single purpose of advertising the prices of fuel, but is limited to 12 square feet. Mobil dealerships do not have standard signs of 12 square feet which advertise the sale of fuels. Consequently, in order to meet the new State Legislation, larger signs will need to be accommodated. In the same vain, the smallest free-standing identity sign for Mobil Oil is 32 square feet. The City Code presently allows a maximum of 28 square feet for free-standing signs. Mr. Trump has also been contacted regarding an illegal 2'x4' advertisement sign at the Highway 43 Mobil Station site. He is requesting that the City consider amendments to the Sign Code to accommodate this type of changeable promotional sign.

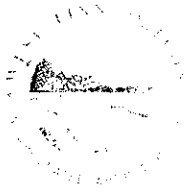
In response to Mr. Trump, the Planning Staff contacted other service station representatives to include Shell Oil, Standard, etc. Unfortunately, we have not had any response from these organizations regarding sizes and types of product identification and promotion signs. The above proposed sign amendments respond only to Mobil Oil's standards, but assume other oil companies could be accommodated by these changes.

Conclusion and Recommendation:

The Planning Staff believes an increase from 28 square feet to 32 square feet for free-standing identity signs would not constitute a noticeable difference, but would accommodate standard size plastic face replacements. To increase from 12 square feet to 18 square feet for the advertisement of fuel prices is warranted due to recent State Legislation. The changeable promotional flat wall sign, however, we feel steps beyond the underlined premise of the overall sign code which is "signs are for the identification of the business, but not necessarily for the advertisement of products."

Businesses are allowed to have temporary promotional signs up to 45 days a year in shopping centers, and are now allowed to have reader boards. The justification for approving changeable promotional signs for service stations, we feel, can also apply to other commercial retail establishments. The staff recommends against changeable promotional flat wall sign for service stations or for any other retail establishment.

/par
signcode



City of West Linn

4900 PORTLAND AVENUE
WEST LINN, OREGON 97061
PHONE (503) 656-4200

TO: CITY COUNCIL
FROM: MICHAEL BUTTS, PLANNING DIRECTOR
DATE: APRIL 30, 1986
SUBJECT: PROPOSED PLAN AND CODE AMENDMENTS

Attached is a copy of the Plan and Code Amendments proposed by Staff for May, 1986. The Planning Commission held public hearings on April 21 and 24, 1986 to consider staff's proposal. In this regard, the Planning Commission makes the following recommendations (Note: Additions are underlined and deletions are [bracketed]):

PROPOSAL #1 - Approve

PROPOSAL #2 - Deny

PROPOSAL #3 - Approve

PROPOSAL #4 - Approve

PROPOSAL #5 - Approve to include definition for "Gross Leasable Floor Area".

PROPOSAL #6 - Approve, subject to the following changes:

Section 52.400(A)(3), amend Staff Proposal to read:

"...limited to twenty-four (24) [eighteen (18)] square feet in area..."

Section 52.400(A)(2), amend staff proposal to read:

"...for drive-thru restaurants [business] limited to twenty-four (24) [sixteen (16)] square feet in area..."

Section 52.400(A)(1), amend staff proposal to read:

"...land in excess of one (1) [two (2)] acres..."

"...minimum of twenty (20) [sixty (60)] feet..."

PROPOSAL #7 - Approve

In regard to the Planning Commission's proposed changes to the staff's recommended Planning Code Amendments, we offer the following comments:

PROPOSAL #2 - As the size of residential lots decrease, it is necessary to allow smaller sideyard setback areas to accommodate moderate size homes. As an example, Hidden Springs Ranch #8 is composed primarily of 7,000 to 8,000 square foot lots, and the required sideyard setback is five (5) feet (approved under the PUD process). Smaller setbacks are particularly important within cul-de-sacs, where the front lot widths are considerably less than normal. It was the Planning Commission's conclusion that since PUD's, by their nature, normally dedicate additional open space, less sideyard setbacks are required. This is not the case in R-7.5 subdivisions. In light of the Planning Commission's discussion, staff does not take exception to Planning Commission's denial of Proposal #2.

PROPOSAL #5 As noted in Exhibit B of the Staff Proposal, the parking standards for City's within the metropolitan area are summarized. Based on this comparison, staff prepared the parking amendment standards under Proposal #5. As requested by the Planning Commission, Staff offers the following definition for Gross Leasable Area.

"Total Floor Area desired for tentative occupancy in exclusive use, expressed in square feet and measured from the center line of adjoining partitions and from outside wall faces".

The difference between gross leasable area and gross floor area constitutes about a 10% reduction, but only in cases where there is multiple tenants sharing common facilities. Under the Design Review process, the City can grant a 10% Variance to the parking standards. In light of this 10% parking variance allowed under Design Review, and given the fact that there is now and will be in the future confusion between gross leasable area and gross floor area (i.e.: their definitions), it is the staff's recommendation that the parking standards retain the "gross floor area" and delete the proposed gross leasable area.

One of the main changes in Proposal #5 was to eliminate the spaces required for employees. At the time of Design Review, it is simply a guessing game as to how many employees will or could be accommodated and, consequently, the total number of parking spaces required was subjective. Under Proposal #5 (to include retention of the gross floor area factor), the parking standards are about in line with those of other metropolitan cities, and the standards are clear and objective.

PROPOSAL #6 - 52.400(A)(3) Staff has no problem with raising the existing free-standing changable copy sign for advertisement of fuel prices from twelve (12) square feet to twenty-four (24) square feet. Due to recent State Legislation, service stations must now indicate prices of regular, unleaded and super unleaded gas. The twenty-four (24) square feet will accommodate these three prices plus the option for diesel prices.

Section 52.400(A)(2) - The staff has taken no exception to the changes proposed by the Planning Commission under this section.

Section 52.400(A)(1) - The original intent of staff was to accommodate the placement of larger sized signs (for better readability) on large parcels. On larger parcels, signs are often placed more in the center of the property and, hence, need larger letter sizes to be readable. As amended by the Planning Commission, however, it simply allows larger parcels of land to have larger signs, regardless of the signs location. If a "For Sale" sign is located 20 feet from the public right-of-way, you do not have to have the sign 24 square feet in area to be able to read it. Under the existing sign code, signs which advertise "Sell, rental or lease" are now allowed a maximum of six (6) square feet in area. This sign has proven adequate to notify passing motorists of saleable parcels. Staff recommends a minimum 60-foot setback be required, or drop the proposal.

SECTION 52.400(A)(3) - At the request of David Trump, Representative for Mobil Oil, Staff prepared a proposed amendment to the sign code which would allow one changeable promotional flat wall sign limited to 18 square feet in area. This is in response to an existing code violation of the Mobil station which now has such a sign in place. It is the Staff's feeling that one of the underlined premise of West Linn's sign code is to allow for the identification of businesses, but not to allow for the advertisement of products sold. Advertisements of products sold are allowed in shopping centers through reader boards, and also individual businesses are allowed to have temporary promotional signs limited to 45 days a year. Staff strongly believes that by allowing one changeable promotional flat wall sign for service stations (only), the City steps into the arena of allowing product promotional signs for all businesses.

This new provision gives special treatment to service stations whereas other businesses are not allowed a changable promotional sign. Staff strongly takes exception to the Planning Commission recommendation that this changable promotional sign for service stations be approved.

Staff suggests that Council not allow the changeable promotional sign for service stations at this time, but rather, request the West Linn Business Group to review this matter and come back to the Council with a more comprehensive recommendation (addressing advertisement of products for all businesses) in September, 1986.



City of West Linn

3900 PORTLAND AVENUE
WEST LINN, OREGON 97141
PHONE (503) 656-4111

TO: WEST LINN PLANNING COMMISSION
FROM: WEST LINN PLANNING STAFF
DATE: APRIL 9, 1986
(HEARING DATES: APRIL 21, 1986, PLANNING
COMMISSION
MAY 14, 1986, CITY COUNCIL
SUBJECT: PROPOSED COMMUNITY DEVELOPMENT CODE AMENDMENTS

(NOTE: Additions are underlined, Deletions are [bracketed].)

PROPOSAL #1:

Revise the Willamette Historice District Boundary, removing most 7th Avenue Commercial Properties from the District.

COMPREHENSIVE PLAN AMENDMENTS

Insert District Map (Exhibit A) on Page 50, renumber subsequent pages accordingly.

COMPREHENSIVE PLAN AND ZONING MAPS

Amend the Comprehensive Plan Map and Zoning Map to reflect the boundary adjustment identified on Exhibit A.

COMPREHENSIVE PLAN INVENTORIES

Delete District Map on Page 56 and renumber subsequent pages accordingly.

PROPOSAL #2:

Change required sideyard setbacks in R-7.5 Zone from 7-1/2 feet to 5 feet.

Section 12.070(5)(b) amend as follows:

- b. for an interior side yard, 5 [7-1/2] feet.

PROPOSAL #3:

Change detached single-family residences from a "Conditional" to an "Outright" use in the R-4.5 Zone.

Section 14.030 add before #1 the following and renumber accordingly:

"1. Single-family detached residential unit."

Section 14.060(1), delete the following:

[1. Single-family detached residential unit.]

PROPOSAL #4:

Clarify allowable uses in Neighborhood Commercial Zone and Define "Nursery" uses.

Section 18.060(6) Amend the following:

"6. Nursery. [Garden store and nursery supply]

Section 02.030 (page 02-28) Add the Following:

NURSERY: The propagation of trees, shrubs, vines or flowering plants for transplanting, sale, or for grafting or budding; planting of seeds or cuttings; grafting and budding one variety on another; spraying and dusting of plants to control insects and diseases, and buying and selling the above plant stock at wholesale or retail. Seasonal labor may be employed. The term "nursery" contemplates the sale of products of the nursery. The conduct of a nursery business presumes parking places for customers, the keeping of sales records, and quarters for these functions. However, the use does not include the business of manufacturing and selling products composed of raw materials purchased off the premises. Plant related products manufactured elsewhere may be resold on the premises.

PROPOSAL #5:

Change parking standards for most commercial uses. The attached Exhibit B compares parking standards throughout the Portland Metropolitan Area. West Linn's existing standards are based on Gross Floor Area (G.F.A.) rather than Gross Leasable Area (G.L.A.). Our existing standards require more parking spaces than required for comparable buildings in other communities. This creates confusion for developers and designers and discourages new commercial investment in the City.

Section 46.080(C)(1-6) amend as follows:

1. Restaurants: Eating and drinking establishments
 - (a) Cafe, Diner, Taverns
Bars, Lounges 1 space for every
100 square feet of
gross leasable
[floor] area.
(Ord.1172;9/85)
2. General Retail Store except as
provided below. 1 space for every
200 square feet
leasable [floor]
area, [plus 1 space
for each 2 employees].
3. Retail-Bulky (i.e., automobiles,
furniture, appliances such as
stoves, refrigerators, etc.) 1 space for every 600
square feet of gross
leasable [floor]
area, [plus 1 space
for each 2 employees].
4. Service and Repair Shops (not
directly attached or associated
with furniture, appliance or
automobile retail sales). 1 space for every 500
square feet of gross
leasable [floor]
area, [plus 1 space
for each 2 employees].

5. Professional offices, banks and savings and loans. 1 space for every 300 [400] square feet of gross leasable [floor] area [plus 1 space for each 2 employees].
6. Medical/Dental Clinics. 1 space for every 200 square feet of gross leasable [floor] area.

PROPOSAL #6:

Change certain sections of the "sign code" (Chapter 52) relating to service stations, real estate signs, development signs and signs in newly annexed areas.

Section 52.300(C) and Section 52.400(E) amend to read as follows:

"C. Multi-family Development [or Subdivision] signs.

Section 52.300(G) and 52.400(I) amend to read as follows:

G. Temporary Development or Construction Signs

1. Temporary signs denoting the architect, engineer, contractor, land division or development shall be limited to thirty-two (32) square feet in area per sign.

2. Any portion of the land division or development signs denoting the listing realtor or agency shall be limited to six (6) square feet in area.

3[2] Only two (2) such signs shall be permitted on the premises.

4[3] Shall not be artificially illuminated.

5. Shall not exceed nine (9) feet in height above the natural ground level.

6[4] Shall be removed upon completion of the project.

7[5] Shall not require City Approval.

Section 52.300(H)(4) Amend to read as follows:

- "4. Shall be limited from one (1) to five (5) signs as approved by the Planning Director [Commission].

Section 52.400(A)(2)(3)&(6) Amend to read as follows:

- "2. Only one (1) free-standing identity sign shall be permitted upon the premises, limited to thirty-two (32) [twenty-eight (28)] square feet in area and may include a directory."
- "3. Only automobile service stations may have one (1) additional free-standing changeable copy sign for the single purpose of advertising the price of fuel, limited to eighteen (18) [twelve (12)] square feet in area, and one changeable promotion flatwall sign, limited to eighteen (18) square feet in area. This does not authorize "readerboards"."
- "6. Free-standing [identity] signs shall not exceed seven (7) feet in height."

Add the following Section:

52.500 Newly Annexed Land: All signs on land annexed to the City of West Linn shall comply with the relevant provisions of the sign ordinance within 30 days of the completion of the annexation.

Section 52.400(A)(2) Add the following:

"An additional free-standing menu board may be permitted for drive-thru businesses, limited to sixteen (16) square feet in area."

Section 52.400(B)(4) Amend to read as follows:

- "4. Shall contain only the name of the center or complex, or name or logo of tenants, and may include directory."

Section 52.400(L)(1). Add the following:

Signs for parcels of land in excess of two acres may advertise sale, rental or lease, provided they do not exceed twenty four (24) square feet in area and are set back from the public right-of-way a minimum of sixty (60) feet.

Add after Section 52.400(L)(5) and renumber accordingly the following:

"6. Shall not exceed nine (9) feet in height above the natural ground level, except for real estate signs or parcels in excess to two (2) acres, in which case, shall not exceed a height of twelve (12) feet."

PROPOSAL #7:

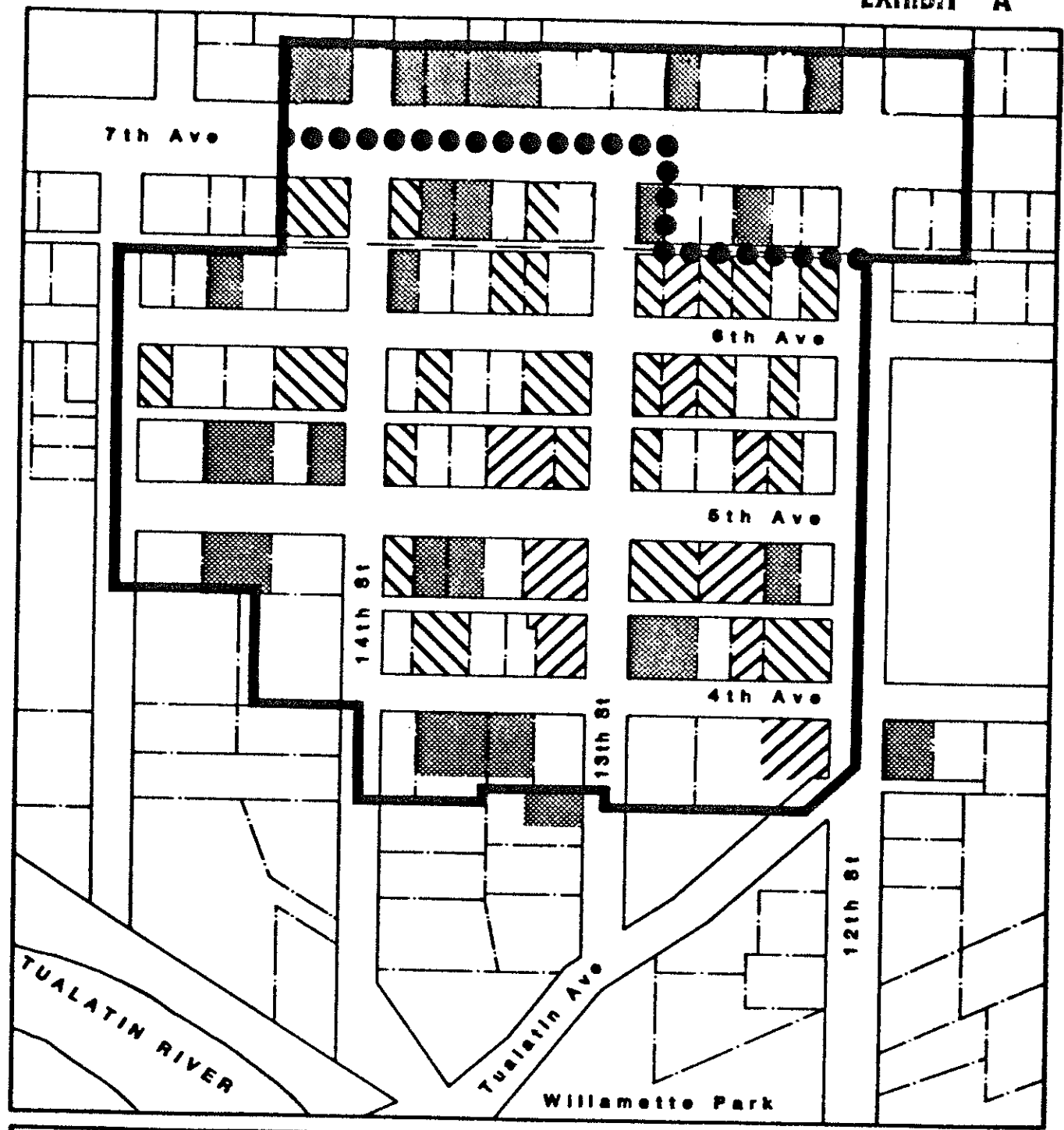
Clarify sidewalk improvement obligations on double frontage lots.

Section 92.010(6) Add the following:

In the case of double frontage lots, provision of sidewalks along the frontage not used for access shall be the responsibility of the developer. Providing front and side yard sidewalks shall be the responsibility of the landowner at the time of request for a building permit is received. Additionally, deed restrictions and CC&R's shall reflect that sidewalks are to be installed prior to occupancy and it is the responsibility of the lot or homeowner to provide the sidewalk, except as required above for double frontage lots.

WILLAMETTE HISTORIC DISTRICT

EXHIBIT "A"

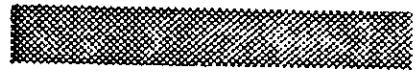


LEGEND

PRIMARY STRUCTURES



SECONDARY STRUCTURES

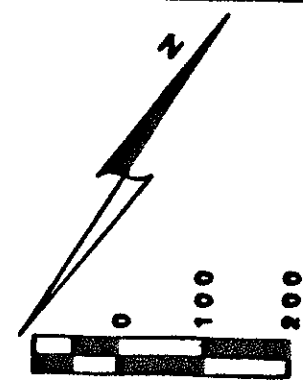


BOUNDARY



ADOPTED SEPT. 11, 1985

PROPOSED BOUNDARY



Table

Parking Space Factor Comparisons

Location	General Office	Medical/Dental Office	Banks/Saving & Loan	Retail/Service	Restaurant/Tavern	Place of Assembly	Comment
City of Tualatin	3.50	5.50	5.30	4.00*	10.00	-	*Shopping Ctr. <100,000sf
Tualatin Core Area	3.50	5.00	4.50	3.85	5.00	2.00	Has parking district
Vancouver, WA							
downtown	1.00	1.00	1.00	1.00	1.00	1.00	Has parking district
other commercial	2.50	6.66	2.50	2.85	5.00	-	
Lake Oswego	3.30	5.00	2.50	3.30	13.33	-	
Salem	.40-.80	2.40	2.00	2.60	1.80	-	Has parking district
Milwaukie	2.86	3.64	2.86	5.71	5.71	16.66	
Hillsboro	2.50	5.00	2.50	4.00	6.67	-	
West Linn	2.50gfa	5.00gfa	2.50gfa	5.00*gfa	10.00gfa	-	*Add 1 sp. per 2 employees
Beaverton	3.33	5.00	2.00	3.33-5.00	10.00	-	
Tigard	2.86	5.00	2.00	2.50	20.00*	-	*Add 1 sp. per 2 employees
Gresham	3.33	5.00	3.33	5.00	10.00	-	
Oregon City	3.33	3.33	3.33	5.00	5.00	-	
Wilsonville	4.00	4.00	4.00	5.00	5.00	-	
Portland							
general commercial	1.43	1.43	10.00*	2.00	10.00*	-	*Per 1,000sf patron service area
new garages	-	-	1.50	1.00	-	-	
s. waterfront	1.45-2.00	-	-	1.50	5.00	-	
Washington County	3.33	3.33	3.33	2.50	10.00	-	
Multnomah County	3.33	5.00	3.33	5.00	10.00	16.66	
Clackamas County	3.33	3.33	3.33	3.33	10.00	-	
(mode)	(3.33)	(5.00)	(3.33)	(5.00)	(10.00)	(16.66)	
ITE Study '85 ¹	3.00	-	-	3.50-5.50	-	-	Rec. for Suburban Locations
ULI Study '83 ²	3.00	-	-	3.80-4.00*	10.00-20.00**	-	*for shopping centers <400,000sf **for shopping centers <100,000sf

¹"Parking Requirements for Local Zoning Ordinances," ITE Journal, September 1985²"Shared Parking," ULI 1983

Mobil Oil Corporation

PORTLAND, OREGON 97232

1986 APR 30 AM 9:19

CITY OF WEST LINN

April 30, 1986

Mr. Larry McIntyre
The Honorable Mayor of West Linn
4900 Portland Avenue
West Linn, Or. 97068

Dear Mayor McIntyre:

I have been informed by City Planner, Michael V. Butts, of your proposed City Council Meeting scheduled for the week of May 11th. Unfortunately, my plans call for my attendance at a week long meeting in Southern California, during the entire week, so I will be unable to attend your Council Meeting. Mr. Butts informs me that the subject of service station signs will be discussed.

Let me state, and be on record, as endorsing the proposed changes to Section 52.400 (A) (2) and (3). Mobil's eight foot ID sign measures just over 30 square feet, and each of our price signs and building snap-lock wall signs measures at 16 square feet or less.

These proposed amendments will allow us to conform to all of your revised sign specifications and still afford us the opportunity to promote our goods and services as a retail merchant. The display signs we use are developed at Mobil's Marketing Headquarters in Fairfax, Virginia, and displayed nationally at Mobil stations across the country. Your sign code revisions will allow us to continue to merchandise our station in West Linn in an effective, yet uncluttered style of merchandising.

Yours very truly,



D.R. Trump
Territory Manager

PROPOSED COMMUNITY DEVELOPMENT CODE AMENDMENTS
MAY 14, 1986

(NOTE: Additions are underlined, Deletions are [bracketed].)

PROPOSAL #1:

COMPREHENSIVE PLAN AMENDMENTS

Insert District Map (Exhibit A) on Page 50, renumber subsequent pages accordingly.

COMPREHENSIVE PLAN AND ZONING MAPS

Amend the Comprehensive Plan Map and Zoning Map to reflect the boundary adjustment identified on Exhibit A.

COMPREHENSIVE PLAN INVENTORIES

Delete District Map on Page 56 and renumber subsequent pages accordingly.

PROPOSAL #2: (DELETED)

PROPOSAL #3:

Section 14.030 add before #1 the following and renumber accordingly:

"1. Single-family detached residential unit."

Section 14.060(1), delete the following:

[1. Single-family detached residential unit.]

PROPOSAL #4:

Section 18.060(6) Amend the following:

"6. Nursery. [Garden store and nursery supply]

Section 02.030 (page 02-28) Add the Following:

NURSERY: The propagation of trees, shrubs, vines or flowering plants for transplanting, sale, or for grafting or budding; planting of seeds or cuttings; grafting and budding one variety on another; spraying and dusting of plants to control insects and diseases, and buying and selling the above plant stock at wholesale or retail. Seasonal labor may be employed. The term "nursery" contemplates the sale of products of the nursery. The conduct of a nursery business presumes parking places for customers, the keeping of sales records, and quarters for these functions. However, the use does not include the business of manufacturing and selling products composed of raw materials purchased off the premises. Plant related products manufactured elsewhere may be resold on the premises.

PROPOSAL #5:

Section 46.080(C)(1-6) amend as follows:

1. Restaurants: Eating and drinking establishments
 - (a) Cafe, Diner, Taverns
Bars, Lounges 1 space for every
100 square feet of
gross floor area.
(Ord.1172;9/85)
2. General Retail Store except as
provided below. 1 space for every
200 square feet
floor area, [plus 1
space for each 2
employees].
3. Retail-Bulky (i.e., automobiles,
furniture, appliances such as
stoves, refrigerators, etc.) 1 space for every 600
square feet of gross
floor area, [plus 1
space for each 2
employees].

4. Service and Repair Shops (not directly attached or associated with furniture, appliance or automobile retail sales). 1 space for every 500 square feet of gross floor area, [plus 1 space for each 2 employees].
5. Professional offices, banks and savings and loans. 1 space for every 300 [400] square feet of gross [floor] area [plus 1 space for each 2 employees].
6. Medical/Dental Clinics. 1 space for every 200 square feet of gross floor area.

PROPOSAL #6:

Section 52.300(C) and Section 52.400(E) amend to read as follows:

"C. Multi-family Development [or Subdivision] signs.

Section 52.300(G) and 52.400(I) amend to read as follows:

- G. Temporary Development or Construction Signs
 1. Temporary signs denoting the architect, engineer, contractor, land division or development shall be limited to thirty-two (32) square feet in area per sign.
 2. Any portion of the land division or development signs denoting the listing realtor or agency shall be limited to six (6) square feet in area.
 - 3[2] Only two (2) such signs shall be permitted on the premises.
 - 4[3] Shall not be artificially illuminated.
 5. Shall not exceed nine (9) feet in height above the natural ground level.
 - 6[4] Shall be removed upon completion of the project.
 - 7[5] Shall not require City Approval.

Section 52.300(H)(4) Amend to read as follows:

- "4. Shall be limited from one (1) to five (5) signs as approved by the Planning Director [Commission].

Section 52.400(A)(2)(3)&(6) Amend to read as follows:

- "2. Only one (1) free-standing identity sign shall be permitted upon the premises, limited to thirty-two (32) [twenty-eight (28)] square feet in area and may include a directory."
- "3. Only automobile service stations may have one (1) additional free-standing changeable copy sign for the single purpose of advertising the price of fuel, limited to twenty four (24)
- "6. Free-standing [identity] signs shall not exceed seven (7) feet in height."

Add the following Section:

52.500 Newly Annexed Land: All signs on land annexed to the City of West Linn shall comply with the relevant provisions of the sign ordinance within 30 days of the completion of the annexation.

Section 52.400(A)(2) Add the following:

"An additional free-standing menu board may be permitted for drive-thru restaurants, limited to sixteen (16) square feet in area."

Section 52.400(B)(4) Amend to read as follows:

- "4. Shall contain only the name of the center or complex, or name or logo of tenants, and may include directory."

Section 52.400(L)(1). Add the following:

Signs for parcels of land in excess of one acre may advertise sale, rental or lease, provided they do not exceed twenty four (24) square feet in area and are set back from the public right-of-way a minimum of twenty (20) feet.

Add after Section 52.400(L)(5) and renumber accordingly the following:

"6. Shall not exceed nine (9) feet in height above the natural ground level, except for real estate signs or parcels in excess to two (2) acres, in which case, shall not exceed a height of twelve (12) feet."

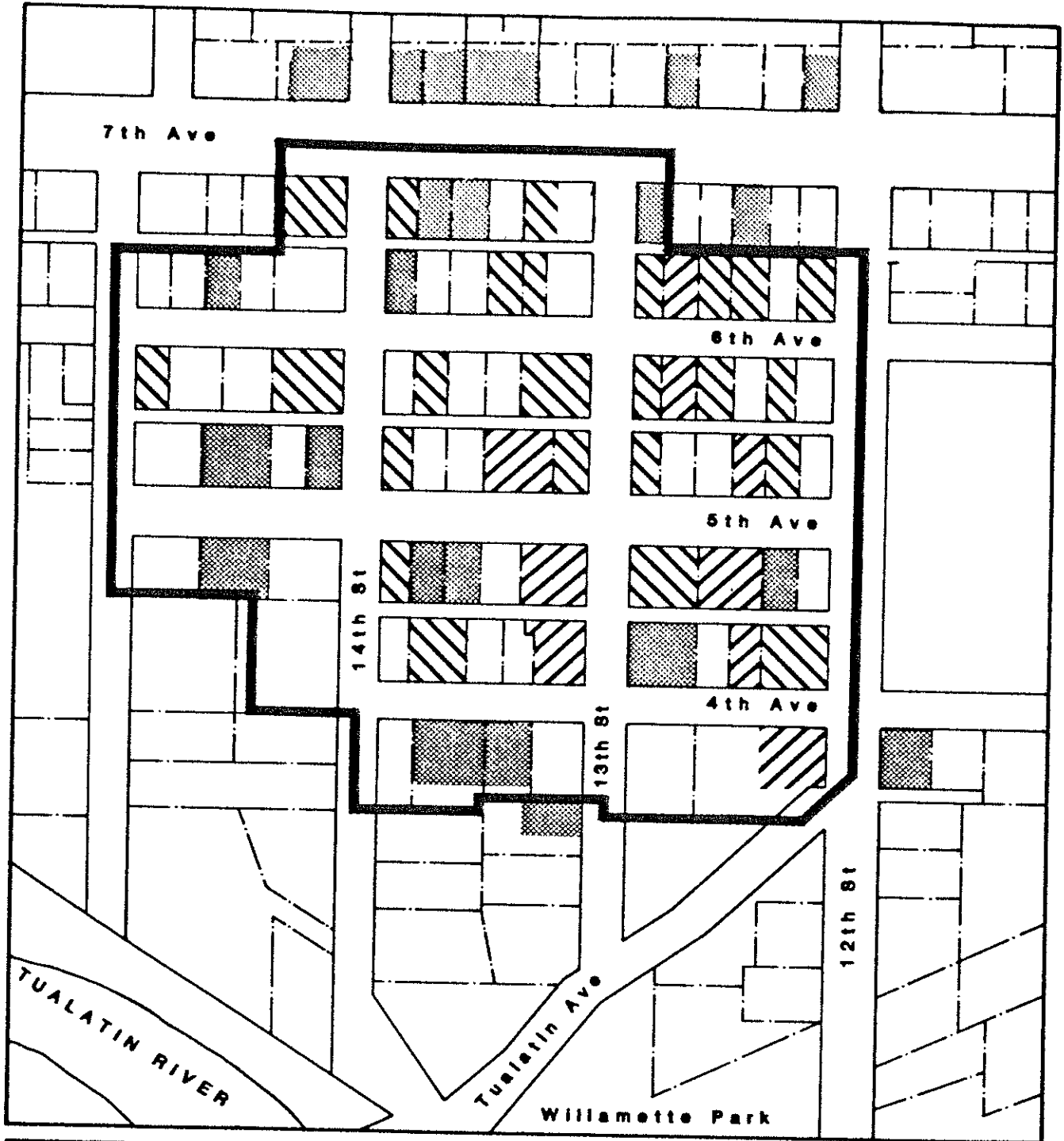
PROPOSAL #7:

Section 92.010(6) Add the following:

In the case of double frontage lots, provision of sidewalks along the frontage not used for access shall be the responsibility of the developer. Providing front and side yard sidewalks shall be the responsibility of the landowner at the time of request for a building permit is received. Additionally, deed restrictions and CC&R's shall reflect that sidewalks are to be installed prior to occupancy and it is the responsibility of the lot or homeowner to provide the sidewalk, except as required above for double frontage lots.

/par
comcode

WILLAMETTE HISTORIC DISTRICT



LEGEND

PRIMARY STRUCTURES



SECONDARY STRUCTURES

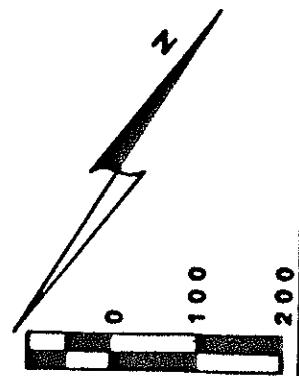


BOUNDARY



ADOPTED

MAY 14, 1986



4. Shall be removed within one week after the election.

5. Shall not require City approval.

52.400

SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS

A. Individual Business Signs

1. Total sign area shall not exceed one and one-half (1-1/2) square feet for each lineal foot of exterior building frontage.

2. Only one (1) free-standing identity sign shall be permitted upon the premises, limited to ^{thirty-two (32)} ~~twenty-eight (28)~~ square feet in area and may include a directory.

3. Only automobile service stations may have one (1) additional free-standing changeable copy sign for the single purpose of advertising the price of fuel, limited to ^{eighteen (18)} ~~twelve (12)~~ square feet in area; and ^{one} ~~one~~ ^{changeable} ~~sign~~ ^{limited to eighteen (18) sq. ft., placed flat against the building.}

4. Signs shall be set back from the public right-of-way a minimum distance of five (5) feet, except where the building is closer to a public right-of-way than the five (5) foot sign setback and another frontage location is not available for a sign.

5. Signs shall not project more than five (5) feet from the surface of the building.

6. Free-standing ~~identity~~ signs shall not exceed seven (7) feet in height.

7. Wall signs shall not exceed twenty-five (25) feet in height.

8. Shall require Planning Director approval.

B. Multiple Tenant Commercial or Industrial Development Signs

1. May have one (1) free-standing or ground mounted sign upon the premises in addition to the on-wall individual business signs allowed under Section 52.400(A) above.

2. Shall be limited to one-half (1/2) square feet

Mobil

DAVID R. TRUMP
Territory Manager

MOBIL OIL CORPORATION
1465-E Enea Circle, Suite 919
Post Office Box 4002
Concord, California 94524

Answering Service:
(503) 241-0142

SERVICE STATION SIGNAGE
SQ. FT. GUIDE

<u>ITEM</u>	<u>*SIZE L X H (OVERALL)</u>	<u>SIGN AREA (SQ. FT.)</u>
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MOBIL ID SIGNS

4 Ft. Restrictive	4'-13/16" x 1'-9 13/16"	7.4
5 Ft. Restrictive	5'-1" x 2'-3 1/4"	11.5
<i>Barry</i> 8 Ft. ID	8'-3 1/2" x 3'-8"	30.4
12 Ft. ID	12'-1 1/2" x 5'-2 1/2"	63.2
<i>Freeway</i> 19 Ft. ID	19'-1 1/2" x 7'-7"	145.0
Dallas Combo/ID/P.S. Restrictive <i>WITH PRICE</i>	8'-2" x 6'-1 1/2"	50.0

INTERNALLY ILLUMINATED PRICE SIGNS

CA. Type "A"	4'-10" x 5'-8 1/2"	27.6
CA. Type "B"	3'-6" x 4'-10"	16.9
NAT. Type "A"	4'-10" x 5'-2 1/2"	25.2
NAT. Type "B"	3'-6" x 4'-4"	15.2

G.S./CONVENTIONAL
BLDG. SIGNS AND LEGENDS

<i>Barry</i> 4 Ft. Pegasus Disc	4 Ft. Diameter	12.6
5 Ft. Pegasus Disc	5 Ft. Diameter	19.6
Express Lube-STD	8'-1/8" x 1'-3 1/8"	10.1
Express Lube-Window	7'-0 1/2" x 1'-1 1/8"	7.7
** "Mobil Service" Legend (16")	11'-1 21/32" x 1'-3 3/4"	14.6
** "Snack Shop" Legend (16")	9'-10 1/2" x 1'-3 3/4"	13.0
** "Mobil Mart" Legend (12")	7'-1 3/8" x 1'-5/16"	7.3

ITEM	*SIZE L X H (OVERALL)	SIGN AREA (SQ. FT.)
<u>BLDG. SIGNS AND LEGENDS (CON'T)</u>		
** "Mobil Mart" Legend (16")	8'-7 1/8" x 1'-3 3/4"	11.3
"Mobil Mart" Neon (16")	9'-11 1/4" x 1'-5"	14.1
<u>POS SNAPLOCKS</u>		
<i>Sony</i> X ** Horizontal (Req. 2 Faces)	2 x (4'-0" x 2'-0" ea.)	16.0
** Vertical (Req. 2 Faces)	2 x (2'-5" x 4'-2") (9" apart)	20.0
** Center Pier (Req. 2 Faces)	2 x (4'-0" x 2'-0" ea.)	16.0
X ** Free Standing (Req. 2 Faces)	2 x (4'-0" x 2'-0" ea.)	16.0
<u>YARD/ISLAND SIGNAGE</u>		
** Yard Light POS	3'-8" x 5'-10"	21.4
X ** IMU - 2 Sided	2'-5" x 4'-2"	10.1
** MHD Snaplock Sign	2'-6" x 1'-3"	3.1
<i>self remove sign</i> - ** IDU 15" Ø	15" Diameter	1.2
<u>CANOPY SIGNAGE</u>		
"Mobil" Canopy Legend Neon	6'-4 1/2" x 1'-9 3/4"	11.6
<u>CAR WASH SIGNAGE</u>		
Car Wash Sign Type "A"	4'-10" x 3'-8 1/2"	17.9
Car Wash Sign Type "B"	3'-6" x 2'-4"	8.2
** "Car Wash" Legend 16" Plastic	(App.) 8'-4" x 1'-3 3/4"	10.9(App.)

*Adjusting
or
3' over
Pole sign*

<u>ITEM</u>	<u>*SIZE L X H (OVERALL)</u>	<u>SIGN AREA (SQ. FT.)</u>
<u>CAR WASH SIGNAGE (CONT'D)</u>		
Car Wash Legend 16" Neon	8'-9 11/16" x 1'-5"	12.5
** Car Wash Bldg. POS	3'-8" x 5'-10"	21.4
** "Clearance 7'-0" Sign	3'-0" x 0'-10"	2.5
** "No Entry" Sign	3'-0" x 0'-10"	2.5

Notes:

- (*) Overall cabinet dimensions based on one side. For actual exposed face dimension deduct area outside of radius corners, exposed cabinet and retainer areas.
- (**) These signs are not interior illuminated, all others are interior illuminated.

What Mobil Planned Merchandising Means to You

The success of your business depends on customers driving into your station and buying products and/or services.

That's obvious. It's obvious, too, that they'll come in if they are attracted to your station.

But what attracts customers? What motivates them to pull in?

The answer: Mostly what they see.

Motorists are influenced by the impressions that come to them through their eyes. In fact, according to marketing and merchandising professionals, 87% of all the impressions that influence motorists are visual.

On the road, they take a look at your station and get an instant visual impression, one that consists of:

The Appearance—

The overall “look” of your station. Are things orderly? Is the appearance neat, clean and inviting?

The Merchandising Messages—

The signs and displays that give basic information about gasoline pricing, credit availability, special products, promotions and services.

The Positioning of the Messages—

The location of the signs and displays. Are they visible and readable to traffic on the road, to customers in the station?

Building Legend

Depending on a station's configuration, the legend over the bays can read "MOBIL SERVICE", or if it has a Snack Shop, the only legend seen from the front will be "SNACK SHOP". At selected locations that sell snacks and meet certain other criteria, the words "MOBIL MART" will appear on the building. Conventional stations with sales office profit center operations retain the "SNACK SHOP" identification.





If a station does not sell cigarettes, a Mobil 1 sign should be placed in the location set aside for cigarettes...the yard light pole at the corner of the property on the primary street.



For the secondary street, you can utilize the 3-product snaplock price sign. This sign can be installed on the auxiliary light pole nearest to the ID Pole, or on the auxiliary light pole farthest from the ID Pole, depending on the individual station layout. However, if a station is at an intersection, you must quickly influence motorists to make a buying decision. In this case, consideration should be given to placing the 3-product price sign on the pole nearest the ID Pole.

These signs, for mounting on the auxiliary light poles only, have high visibility and an attractive appearance. They offer excellent stability in high wind areas and include a specially designed safety wind release mechanism to protect the poles on which they are mounted.

Snaplock signs are permanent. They are ideal when zoning laws prohibit installation of temporary signs. (The sign frame can be considered part of the station architecture.)

The unique frame system allows temporary promotional messages on styrene to be inserted and properly secured. This gives your temporary messages a permanent, professional look that attracts customers and sells merchandise.

In addition to promotional messages, 3-product metal price sign inserts are also available.

There are three permanent snaplock pole signs available:

- Cigarette Price Sign
- Mobil 1
- 3-Product Price Sign

Frame Size: 44" × 70"

Insert Size: 42" × 68"



These signs are not to be mounted on the Mobil ID pole.

Today's Emphasis is on the New "Snaplock" Signs

Mobil has taken the "Snaplock" approach to permanent signs. Snaplock signs provide an excellent merchandising tool for dealers who want to give their station a professional "look" that attracts customers and sells merchandise. The snaplock sign has the ability to make temporary promotional messages look permanent. This feature can help dealers located in areas where zoning restrictions prohibit temporary promotional banners. These signs are also designed to meet the needs of dealers who have experienced sign damage due to high winds. All snaplock signs are produced with a permanent promotional message. Temporary promotional inserts (printed on styrene) are secured by the snaplock frame system against permanent panels. This precludes tearing, wrinkling and blowouts.

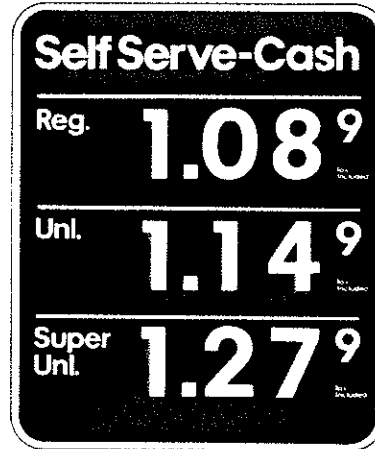


The heavy-duty, versatile Snaplock Pole Signs can display a permanent message or temporary promotional inserts.

3 Product Price Signs w/ Externally-Mounted Numerals*

Order these signs only when:

1. Zoning prohibits the use of a Snaplock Pole Sign.
2. The Resale Manager endorses 3 Product Price Sign use for competitive reasons.



* Please use extreme caution and a steady support when installing pricing numerals above arms reach from ground level.

National Version (for use w/12' Mobil ID Signs)

Panels: 58" x 62" w/Numerals:

Order:

Product Code	39295-1
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Frame: Type **A** Single Pole:

Order:

Product Code	39259-7
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Type **A** Twin Pole:

Order:

Product Code	39271-2
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Costs: Complete Price Sign:

\$1600.

Panels Only, w/Numerals:

\$ 800.

National Version (for use w/8' Mobil ID Signs)

Panels: 42" x 52" w/Numerals:

Order:

Product Code	39296-9
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Frame: Type **B** Single Pole:

Order:

Product Code	39281-1
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Type **B** Twin Pole:

Order:

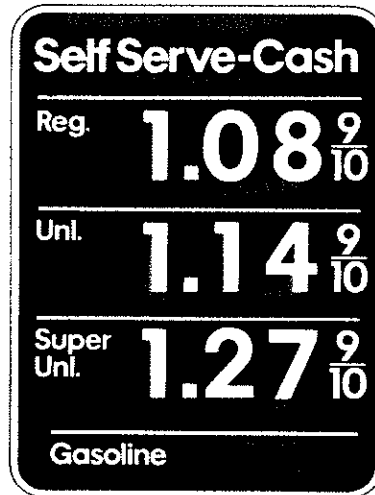
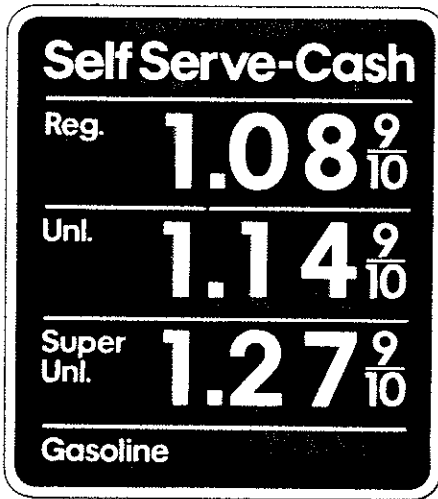
Product Code	39282-9
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Costs: Complete Price Sign:

\$1600.

Panels Only, w/Numerals:

\$ 800.



16" Regular, Unleaded and Super Unleaded prices shown are for illustration only.

California Version (for use w/12' Mobil ID Signs)

Panels: 58" x 68" w/Numerals:

Order:

Product Code	39298-5
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Frame: Type **A** Single Pole:

Order:

Product Code	39267-0
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Type **A** Twin Pole:

Order:

Product Code	39272-0
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Costs: Complete Price Sign:

\$1600.

Panels Only, w/Numerals:

\$ 800.

California Version (for use w/8' Mobil ID Signs)

Panels: 42" x 58" w/Numerals:

Order:

Product Code	39297-7
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Frame: Type **B** Single Pole:

Order:

Product Code	39274-6
--------------	---------

Type **B** Twin Pole:

Order:

Product Code	39276-1
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Costs: Complete Price Sign:

\$1600.

Panels Only, w/Numerals:

\$ 800.

Ordering Instructions



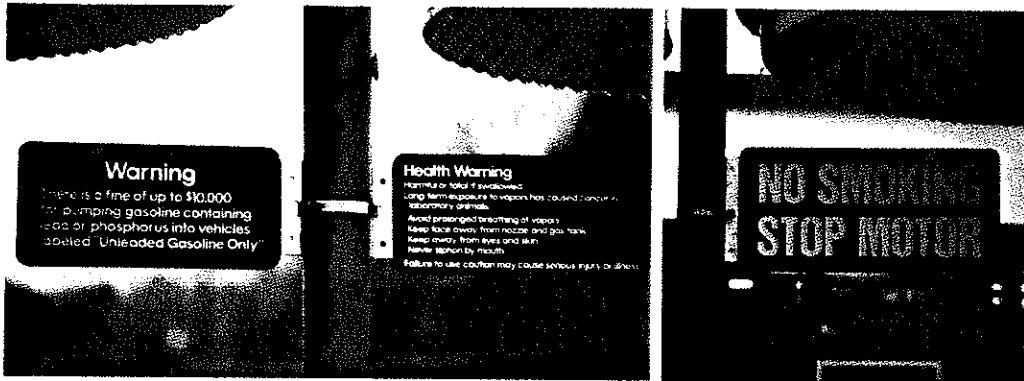
Horizontal Snaplock Building Sign

This unit is designed to attract attention to products and services at conventional locations. It displays two permanent messages—each 2 feet by 4 feet—and is positioned between the sales office door and the service bay. It accepts the same size promotional insert that's used in the Mobil Mart horizontal snaplock ladder sign.



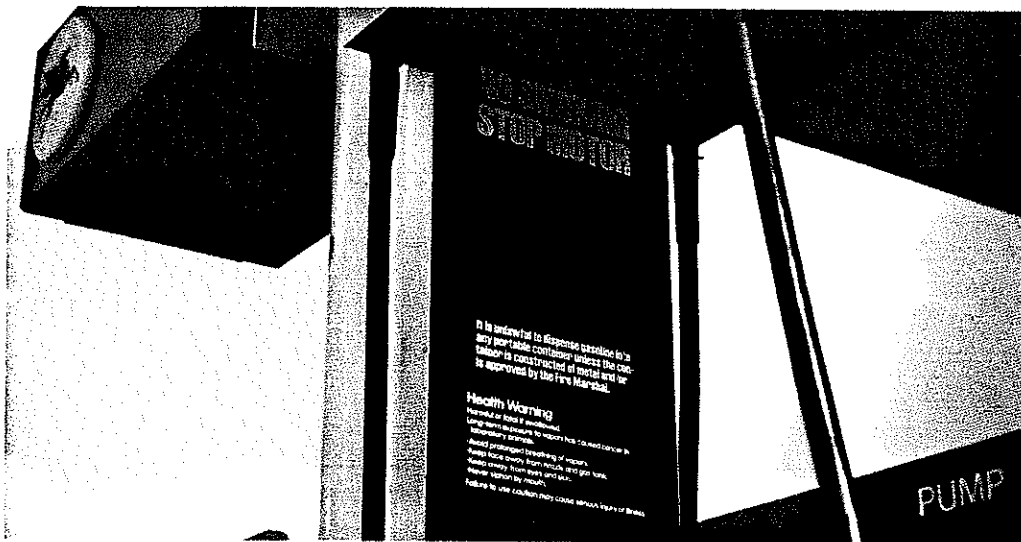
Other Important Island Signs

Although these signs are not of a sales nature, they are displayed on the island to meet regulatory requirements or to provide information and instruction to your customers.



These signs include, "No Smoking", "Leaded Gasoline", "Unleaded Gasoline", "Health Hazard Warning", as well as, "It Is Unlawful to Dispense Gasoline into Non-Metal, Portable Containers".

For stations with MDP's or MGD's, these signs are placed on the inside riser column of the dispenser, as shown here.



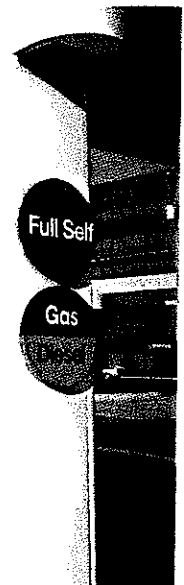
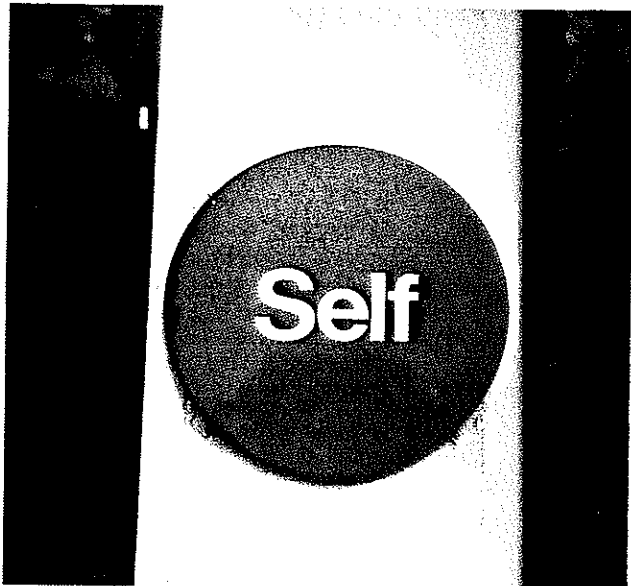
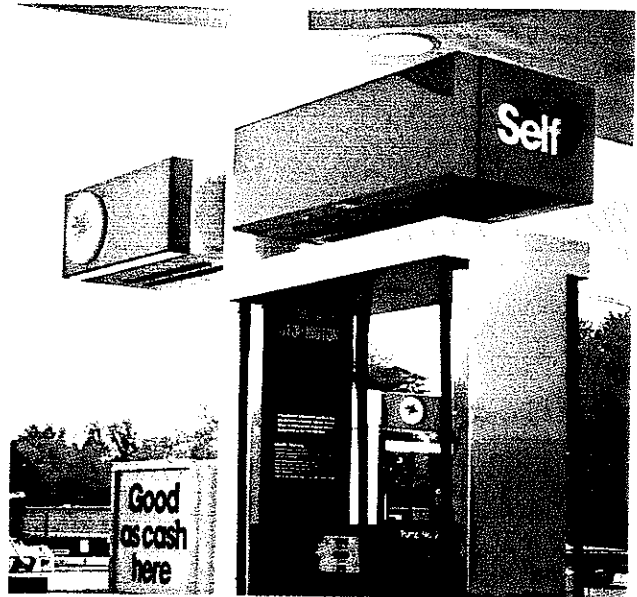
Also available for the pumps and dispensers are octane decals/plaques, "Cash Price" plaques, local weights and measures decals, pump number decals, instructions on the use of pumps and dispensers, as well as "Please Pay First" messages for dealers who choose to operate on that basis.

For conventional locations with round pumps, the island designating units are free-standing metal signs that identify the pump island as self, full, or mini serve. IDU's also exist for split islands where one side is full and the other is self serve.

At locations with blue fascia island lighting fixtures and single pole canopies, the service designation is mounted on panels at the end of the blue light fixture.

For stations with multiple product dispensers, the service designations may be discs mounted on the canopy columns or on panels on the end of the island lighting fixture.

Another disc, indicating that you sell diesel and gasoline, is available and is to be placed under the other service designation disc.



The Multi-Product Oil Merchandiser



A great way to display and sell your Oil-to-go Program.

02.000 DEFINITIONS

02.010 INTERPRETATION

For the purpose of this Code, certain terms or words used herein shall be interpreted as follows.

1. The word shall is mandatory, the word may is permissive.
2. The words used or occupied shall include the words intended, designed or arranged to be used or occupied.
3. The word lot includes the future tense, the singular number includes the plural, and the plural number includes the singular.

02.030 SPECIFIC WORDS & TERMS

For the purpose of these regulations, the following terms or words are defined as follows.

Access. The way or means by which pedestrians and vehicles enter and leave property.

Access Point. An access point includes a driveway, public, or private street or way or alley.

Accessory structure. A subordinate structure located on the lot, the use of which is clearly incidental to and associated with the principal use.

Accessory use. A use which is incidental and subordinate to the principal use.

Acres Gross. All of the land area owned by the applicant in the subject parcel or parcels under consideration.

Acres Net. The total gross acres less 20 to 25 percent for roads and public facilities.

Administrative Action. A quasi-judicial action, including the following:

An action conducted pursuant to Chapters 1

through 106 in which the legal rights, duties or privileges of specific parties are determined, and any appeal or review therefrom.

A comprehensive plan map or zoning map change. Any other proceedings as provided by ordinance rule or resolution adopted by the Council.

Administrator. The city administrator of West Linn, Oregon or a duly authorized representative.

Alley. A minor way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

Alteration. A change in construction or a change of occupancy. When the term is applied to a change in construction, it is intended to apply to any change, addition, or modification in construction. When the term is used in connection with a change of occupancy, it is intended to apply to changes of occupancy from one trade or use to another or from one division of trade or use to another.

Alteration, Structural. Any change or repair which would tend to prolong the life of the supporting members of a building or structure, such as alteration of bearing walls, foundation, columns, beams or girders. In addition, any change in the external dimensions of the building shall be considered a structural alteration.

Appeal. A request that a final decision by the Director be considered by a higher authority either on the basis of a de novo hearing or with the inclusion of evidence in addition to that considered by the maker of the initial decision.

Approval Authority. Either the Director, the Initial Hearing Body, or the Council, depending on the context in which the term is used.

Basement. Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

Bike Path. A way designed for and improved with a hard surface, and signed for use by bicycle traffic.

Block Length. The distance measured along all that part of one side of a street which is between the centerline of two intersecting or intercepting streets, or between an intersecting or intercepting street, undivided acreage, or other major barrier.

Buildable Lot. A lot which meets the area and dimensional requirements of the underlying zone.

(Ord. 1172; 9/85)

Building. Any structure used or intended for supporting or sheltering any use or occupancy.

Building Height. The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above lowest grade.

An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described above is more than 10 feet above lowest grade.

The height of a stepped or terraced building is the maximum height of any segment of the building.

Building Line. A line on a plat indicating the limit beyond which buildings or structures may not be erected.

City. The City of West Linn, Oregon.

Clear Vision Area. An area which consists of a triangular area, two sides of which are lot lines measured from the corner intersection of the access point lot lines for a distance specified in this regulation.

Commission. The Planning Commission of West Linn, Oregon.

Community Building. A building operated by the public or a non-profit group, neighborhood or association for public assembly for meetings, arts, crafts or similar uses. Examples of a community building are a senior center or arts center.

Comprehensive Plan. The Plan adopted by West Linn, including any plan or plan element adopted as a component of the Comprehensive Plan.

Conditional Use. A use which may be permitted by the approval authority following a public hearing, upon findings by the authority that the approval criteria have been met or will be met upon satisfaction of conditions of approval.

Corner Lot. A lot or parcel abutting on two intersecting streets other than an alley, excluding lots or parcels with boundary line angles greater than 135 degrees.

Council. The City Council of West Linn, Oregon.

Court. A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls of a building.

Developer. The owner of land proposed to be developed or partitioned, or representative. Consent shall be required from the legal owner of the premises for any

proposed development or division of land as provided in this ordinance. (ORD.1175;1/86)

Development. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Director. The Planning Director of West Linn, Oregon, or authorized agent.

Division of Land. The process of dividing a tract, lot or parcel into two or more lots or parcels by subdividing or partitioning. A division of land shall be deemed to have occurred at the time when instruments are executed whereby title to less than the entire area of an existing lot of record is transferred to a new owner.

Drainageways. The channel of a drainage course, or other water course and the adjacent land areas that must be reserved in order to discharge surface run-off water.

Dwelling Unit. One or more rooms designed for occupancy by one family for living purposes providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Easement. A grant of the right to use a strip of land for a specific purpose.

Engineer. The city engineer of West Linn, Oregon or a duly authorized representative.

Erosion, Landslide, Cut and Fill.

Cut or Excavation. Any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced or relocated.

Erosion. Detachment and movement of soil or rock fragments by water, wind, gravity, frost and ice or by mechanical action caused by development activities.

Fill. Placement of any soil, sand, gravel, clay, mud, debris and refuse, or any other material, organic or inorganic.

Mulch. Application of plant residue, netting, plastic, sheeting or other suitable materials to the land surface to conserve moisture, hold soil in place and aid in establishing plant cover. Plastic mulch may be used only temporarily, during construction activities.

Potential Severe Erosion Hazard Areas. Surface areas where erosion can be easily caused by removal of vegetation cover, stripping topsoil or by placement of fill, whether by natural causes such as streams or surface runoff or by development activities. The placement of any new fill or severe cuts in such an area shall be considered as creating a potentially severe erosion hazard.

Potentially Severe Landslide Hazard Area. Areas where earth movement or failure, such as slumps, mud flows, debris slides, rock falls or soil falls are likely to occur as a result of development activities. These activities include excavation which removes support of soils by changes in runoff, or groundwater flow or vibration loading such as pile driving or blasting.

Sediment. Any organic or mineral material that is in suspension, is being transported or has been moved from its site or origin by water, wind, or gravity as a product of erosion.

Stripping. Any activity which disturbs vegetated or otherwise stable soil surface, including clearing and grubbing operations.

Fact Finding Body. A body sitting for the purpose of determining the facts. The decision of the body is not discretionary.

Family. One person or two or more persons related by blood, marriage, legal adoption, or guardianship; or a group of not more than five persons all or part of whom are not so related by blood or marriage living together as a single housekeeping unit in a dwelling unit.

Fence, Non Sight Obscuring. A barrier or fence which does not obstruct vision.

Fence, Sight Obscuring. A barrier, consisting of metal, wood, masonry or similar materials or plantings grown as a barrier which obstructs vision.

Final action, final decision, or final order. A determination reduced to writing, signed and filed under 99.110(F) by the appropriate approval authority and--

With respect to the Planning Director, a decision made under 99.060(A) and 99.160 of this code, appealable to a further approval authority, and subject thereafter to Council review.

With respect to the initial hearing body, a decision made under 99.160(B) or (C) or 99.110, 99.140, 99.170 to 99.230 and subject thereafter to Council review.

With respect to the Council, a decision made under 99.060(D) or 99.240 to 99.310, or both, and subject to a Petition for Rehearing.

With respect to the fact finding body, a determination made under 103.040.

Findings. A written statement of the facts determined at a public hearing. The findings are applied to the relevant approval criteria or standards by the Approval Authority as the basis for making its decision.

Flag lot - A lot which does not meet the minimum street frontage requirement of 35 feet, and which gains access to the public right-of-way via an access strip no less than 15 feet in width.

Flood, Base. The flood having a one percent chance of being equalled or exceeded in any given year.

Flood Insurance Rate Map (FIRM). The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study. The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor area. The area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

Frontage. Property abutting on a street.

Grade. The slope of a road, street or other public way, specified in terms of percentage of slope.

Grade, ground level. The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, between the building and a line five feet from the building.

Habitable Floor. Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor".

Hillside area. Lands having over 25 percent slopes.

Implementing ordinance. An ordinance adopted to carry out the comprehensive plan.

Initial hearing body. The Planning Commission appointed by the Council. The term shall include the City Council only with respect to those matters listed in 99.060.

Intersection. A place where a street and access point adjoin each other.

Legislative. Any proposed action which would result in a change in city policy including:

A change to the comprehensive plan text.

A change to the comprehensive plan map which involves a number of parcels of land.

A change to the text of an implementing ordinance.

A change to the zoning map which involves a number of parcels of land.

A change to any land use plan or map which represents a change in city land use policy.

Loading space. An off-street space or berth on the same lot, or parcel, with a building or use, or contiguous to a group of buildings or uses, for the temporary parking of a vehicle which is loading or unloading persons, merchandise, or materials, and which space or berth abuts upon a street, alley, or other appropriate means of access and egress.

Lot. A plot, parcel, or area of land owned by or under the lawful control and in the lawful possession of one distinct ownership.

Lot area. The total area of a lot measured in a horizontal plane within the lot boundary lines exclusive of public and private roads, and easements of access to other property or the private driveway area of a flag lot.

Lot, corner. A lot abutting on two or more streets, other than an alley at their intersection.

Lot, coverage. The area covered by a building or buildings on a lot, expressed as a percentage of the total lot area.

Lot, depth. The average horizontal distance between the front lot line and rear lot line.

Lot, double frontage. See Through Lot.

Lot, interior. The property line bounding a lot.

Lot line. The property line bounding a lot, but not the lines bounding the private driveway portion of a flag lot.

Lot, flag. A lot or parcel which includes a private accessway as part thereof.

Lot Line Adjustment. The relocation of recorded lot lines which does not result in the creation of an additional lot or buildable lot. (Ord. 1172; 9/85)

Lot line, front. For an interior lot, a line separating the lot from the street; and for a corner lot, a line separating either (but not both) frontage of the lot from the street as determined by the city.

Lot line, rear. For an interior lot, a line separating one lot from another on the opposite side of the lot from the front lot line; for corner lots either (but not both) interior lot lines separating one lot from another; and for an irregular or triangular-shaped lot, a straight line ten feet in length that is parallel to and

Partition land. To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of the year. Partition land does not include divisions of land resulting from lien foreclosures; divisions of land from foreclosures of recorded contracts for the sale of real property and division of land resulting from the creation of cemetery lots; and partition land does not include any adjustment of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot standards established by the zoning ordinance. Partition land does not include the sale of a lot in a recorded subdivision, even though the lot may have been acquired prior to the sale with other contiguous lots or property by a single owner. When it appears to the Planning Director that the area is to ultimately be divided into four or more lots or parcels, conformance with the provisions of this ordinance pertaining to subdivisions may be required. Divisions of land excluded from the definition of partition land in 86.020 shall be subject to all other requirements of the city ordinances regulating the use and development of land.

Party. A person who has a right to seek review by Council of a decision.

Pedestrian way. A right-of-way for pedestrian traffic.

Person. Any person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit.

Plat. The final map, diagram, drawing, replat or other writing containing all the descriptions, locations,

specification, dedications, provisions and information concerning a subdivision of which the subdivider submits for approval and intends in final form to record.

Primary Structures. Structures which significantly define the Willamette Historic District's character are called "Primary" contributing. These structures were constructed between 1890-1920; most original architectural features (i.e.: windows, roof form, porches, siding) remain intact. These structures represent the community's best remaining examples of turn-of-the century architectural styles.

(note: Map of District and structures in "Inventories".) (Ord. 1172; 9/85)

Private street. An accessway, which is under private ownership.

Public Right-of-Way. The area between the boundary lines of a street, pedestrian way or bicycle path.

Quasi-judicial action. An action which involves the application of adopted policy to a specific development application or amendment, as provided in this chapter.

Roadway. The portion of a street right-of-way developed for vehicular traffic.

Review. A request that a final decision by the initial approval authority be considered by a higher authority only on the basis of the record as set forth in 99.020 made before the initial hearing body.

Secondary Structures. Structures built before 1925 which retain many original architectural features, but not classified as primary on the Inventories Map of the Willamette Historic District are identified as "Secondary" contributing. (Ordinance 1172; 9/85)

Sidewalk. A pedestrian walkway with permanent surfacing built to city standards.

Sign. (See Chapter 15.20; West Linn Municipal Code)
Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or unused under-floor space is more than 6 feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such basement or unused under-floor space shall be considered as a story.

Start of Construction. The first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home subdivision, "start of construction" means the affixing of the mobile home to its permanent site. For mobile homes within mobile home

subdivisions, "start of construction" is the date on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

Street. A public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts or land, and the placement of utilities and including the terms, "road", "highway", "lane", "avenue", "alley", "place", "court", "way", "circle", "drive", or similar designations.

Alley. A minor way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

Arterial. A street whose primary function is to provide for the movement of through traffic between areas and across portions of the city or region, and having the subordinate function of providing direct access to abutting land. Depending on the nature and location of an arterial street, it may be designed to the standards of a minor arterial street or a major arterial street.

Collector. A street supplementary to the arterial street system and a means of circulation between arterials and local streets; used to some extent for access to abutting properties and may be used to a limited extent for through traffic.

Cul-de-sac. A short street having one end open to traffic and terminated by a vehicle turn around.

Frontage Road. A minor street parallel and adjacent to an arterial street providing access to abutting properties, but protected from through traffic.

Local street. A street which functions primarily to provide access to abutting land, serving local traffic movements and not intended to accommodate through traffic. In residential developments, a local street shall be designed to the standards for local streets.

Story, First. The lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor shall be classified as a first story, provided such floor level is not more than four feet below grade, as defined herein, for more than fifty percent of the total perimeter, or more than 8 feet below grade, as defined herein, at any point.

Story, half. A story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.

Structure. Something constructed or built and having a fixed base on, or fixed connection to, the ground or another structure.

Subdivide land. To divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

Subdivider. See Developer.

Subdivision. Either an act of subdividing land or an area or a tract of land subdivided as defined in this chapter.

Substantial Improvement. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

Before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:
Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or

Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Temporary use. A use which by its nature will last less than a year. Examples of temporary uses are uses associated with the sale of goods for a specific holiday, activity or celebration, uses associated with construction, and seasonal uses. The temporary uses provisions do not apply to businesses seeking a temporary or interim location.

Transitional area. An area consisting of a lot, lots or parts of lots, within any residential district, having side or rear lot lines abutting a boundary of a commercial or industrial zone, and extending not more than one hundred feet from such boundary into the residential zone.

Transitional use. A use allowed in a transitional area which is intended to permit a gradual change in uses from industrial and commercial areas to residential areas.

Unlisted Use. A use which is not listed as either a use permitted outright or a conditional use in a particular zone.

Use. The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

Use Types

Residential Use Types. Residential use types include the occupancy of living accommodations on a wholly or primarily nontransient basis.

Children's day care. Services or facilities authorized, certified or licensed by the State for children's day care of six or more children, for a period not to exceed 12 hours per day. Children's day care facilities with less than six children is a home occupation. See chapter 37.

Duplex residential units. Two dwelling units placed so that some structural parts are in common and are located on a single lot or development site.

Home occupation. A use as defined by the standards set forth in chapter 37 of this code.

Group residential. The residential occupancy of living units by groups of more than five persons who are not related by blood, marriage, or adoption, and where communal kitchen/dining facilities are provided. Typical uses include occupancy of retirement homes, boarding houses, cooperatives, and halfway houses, but excluding residential home facilities as specified below.

Manufactured/Mobile Home. A structure transportable in one or more sections each built on a permanent chassis, and which is designed to be used for permanent occupancy as a single

family residential dwelling. This definition shall not apply to those structures known as modular or manufactured housing w

Uniform Building Code and bears the Seal of Approval of the Oregon State Department of Commerce, Building Codes Division.

Multiple family residential units. A structure containing at least three dwelling units in any vertical or horizontal arrangement, located on a lot.

Residential Care Facility. A residence for five or fewer unrelated physically or mentally handicapped persons and staff persons who need not be related to each other or to any other home resident.

Single family attached residential units. Two dwelling units attached side by side with some structural parts in common at a common property line on separate lots.

Single family detached residential unit. One dwelling unit, freestanding and structurally separated from other dwelling units or buildings, located on a lot.

Senior Citizen/Handicapped Housing Facilities. Living facilities which provide living units, congregate dining, recreational facilities and other services and requiring 24 hour staffing assistance.

Civic Use Types. The performance of utility, educational, recreational, cultural, protective, governmental, and other uses which are strongly vested with public or social importance.

Community recreation. Recreational, social, or multi-purpose uses typically associated with parks, play-fields, golf courses, or community buildings.

Cultural exhibits and library services. Museums, exhibition of objects in one or more of the arts and sciences, gallery exhibition or works of art, or library collection of books, manuscripts, etc., for study and reading.

Hospitals. An institution where the ill or injured may receive medical, surgical or psychiatric treatment; and nursing, food and lodging during their stay.

Lodge, fraternal, and civic assembly. Meetings and activities primarily conducted for the members of a particular group. Excluded from this use types are uses classified as "Group Residential", "Residential Care Facilities" and "Transient Lodging". Typical uses include meeting places for civic clubs, lodges, or fraternal or veteran organizations.

Parking facilities. Parking services involving garages and lots, and may exclude required parking lots within the same lot of record of a particular development or use.

Postal services. Mailing services and processing as traditionally operated or leased by the United States Postal Service, United Parcel Service and other postal services.

Public support facilities. Public services that deal directly with the citizen, together with incidental storage and maintenance of necessary vehicles, and excludes commercial use type, "Professional and Administrative Services". Typical use types are associated with governmental offices.

Public safety facilities. Providing protection pursuant to fire, life, and safety code sections together with the incidental storage and

maintenance of necessary vehicles. Typical uses include fire stations, police stations, and ambulance services.

Recycle Collection Center. A place where recyclable materials are deposited by the residents and sorted for transport to processing plants.

Schools. Public, private or parochial place or institution for teaching or learning. Typical uses include nursery, elementary, junior and senior high schools and related uses; excluding trade and business schools and colleges.

Utilities. Services and utilities which can have substantial visual impact on an area. Such uses may be permitted in any zoning district when the public interest supercedes the usual limitations placed on land use and transcends the usual restraints of the district for reasons of necessary location and community-wide interest. There are two classes of utilities--major and minor.

Utility, major utility. A utility which may have a significant impact on the surrounding uses or the community in terms of generating traffic or creating noise or visual effects and includes utility, substation, pump station, water storage tank, sewer plant or other similar use essential for the proper function of the community.

Utility, minor utility. A utility which has a minor impact on the surrounding uses or on the community in terms of generating traffic or creating noise or visual effects and includes the overhead or underground electric, telephone or cable television poles

and wires, the underground gas and water distribution systems and the drainage or sewerage collection systems or other similar use essential for the proper functioning of the community.

Commercial Use Types. The distribution and sale or rental of goods and the provision of services other than those classified "Civic Uses".

Agriculture. The tilling of the soil, the raising of crops, dairying and/or animal husbandry, but not including the keeping or raising of fowl, pigs, or fur-bearing animals unless such is clearly incidental to the principal use of the property for the raising of crops.

Agricultural Sales. Sale from the premises of feed, grain, fertilizers, pesticides, and similar goods. Typical uses include nurseries, hay, feed, and grain stores.

Agricultural Services. Establishments or places of business engaged in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include tree and lawn service firms.

Amusement Enterprise. Establishments or places primarily engaged in the provision of entertainment of recreation which require less personal physical activity than those uses included in indoor participant sports and recreation. Typical uses include billiard parlors, bowling alleys, arcades and electronic game room facilities or movie theaters.

Animal Sales and Services. Establishments or places of business primarily engaged in animal related sales and services. The following are animal sales and services use types.

Animal Sales and Services: Grooming.

Grooming of dogs, cats, and similar small animals. Typical uses include dog bathing and clipping salons or pet grooming shops.

Animal Sales and Services: Kennels. Kennel services for dogs, cats, and similar small animals. Typical uses include boarding kennels or dog training centers.

Animal Sales and Services: Veterinary (Large Animals).

Veterinary services for large animals. Typical uses include animal hospitals for large animals (horses, sheep) or veterinary hospitals for large animals.

Animal Sales and Services: Veterinary (Small Animals).

Veterinary services for small animals. Typical uses include pet clinics, dog and cat hospitals, or animal hospitals for small animals.

Automotive and Equipment. Establishments or places of business primarily engaged in motorized vehicle related sales or services. The following are automotive and equipment use types.

Automotive and Equipment: Cleaning. Washing and polishing of automobiles. Typical uses include auto laundries or car washes.

Automotive and Equipment: Fleet Storage. Fleet storage of vehicles used regularly in business operation and not available for sale or long term storage of operating vehicles. Typical uses include taxi fleet, mobile-catering truck storage, or auto storage garages.

Automotive and Equipment: Repairs, Heavy Equipment. Repair of trucks, etc., as well as the sale, installation, or servicing of truck or automotive equipment and parts together with body repairs, painting, and steam cleaning. Typical uses include truck transmission shops, body shops, or motor freight maintenance groups.

Automotive and Equipment: Repairs, Light Equipment. Repair of automobiles and the sale, installation, and servicing of automobile equipment and parts but excluding body repairs and painting. Typical uses include muffler shops, auto or motorcycle repair garages, or auto glass shops.

Automotive and Equipment: Sales/Rentals, Heavy Equipment. Sale, retail or wholesale, and/or rental from the premises of heavy construction equipment and trucks together with incidental maintenance. Typical uses include boat dealers, heavy construction equipment dealers, or truck dealers.

Automotive and Equipment: Sales/Rentals, Light Equipment. Sale, retail or wholesale, and/or rental from the premises of autos, noncommercial trucks, motorcycles, motorhomes, and trailers with less than a 10,000 gross cargo weight together with incidental maintenance. Typical uses include automobile dealers, car rental agencies, or recreational vehicle sales and rental agencies.

Automotive and Equipment: Storage, Recreational Vehicles and Boats. Storage of recreational vehicles and boats. Typical uses include the collective storage of personal recreational vehicles or boats.

Building Maintenance Services. Establishments primarily engaged in the provision of maintenance and custodial services. Typical uses include janitorial, landscape maintenance, or window cleaning services.

Business Equipment Sales and Services. Establishments or places of business primarily engaged in the sale, rental or repair of equipment and supplies used by office, professional, and service establishments to the firms themselves rather than to individuals, but excludes automotive, construction, and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops, or hotel equipment and supply firms.

Business Support Services. Establishments primarily engaged in the provision of service of a clerical, employment, protective, or minor processing nature to firms rather than individuals and where the storage of goods other than samples is prohibited. Typical uses include secretarial services, telephone answering services, or blueprint services.

Communications Services. Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms but excludes those classified as "Utilities". Typical uses include television studios, telecommunication service centers, or telegraph service offices.

Construction Sales and Services. Establishments or places of business primarily engaged in construction activities and incidental storage on lots other than construction sites as well as the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures. Typical uses include building materials stores, tool and equipment rental or sales, and building contracting/construction offices.

Typical uses include department stores, apparel stores, furniture stores, pet stores or book stores. Heliport. A place specially designed and used for the landing and take off of helicopters.

Horticulture. The cultivation of plants, garden crops, trees and/or nursery stock.

Laundry Services. Establishments primarily engaged in the provision of laundering, dry cleaning, or dyeing services other than those classified as "Personal Services". Typical uses include commercial laundry agencies, diaper services, or linen supply services, but excluding laundromats and dry cleaners.

Medical & Dental Services. Establishments primarily engaged in the provision of personal health services ranging from prevention, diagnosis and treatment, or rehabilitation services provided by physicians, dentists, nurses, and other health personnel as well as the provision of medical testing and analysis services, but excludes those classified as any civic use or group residential use types. Typical uses include medical offices, eye care offices, dental offices and laboratories, or health maintenance organizations.

Nursery: The propagation of trees, shrubs, vines or flowering plants for transplanting, sale, or for grafting or budding; planting of seeds or cuttings; grafting and budding one variety on another; spraying and dusting of plants to control insects and diseases, and buying and selling the above plant stock at wholesale or retail. Seasonal labor may be employed. The term "nursery" contemplates the sale of products of the nursery. The conduct of a nursery business presumes parking places for these functions. However, the use does not include the business of manufacturing and selling products composed of raw materials purchased off the premises.

Consumer Repair Services. Establishments primarily engaged in the provision of repair services to individuals and households rather than firms, but excluding "Automotive and Equipment" use types. Typical uses include appliance repair shops, apparel repair firms, musical instrument repair firms and small repair shops.

Convenience Sales and Personal Services. Small neighborhood oriented retail businesses (retail commercial and personal services) which provide for the daily needs of nearby residents. It includes uses such as grocery stores, drug stores, laundromats, dry cleaners, barber shops and beauty salons.

Eating & Drinking Establishments. Establishments or places of business primarily engaged in the sale of prepared food and beverages for on-premise consumption. Typical uses include: fast order food establishments with and without drive-up facilities and sit-down eating establishments, taverns, bars and lounges.

Financial and Insurance. Establishments primarily engaged in the provision of financial, insurance, or securities brokerage services. Typical uses include banks, savings and loans or insurance agencies.

Food & Beverage Retail Sales. Establishments or places of business primarily engaged in the retail sale of food and beverages for home consumption. Typical uses include groceries, delicatessens, or liquor stores, and excludes "Eating & Drinking Establishments".

General Retail Services. The sale or rental of commonly used goods, and merchandise for personal or household use, but excludes those classified as "Agricultural Sales", "Animal Sales & Services", "Automotive & Equipment", "Business Equipment Sales & Service", "Construction Sales & Services", "Food & Beverage Retail Sales" and "Vehicle Fuel Sales".

Plant related products manufactured elsewhere may be resold on the premises. (Ord. 1180;5/86)

Nursing Home. A home, place or institution or part thereof in which convalescent and/or chronic care is rendered to two or more patients in exchange for compensation. Convalescent and/or chronic care includes, but is not limited to, the procedures commonly employed in nursing and caring for the sick; persons who are acutely ill or are surgical or maternity cases are excluded; qualified personnel and a consulting physician are available at all times; and isolation facilities are provided.

Participant Sports & Recreation. Establishments or places primarily engaged in the provision of sports or recreation by and for participants. Any spectators would be incidental and on a nonrecurring basis. The following are participant sports and recreation use types:

Participant Sports & Recreation: Indoor. Those uses conducted totally within an enclosed building. Typical uses include: indoor tennis courts, racketball courts, swimming pools, or physical fitness centers.

Participant Sports & Recreation: Outdoor. Those uses conducted in open facilities. Typical uses include driving ranges, miniature golf courses, tennis courts or swimming pools.

Personal Service Facilities. Establishments primarily engaged in the provision of informational, instructional, personal improvement, and similar services of nonprofessional nature. Typical uses include photography studios, driving schools and trade schools or reducing salons.

Professional & Administrative Services. Offices of private firms or organizations which are primarily used for the provision of professional, executive, management, or administrative offices, legal offices, architectural or engineering firms, or real estate firms.

Research Services. Establishments primarily engaged in research of an industrial or scientific nature which is generally provided as a service or which is conducted by and for a private firm, but excludes medical testing and analysis. Typical uses include electronics research laboratories, environmental research and development firms, or pharmaceutical research labs.

Scrap Operations.

Salvage. Places of business primarily engaged in the storage, sale, dismantling, or processing of used or waste materials which are not intended for reuse in their original form. Typical uses include automotive wrecking yard, junk yards, or paper salvage yards.

Recycling Collection Center. Facilities where glass, cans and papers are collected for the purpose of being transferred to a paper salvage or recycling facility.

Transient Lodging. Establishments primarily engaged in the provision of lodging services on a temporary basis with incidental food, drink, and other sales and services intended for the convenience of guests. Typical uses include hotels, motels or bed and breakfast houses.

Vehicle Fuel Sales. Establishments or places of business primarily engaged in the retail sale, from the premises, of petroleum products with incidental sale of tires.

Industrial Use Types. Industrial use types include the on-site production of goods by methods not commercial, agricultural, or extractive in nature.

Light Industrial.

Manufacturing of Finished Products. The manufacturing of finished products from previously prepared material (excluding raw materials).

Packaging & Processing. The production, processing, assembling, packaging, or treatment of products from previously processed materials; or Production, processing, assembling, and packaging of finished products from previously prepared materials.

Wholesale, Storage, & Distribution.

Establishments or places of business primarily engaged in wholesaling, storage, distribution, and handling of materials and equipment other than live animals and plants. The following are wholesaling, storage, and distribution use types.

Wholesaling, Storage & Distribution:

Mini-Warehouses.

Storage and warehousing service within a building(s) primarily for individuals to store personal effects and by businesses to store materials for operation of an industrial or commercial enterprise located elsewhere.

Incidental uses in a mini-warehouse may include the repair and maintenance of stored materials by the tenant but in no case may storage spaces in a mini-

warehouse facility function as an independent retail, wholesale business, or service use.

Spaces shall not be used for workshops, hobbyshops, manufacturing, or similar uses and human occupancy of said spaces shall be limited to that required to transport, arrange, and maintain stored materials.

Wholesaling, Storage & Distribution: Light.

Wholesaling, storage, and warehousing services within enclosed structures. Typical uses include wholesale distributors, storage warehouses, or moving and storage firms.

Heavy Industrial.

Manufacturing of Finished Products.

Manufacturing, processing, or assembling of semi-finished or finished products from raw materials.

Wholesaling, Storage & Distribution: Heavy.

Open-air storage, distribution, and handling of materials and equipment. Typical uses include monument or stone yards, or grain elevators.

Yard. An open space on a lot which is unobstructed from the ground upward except as otherwise provided in this title.

Yard, front. A yard between side lot lines and measured horizontally at right angles to the front lot line from the lot line to the nearest point of the building.

Yard, rear. A yard between side lot lines or between a street side yard and opposite side lot line and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of a main building.

Yard, side. A yard between the front and rear yard measured horizontally and at right angles from the side lot line to the nearest point of the building.

Yard, street side. A yard adjacent to a street between the front yard and the rear lot line measured horizontally and at right angles from the side lot line to the nearest point of the building.

COMMERCIAL

18.000 NEIGHBORHOOD COMMERCIAL

18.010 PURPOSE

The purpose of the neighborhood commercial zone is to provide for convenience goods and services within a cluster of stores. Convenience goods are goods which are bought frequently, at least weekly and for which people do not engage in comparison shopping. The range of uses is limited to those uses which can be supported by a limited trade area. Uses in this district are intended to meet neighborhood needs as opposed to community wide needs. This zone is intended to implement the policies and locational criteria set forth in the Comprehensive Plan.

18.020 PROCEDURES AND APPROVAL PROCESS

- A. A use permitted outright, Section 18.030, is a use which requires no approval under the provision of this code. If a use is not listed as a use permitted outright, it may be held to be a similar unlisted use under the provisions of chapter 80.
- B. A use permitted under prescribed conditions, Section 18.030, is a use for which approval will be granted provided all the conditions are satisfied; and
 - 1. The Planning Director shall make the decision in the manner provided by 99.060(A)(2), Administrative Procedures, except that no notice shall be required; and
 - 2. The decision may be appealed by the applicant to the Planning Commission as provided by Section 99.240(A).

- C. The approval of a conditional use (Section 18.060) is discretionary with the Planning Commission. The approval process and criteria for approval are set forth in Chapter 60, Conditional uses. If a use is not listed as a conditional use, it may be held to be a similar unlisted use under the provisions of Chapter 80.
- D. The following code provisions may be applicable in certain situations:
 - 1. Chapter 65, Non-conforming Uses in Structures.
 - 2. Chapter 66, Non-conforming Structures.
 - 3. Chapter 67, Non-conforming Uses of Land.
 - 4. Chapter 68, Lots of Record.
 - 5. Chapter 75, Variances.

18.030 PERMITTED USES

The following uses are uses permitted outright in this zone:

- 1. Convenience grocery store.
- 2. Cultural exhibits and library services.
- 3. Postal Services.
- 4. Public safety facilities.
- 5. Public support facilities.
- 6. Utilities: minor.

18.040 ACCESSORY USES

Accessory uses are allowed in this zone as provided by Chapter 34.

18.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

The following uses are allowed in this zone under prescribed conditions.

- 1. Signs, subject to the provisions of Chapter 52.
- 2. Temporary use, subject to the provisions of Chapter 35.

- d. For a rear yard, 25 feet. However, where the use abuts a residential district, the setback distance of the residential zone shall apply and in addition, a buffer of up to 50 feet may be required.
5. The maximum lot coverage shall be 50 percent; however, the above requirements in this section may be modified for developments under the planned unit development provisions of Chapter 24.
6. The maximum building height shall be two and one-half stories or 35 feet.

18.080

DIMENSIONAL REQUIREMENTS, CONDITIONAL USES

Except as may otherwise be established by this code, the appropriate lot size for a conditional use shall be determined by the approval authority at the time of consideration of the application based upon the criteria set forth in Section 60.070(1) and (2).

18.090

OTHER APPLICABLE DEVELOPMENT STANDARDS

- A. The following standards apply to all development including permitted uses.
 1. Chapter 34, Accessory Structures.
 2. Chapter 36, Temporary Uses.
 3. Chapter 38, Additional Yard Area Required, Exceptions to Yard Requirements, Storage in Yards and Projections into Yards.
 4. Chapter 40, Building Height Limitations and Exceptions.
 5. Chapter 42, Clear Vision Areas.
 6. Chapter 44, Fences; Screening of Outdoor Storage.
 7. Chapter 46, Off-street Parking and Loading.
 8. Chapter 48, Access.
 9. Chapter 52, Signs.

18.060 CONDITIONAL USES

The following uses are conditional uses which may be allowed in this zone subject to the provisions of chapter 60, Conditional Use.

1. Children's day care center.
2. Consumer repair services.
3. Convenience sales and personal services.
4. Food and beverage retail sales.
5. Financial, insurance and real estate services.
6. Nursery. (Ord.1180; 5/86)
7. Medical and dental services.
8. Personal service facilities.
9. Professional and administrative services.
10. Utilities: major.

18.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS

Except as may be otherwise provided by the provisions of this code, the following requirements are the requirements for uses within this zone:

1. The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.
2. The average minimum lot width shall be 50 feet.
3. The average minimum lot depth shall not be less than 90 feet.
4. The minimum yard dimensions or minimum building setback area from the lot line shall be:
 - a. For a front yard, 25 feet;
 - b. For an interior side yard, 7-1/2 feet;
 - c. For a side yard abutting a street, 15 feet, and

10. Chapter 54, Installation and Maintenance of Landscaping.
- B. The provisions of chapter 55, Design Review apply to all uses except detached single family dwellings.

46.000 OFF-STREET PARKING, LOADING & RESERVOIR AREAS

46.010 APPLICABILITY & GENERAL PROVISIONS

- A. At the time a structure is erected or enlarged, or the use of a structure or parcel of land is changed within any zone, off-street parking spaces, loading areas and reservoir areas shall be provided in accordance with the requirements of this chapter unless other requirements are otherwise established as a part of the development approval process.
- B. The provision and maintenance of off-street parking and loading spaces are the continuing obligation of the property owner.
- C. No building or other permit shall be issued until plans are approved through Design Review that show the property that is and will remain available for exclusive use as off-street parking and loading space as required by this chapter. The use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this chapter.
- D. Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it shall be unlawful and a violation of this ordinance to begin or maintain such altered use until the required increase in off-street parking or loading is provided and the plan approved through Design Review.
- E. Required parking spaces and loading areas shall be improved to the standards contained in this

chapter and shall be available for use at the time of the final building inspection except as provided in 46.150.

46.020 ADMINISTRATION & APPROVAL PROCESS

- A. The administration and approval process is set forth in chapter 55.000 Design Review, Section 55.020.
- B. The provisions of Chapter 55.000 apply except 55.080 The Application, does not apply where the application for approval is limited to the approval of changes to an existing parking, loading or reservoir area or the application does not involve approval of an overall site plan.
- C. Where the provisions of 55.080 do not apply, the applicant shall include the completed application form and 15 copies of each of the following except for each drawing submitted, there shall be eight copies of the original scale and seven copies reduced to a paper size not greater than 8 x 17 inches.
 - 1. A copy of plan drawn to scale showing all the elements necessary to indicate that the requirements of 55.000 are met and it shall include but not be limited to:
 - a. The delineation of individual parking and loading spaces and their dimensions;
 - b. The location of the circulation area necessary to serve spaces;
 - c. The access point(s) to streets, alleys and properties to be served;
 - d. The location of curb cuts;
 - e. The location and dimensions of all landscaping, including the type and size

of plant material to be used, as well as any other landscape material incorporated into the overall plan.

f. The proposed grading and drainage plans; and

g. Specifications as to signs and bumper guards.

2. Names and addresses of all who are property owners of record within 300 feet of the site shall be determined by the Director.

D. The requisite fee shall be paid.

46.030 APPROVAL STANDARDS

A. Approval shall be based on the standards set forth in this chapter; Chapter 46, Access and Circulation; and the applicable standards set forth in 55.100, Design Review.

46.040 JOINT USE OF A PARKING AREA

A. Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the City in the form of deeds, leases, contracts to establish the joint use.

B. If a joint use arrangement is subsequently terminated, the requirements of this chapter will thereafter apply to each use separately.

46.050 STORAGE IN PARKING & LOADING AREAS PROHIBITED

Required parking spaces shall be available for the parking of passenger automobiles of residents, customers, patrons and employees only, and the required parking spaces shall not be used for storage of vehicles or materials or for the parking of trucks connected with the business or use.

46.060 MAXIMUM DISTANCE ALLOWED BETWEEN PARKING AREA & USE

- A. Off-street parking spaces for single and two family dwellings and townhouses shall be located on the same lot with the dwelling.
- B. Off-street parking spaces for uses not listed in A above shall be located not further than 200 feet from the building or use they are required to serve, measured in a straight line from the building with the following exceptions:
 - 1. Shared parking areas, as provided by 46.040 for commercial uses which require more than 40 parking spaces may provide for the spaces in excess of the required 40 spaces up to a distance of 300 feet from the commercial building or use.
 - 2. Industrial and manufacturing uses which require in excess of 40 spaces may locate the required spaces in excess of the 40 spaces up to a distance of 300 feet from the building.

46.070

COMPUTATION OF REQUIRED PARKING SPACES AND LOADING AREA

- A. Where several uses occupy a single structure or parcel of land or a combination of uses are included in one business, the total off-street parking spaces and loading area shall be the sum of the requirements of the several uses, computed separately.
- B. Where square feet are specified, the area measured shall be gross floor area under the roof measured from the faces of the structure, excluding only space devoted to covered off-street parking or loading.

- C. Where employees are specified, the employees counted are the persons who work on the premises including proprietors, executives, professional people, production, sales and distribution employees, during the largest shift at peak season.
- D. Fractional space requirements shall be counted as a whole space.
- E. Parking spaces in the public street or alley shall not be eligible as fulfilling any part of the parking requirement.

46.080 MINIMUM OFF-STREET PARKING SPACE REQUIREMENTS

A. Residential Parking Space Requirements

- | | |
|---|---|
| 1. Single-family Residences (attached or detached) on a local street. | 2 spaces for each dwelling unit, one of which may be covered |
| 2. Single-family Residences (attached or detached) on a collector or arterial street. | Exclusive of garage 2 spaces for each dwelling unit. |
| 3. Two-family Residences. | Same as single-family. |
| 4. Multi-family Residences -
(a) Studio
(b) 1 Bedroom Apartment
(c) 2 (or more) bedroom apartments | 1 space for each unit.
1.5 spaces for each unit.
2 spaces for each dwelling unit. |
| 5. Residential Hotel, rooming and boarding houses. | Spaces for 80% of the guest room or suites plus 1 space for each 2 employees. |

- | | | |
|--|--|---|
| 6. | Convalescent home, home for the aged, home for children, welfare or correction institutions, sanatorium or nursing home. | 1 space for each 3 beds or patients plus 1 space for each 2 employees. |
| 7. | Manufactured/Mobile Home | Two spaces per mobile home unit. |
| 8. | Senior Citizen/Handicapped Housing facilities. | One space for each 3 units plus 1 space for each 2 employees. |
| B. <u>Public & Semi- Public Buildings & Uses</u> | | |
| 1. | Hospitals. | 1 and one-half space for each bed, including bassinets. |
| 2. | Club, lodge or association. | Spaces to meet the combination of uses 46.070(A). |
| 3. | Library. | One space per 400 square feet of reading area plus one space per two employees. |
| 4. | Churches, mortuaries, auditoriums, meeting rooms. | 1 space for every 4 fixed seats or every 8 feet of bench length or every 28 square feet where no permanent seats or benches are maintained (in main auditorium, sanctuary or place of worship). |
| 5. | Museum, art gallery. | 1 space for each 500 square feet of floor area, plus 1 space for each 2 employees. |

6. Preschool, kindergarten, elementary school, junior high school or equivalent private or parochial school. 1.5 spaces for every employee, plus 1 space for each 100 square feet of floor area in the auditorium or other assembly room, or 1 space for each 8 seats.
7. Senior high, college, or commercial trade school or equivalent private or parochial school. Exclusive of parking required for dormitory facilities, 1 space for each employee, plus 1 space for every 6 students, or 1 space for every 4 seats in an auditorium or stadium facility which ever is greater. The larger number of the above three standards applies.
8. Swimming pool, tennis courts or other similar recreational uses operated by a non-profit, neighborhood club or association. 1 space per 200 feet of covered floor area.
- C. Commercial
1. Restaurants: Eating and drinking establishments
- (a) Cafe, Diner, Taverns
Bars, Lounges 1 space for every every 100 square feet of gross floor area.
(ORD.1180;5/86)
2. General Retail Store except as provided below. 1 space for every 200 square feet of gross floor area. (ORD.1180; 5/86)

- | | |
|---|--|
| 3. Retail-Bulky (i.e., automobiles, furniture, appliances such as stoves, refrigerators, etc.) | 1 space for every 600 square feet of gross floor area. (ORD.1180; 5/86) |
| 4. Service and Repair Shops (not directly attached or associated with furniture, appliance or automobile retail sales). | 1 space for every 500 square feet of gross floor area. (ORD.1180; 5/86) |
| 5. Professional offices, banks and savings and loans. | 1 space for every 300 square feet of gross area (ORD. 1180; 5/86) |
| 6. Medical/Dental Clinics. | 1 space for every 200 square feet of gross floor area. (ORD.1180;5/86) |
| 7. Hotel, motel or tourist court. | 1 space for each guest room plus 1 space for each 2 employees. |
|
D. <u>Commercial Recreation</u> | |
| 1. Auditorium, stadium, gymnasium, indoor arena or theater | 1 space for each 4 seats or 8 feet of bench length or 1 space for each 40 square feet of floor area. |
| 2. Bowling Alley | 5 spaces for each alley, plus 1 space for each 2 employees. |
| 3. Pool Hall or Billiard Hall | 1 space per table plus 1 space per 2 employees. |

- | | |
|--------------------------------|--|
| 4. Dance Hall or skating rink. | 1 space for each 50 square feet of gross floor area, plus 1 space for each 2 employees.. |
| 5. Amusement Park | 1 space for each 1,000 square feet of gross area, plus 1 space for each 2 employees. |
| 6. Go-Kart track. | 1 space per kart plus one space per employee. |
| 7. Golf driving range. | 1 space per 10 linear feet of driving line. |
| 8. Indoor area or theater. | 1 space per four seats or eight feet of bench length. |
| 9. Race track or stadium | 1 space per six seats or 12 feet of bench length. |
| 10. Shooting gallery. | 1 space per 500 square feet of floor area plus one space per two employees. |
| 11. Swimming pool. | 1 space per 100 square feet of floor area plus one space per two employees. |
| 12. Tennis court. | 1 space per court. |
| E. <u>Industrial</u> | |
| 1. Manufacturing use | 1 space per employee. |
| 2. Storage or wholesale use. | 1 space per employee plus one space per 700 square feet of patron serving area. |

46.090 PARKING REQUIREMENTS FOR UNLISTED USES

- A. Upon application and payment of fees, the Commission as provided by Section 99.060(B) may rule that a use, not specifically listed in 46.080 is a use similar to a listed use and that the same parking standards shall apply. The ruling on parking requirements shall be based on the requirements of Chapter 99 and findings that:
1. The use is similar to and of the same general type as a listed use;
 2. The use has similar intensity, density and off-site impacts as the listed use; and
 3. The use has similar impacts on the community facilities as the listed use.
- B. This section does not authorize the inclusion of a use in a zone where it is not listed or a use which is specifically listed in another zone or which is of the same general type and is similar to a use specifically listed in another zone.
- C. The Planning Director shall maintain a list of approved unlisted uses parking requirements which shall have the same affect as an amendment to this chapter.

46.100 RESERVOIR AREAS REQUIRED FOR DRIVE-IN USES

All uses providing drive-in service as defined by this code shall provide on the same site a reservoir for inbound vehicles as follows:

<u>Use</u>	<u>Reservoir Requirement</u>
Drive-in Banks.	5 spaces/service terminal.
Drive-in Restaurants.	10 spaces/service window.
Drive-in Theatres.	10% of the theatre capacity.
Gasoline Service Stations.	3 spaces/pump.

Mechanical Car Washes. 3 spaces/washing unit.
 Parking Facilities --
 Free flow entry. 1 space/entry driveway.
 Ticket dispense entry. 2 spaces/entry driveway.
 Manual ticket dispensing. 8 spaces/entry driveway.
 Attendant parking. 10% of that portion of parking capacity served by the driveway.

46.110 DRIVEWAYS REQUIRED ON SITE

A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading passengers shall be located on the site of any school or other meeting place which is designed to accommodate more than 25 people at one time.

46.120 OFF-STREET LOADING SPACES

A. Buildings or structures to be built or substantially altered which receive and distribute material or merchandise by truck shall provide and maintain off-street loading and maneuvering space as follows:

---Gross Floor Area---

<u>Land Use</u>	<u>At Which 1st Berth is Required</u>	<u>At Which 2nd Berth is Required</u>
Industrial:		
Manufacturing	5,000 sq. ft.	40,000 sq. ft.
Warehouse	5,000	40,000
Storage	10,000	100,000
Commercial:		
Wholesale	10,000	40,000
Retail	10,000	20,000
Service Establishments	10,000	40,000
Comm. Recreational (incl. bowling alley)	10,000	100,000
Restaurants	5,000	25,000
Laundry	10,000	25,000
Office Building	10,000	100,000

Hotel	10,000	100,000
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Institutional:

Schools	10,000	100,000
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Hospitals	10,000	100,000
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Sanitariums (homes)	10,000	100,000
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Public Buildings:

Terminals	5,000	40,000
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Auditoriums	10,000	100,000
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Arenas	10,000	100,000
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Funeral Homes	10,000	100,000
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46.130 DESIGN & STANDARDS

A. The following standards, including Figures 1 and 2 in this chapter, and the applicable standards set forth in 55.000 apply to the design and improvement of areas used for vehicle parking, storage, loading and travel:

1. Except as otherwise defined in this code, "one standard parking space" means a minimum for a parking stall of 9 feet in width and 20 feet in length. To accommodate compact cars more efficiently, up to 25% of the available parking spaces may have a minimum dimension of 8 feet in width and 18 feet in length so long as they are identified as compact car stalls and are not readily accessible to large cars.
2. Excluding single-family and duplex residences, groups of more than five parking spaces shall be served by a service drive so that no backing movements or other

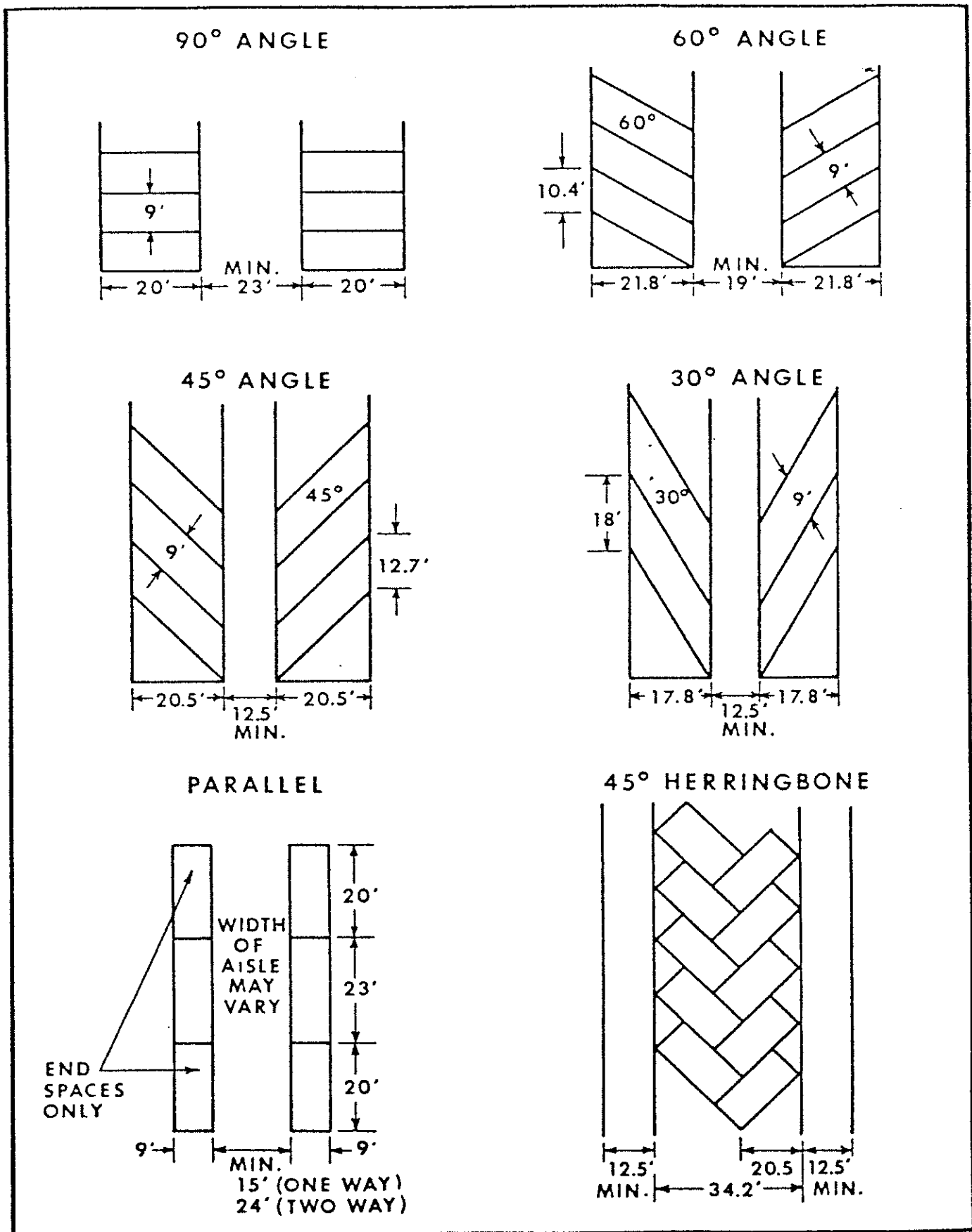


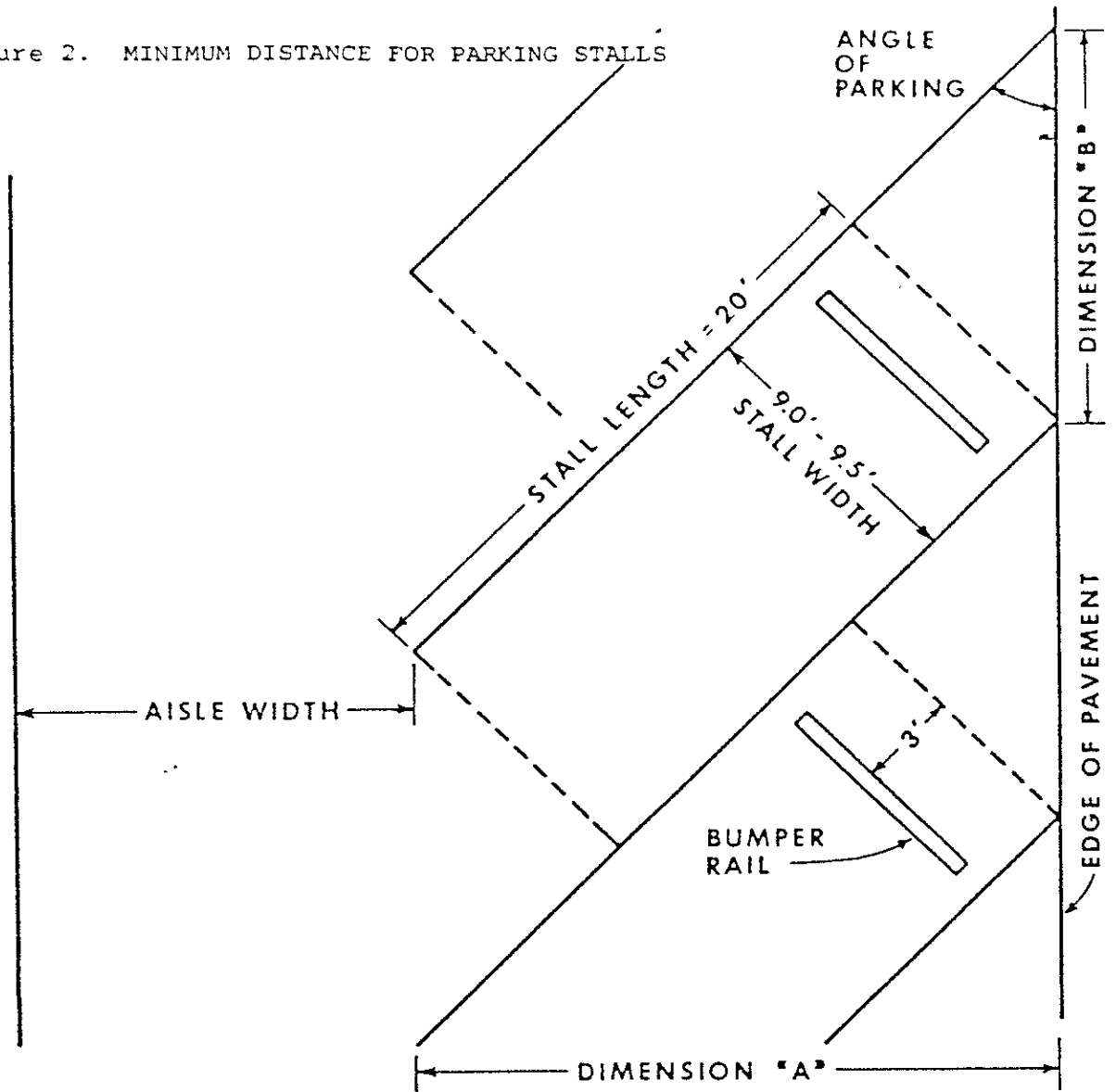
Figure 1. MINIMUM STANDARDS FOR PARKING LOT LAYOUT

maneuvering within a street or other public right-of-way would be required.

3. Service drives shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and maximum safety of pedestrians and vehicular traffic on the site.
4. Each parking and/or loading space shall be accessible from a street and the access shall be of a width and location as described in this code.
5. Parking space configuration, stall and access aisle size shall be of sufficient width for all vehicles turning and maneuvering, and according to the minimum standard as shown in figures 1 and 2 of this chapter.
6. Except for single and two-family residences, any area intended to be used to meet the off-street parking requirements as contained in this chapter shall have all parking spaces clearly marked using a permanent paint. All interior drives and access aisles shall be clearly marked and signed to show direction of flow and maintain vehicular and pedestrian safety.
7. Except for single and two-family residences, all areas used for the parking and/or storage and/or maneuvering of any vehicle, boat and/or trailer shall be improved with asphalt or concrete surfaces according to the same standards required for the construction and acceptance of city streets.

8. Off-street parking spaces for single and two-family residences shall be improved with an asphalt or concrete surface to specifications as approved by the Building Official.
9. Access drives from the street to off-street parking or loading areas shall be designed and constructed to facilitate the flow of traffic and provide maximum safety for pedestrian and vehicular traffic on the site. The number of access drives shall be limited to the minimum that will allow the property to accommodate and service the anticipated traffic. Access drives shall be clearly and permanently marked and defined through use of rails, fences, walls or other barriers or markers on frontage not occupied by service drives.
10. Access drives shall have a minimum vision clearance as provided in Chapter 42.000, Clear Vision Areas.
11. Parking spaces along the boundaries of a parking lot or adjacent to interior landscaped areas or sidewalks shall be provided with a wheel stop at least 4 inches high located 3 feet back from the front of the parking stall as defined in Figure 1, of this chapter.
12. Off-street parking and loading areas shall be drained in accordance with specifications approved by the City Engineer to assure that ponding does not occur.

Figure 2. MINIMUM DISTANCE FOR PARKING STALLS



ANGLE OF PARKING	DIRECTION OF PARKING	AISLE WIDTH		DIMENSION "A"		DIMENSION "B"	
		STALL WIDTH		STALL WIDTH		STALL WIDTH	
		9.0'	9.5'	9.0'	9.5'	9.0'	9.5'
30°	DRIVE-IN	12.5'	12.5'	17.8'	18.2'	18.0'	19.0'
45°	DRIVE-IN	12.5'	12.5'	20.5'	20.9'	12.7'	13.4'
60°	DRIVE-IN	19.0'	18.0'	21.8'	22.1'	10.4'	11.0'
60°	BACK-IN	17.0'	17.0'	21.8'	22.1'	10.4'	11.0'
90°	DRIVE-IN	23.0'	23.0'	20.0'	20.0'	9.0'	9.6'
90°	BACK-IN	22.0'	22.0'	20.0'	20.0'	9.0'	9.6'

13. Artificial lighting on all off-street parking facilities shall be designed to deflect all light away from surrounding residences and so as not to create a hazard to the public use of any road or street.
14. Signs which are placed on parking lots shall be as prescribed in Chapter 55.000 and Chapter 52.000 Signs.
15. All parking lots shall be kept clean and in good repair at all times. Breaks in paved surfaces shall be repaired promptly and broken or splintered wheel stops shall be replaced so that their function will not be impaired.
16. The maximum driveway grade shall be twelve (12) percent.

46.140 DRAINAGE OF OFF-STREET PARKING AND LOADING FACILITIES
Except for single and two-family residences, off-street parking and loading facilities shall be drained to avoid flow of water across public sidewalks.

46.150 PERFORMANCE BOND, OR SECURITY REQUIRED
If due to weather conditions, the lack of available surfacing material or other circumstances beyond the control of the owner, make completion of the parking lot impossible, the owner may apply for an extension of up to 12 months by posting "security" equal to 125% of the cost of the parking lot with the City, assuring installation within 12 months. "Security" may consist of a performance bond payable to the City, cash, certified check, time certificates of deposit, assignment of a savings account or other such

assurance of access to funds necessary for completion as shall meet the approval of the City Attorney. Upon acceptance by the Planning Director or his designee of the approved "security", the owner may be allowed occupancy for a period of 12 months. If the installation of the parking improvement is not completed within the 12 months, the City shall have access to the security to complete the installation and/or revoke occupancy. Upon completion of the installation, any portion of the remaining security minus administrative charges of 15% shall be returned to the owner. Costs in excess of the posted security shall be assessed against the property and the City shall thereupon have a valid lien against the property which shall become due and payable. Application for acceptance of security shall be accompanied by a fee established by Council resolution.

MEDIUM DENSITY

14.000 SINGLE FAMILY RESIDENTIAL ATTACHED AND
DETACHED/DUPLEX, R4-5

14.010 PURPOSE

The purpose of this zone is to provide for urban development at levels which relate to the site development limitations to the area's proximity to commercial and public facilities and public transportation and to the surrounding development pattern. This zone is intended to carry out the intent of the Comprehensive Plan which is to provide for a choice in housing types and is intended to implement the policies and locational criteria in the plan for medium density residential housing.

14.020 PROCEDURES AND APPROVAL PROCESS

- A. A use permitted outright, Section 14.030 is a use which requires no approval under the provisions of this code. If a use is not listed as a use permitted outright, it may be held to be a similar unlisted use under the provisions of Chapter 80.
- B. A use permitted under prescribed condition, Sections 14.030, is a use for which approval will be granted provided all the conditions are satisfied; and
 - 1. The Planning Director shall make the decision in the manner provided by 99.060(A)(2), Administrative Procedures, except that no notice shall be required; and
 - 2. The decision may be appealed by the applicant to the Planning Commission as provided by Section 99.240(A).
- C. The approval of a conditional use (Section 14.060) is discretionary with the Planning Commission. The approval process and criteria

for approval are set forth in Chapter 60, Conditional Uses. If a use is not listed as a conditional use, it may be held to be a similar unlisted use under the provisions of Chapter 80.

D. The following code provisions may be applicable in certain situations:

1. Chapter 65, Non-conforming Uses in Structures.
2. Chapter 66, Non-conforming Structures.
3. Chapter 67, Non-conforming Uses of Land.
4. Chapter 68, Lots of Record.
5. Chapter 75, Variances.

14.030 PERMITTED USES

The following uses are uses permitted outright in this zone:

1. Single-family detached residential unit.
(Ord.1180, 5/14/86)
2. Duplex residential units.
3. Single family attached residential units.
4. Community recreation.
5. Public support facilities.
6. Residential care facility.
7. Utilities: minor.

14.040 ACCESSORY USES

Accessory uses are allowed in this zone as provided by Chapter 34.

14.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

The following uses are allowed in this zone under prescribed conditions.

1. Home occupations, Type I, subject to the provisions of Chapter 37.
2. Sign, subject to the provisions of Chapter 52.
3. Temporary uses, subject to the provisions of Chapter 35.

4. Water dependent uses, subject to the provisions of Chapters 28, 30 and 34.

14.060 CONDITIONAL USES

The following uses are conditional uses which may be allowed in this zone subject to the provisions of Chapter 60, Conditional use.

1. Children's day care center.
2. Cultural exhibits and library services.
3. Medical and dental offices or clinic.
4. Nursing home.
5. Postal Services.
6. Professional & Administrative services
7. Public Safety facilities
8. Recycle Collection Center. (Ord.1172;9/85)
9. Religious assembly.
10. Schools.
11. Utilities: major.
12. Senior Citizen/handicapped Housing Facilities with a maximum number of units 50 percent above the allowed density for the property provided that in addition to the provisions of chapter 60 the following conditions shall apply.
 - a. Facilities intended for senior citizens shall be restricted to persons 60 years and older. In the case of couples, one member of the couple shall be 60 years or older.
 - b. Building height restrictions shall be the same as the subject zoning district.
 - c. Community space and related equipment shall be required to provide social and recreational opportunities for project occupants. Included may be such facilities as game rooms, meeting rooms,

music or craft rooms. At least one community room within a project shall include a service area with a kitchen sink, counter top and storage cabinets, and shall have easy access to a storage area sized to store tables, chairs and janitorial supplies. All complexes shall have a minimum of 15 square feet of community space per occupant, based on one person per bedroom.

- d. Congregate dining facilities providing regular daily meals for residents shall be provided.
- e. A minimum of 10 square feet of general storage area other than regular kitchen, bedroom and linen storage shall be provided within each unit. Complexes which do not include laundry facilities in the units shall have adequate laundry facilities accessible to all tenants.
- f. The maximum number of units allowed in a senior citizens or handicapped housing facility shall be as follows.
 - (1) Medium-High Density District (R-2.1). The base density shall be 50 percent above the allowed density for the property.
 - (2) Medium Density District (R-4.5). The density shall be 50 percent above the allowed density for the property.
- g. The design of the building(s) and the site and landscaping plans shall be

subject to design review, 55.000.

Special consideration for this use are the following.

- (1) Structures shall be compatible in style, color, materials, and scale with the general character of the neighborhood.
- (2) The building design and site layout shall define recognizable semi-public, semi-private and private spaces; insure a sense of protection and community identity; and minimize barriers to handicapped or elderly persons.
- (3) A minimum of 25 percent of the property shall be in landscaping. The landscaping shall include areas for outdoor recreation, pedestrian access and amenities, and adequate site and sound buffering of adjacent properties.
- (4) No more than 25 percent of the total number of units may be used for nursing care patients.
- (5) Minimum front, rear and side yard setbacks shall be the same as the underlying district unless the Board finds that a greater setback is indicated by uses and structures on surrounding properties or unique circumstances of the site.

DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND
USES PERMITTED UNDER PRESCRIBED CONDITIONS

Except as may be otherwise provided by the provisions
of this code, the following requirements are the
requirements for uses within this zone:

1. The minimum lot size shall be:
 - a. For a single family detached unit, 4,500 square feet.
 - b. For each attached single family unit, 4,000 square feet.
 - c. For a duplex, 8,000 square feet or 4,000 square feet for each unit.
2. The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.
3. The average minimum lot width shall be 50 feet.
4. The minimum average lot depth shall be 90 feet.
5. The minimum yard dimensions or minimum building setback areas from the lot line shall be:
 - a. For a front yard, 20 feet; except for steeply sloped lots where the provisions of Section 41.010 shall apply.
 - b. For an interior side yard, 5 feet.
 - c. For a side yard abutting a street, 15 feet.
 - d. For a rear yard, 20 feet.
6. The maximum building height shall be two and one-half stories or 35 feet except for steeply sloped lots in which case the provisions of Section 41.000 shall apply.
7. The maximum lot coverage shall be 40 percent.

8. The minimum width of an accessway to a lot which does not abut a street or a flag lot shall be 15 feet.

14.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES

Except as may otherwise be established by this code, the appropriate lot size for a conditional use shall be determined by the approval authority at the time of consideration of the application based upon the criteria set forth in Section 60.070(1) and (2).

14.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

A. The following standards apply to all development including permitted uses:

1. Chapter 34, Accessory Structures
2. Chapter 36, Temporary Uses
3. Chapter 38, Additional Yard Area Required
Exceptions to Yard Requirements, Storage in Yards and Projections into Yards
4. Chapter 40, Building Height Limitations and Exceptions
5. Chapter 41, Structures on Steep Lots, Exceptions.
6. Chapter 42, Clear Vision Areas
7. Chapter 44, Fences and Screening of Storage Areas
8. Chapter 46, Off-street Parking and Loading
9. Chapter 48, Access
10. Chapter 52, Signs
11. Chapter 54, Installation and Maintenance of Landscaping

B. The provisions of Chapter 55, Design Review apply to all uses except detached single family dwellings.

CHECK LIST AND AFFIDAVITS

We, the undersigned employees for the City of West Linn, Oregon, do hereby certify that the following tasks were completed on the dates indicated below:

GENERAL

File No. Misc-86-04
Applicant's Name
Development Name
Pre-application Conference (Date) (Signed)
Application Received (Date) (Signed)
Application Completion Review (Date) (Signed)
Notice Completed as per Section 99.090 of the Community Development Code (Date) 3-27-86 (Signed) hls
Scheduled Meeting/Decision Date

Posted and mailed to papers Bus Group Neigh. Assoc

NOTICE (Check one below)

Type A

- 1. At least ten (10) days prior to the scheduled hearing or meeting, notice was sent by mail to the following as per Section 99.080 of the Community Development Code.
A. The applicant (Date) (Signed)
B. Property owners within 300 feet of the proposed development (Date) (Signed)
C. Affected government agencies (Date) (Signed)
D. Affected neighborhood associations (Date) (Signed)
E. All parties to an appeal or review (Date) (Signed)
2. At least ten (10) days prior to the scheduled hearing or meeting, notice was published once a week in the newspaper, and an affidavit of publication was made a part of the record.
A. Tidings (Date) (Signed)
B. Enterprise (Date) (Signed)
3. At least ten (10) days prior to the scheduled hearing or meeting, a sign as per Section 99.080(A)(c) of the Community Development Code, and a copy of Notice were posted on the property (Date) (Signed)

Type B

- 1. At least ten (10) days prior to the scheduled meeting or decision date, notice was sent by mail to the following as per Section 99.080 of the Community Development Code.
A. The applicant (Date) (Signed)
B. Abutting property owners of the proposed development (Date) (Signed)
C. Affected government agencies (Date) (Signed)
D. Affected neighborhood associations (Date) (Signed)
2. At least ten (10) days prior to the scheduled meeting or decision date, a sign as per Section 99.080(B)(b) of the Community Development Code, and a copy of Notice were posted on the property (Date) (Signed)

Type C

- 1. At least ten (10) days prior to the scheduled meeting or decision date, notice was sent by mail to the following as per Section 99.080 of the Community Development Code.
A. The applicant (Date) (Signed)
B. Affected neighborhood associations (Date) (Signed)
2. At least ten (10) days prior to the scheduled meeting or decision date, a sign as per Section 99.080(C)(1) of the Community Development Code, and a copy of Notice were posted on the property (Date) (Signed)

No Notice Required

STAFF REPORT

Staff report written (Date) (Signed)
Staff report typed (Date) (Signed)
Staff report mailed to applicant (Date) (Signed)
Staff report mailed to Council/Planning Commission/Traffic Safety Commission Chairperson/Design Review Board, as applicable (Date) (Signed)

FINAL DECISION

Final decision/motion notice completed (Date) (Signed)
Final decision/motion notice mailed to applicant (Date) (Signed)
Final decision/motion notice mailed to all parties to the action (Date) (Signed)
Final decision notice mailed to Planning Commission for a Class I Variance, Minor Partition, and Enlargement or Alteration to a Single Family Structure (Date) (Signed)
Copy of relevant minutes placed in file (Date) (Signed)

Records Retention and Destruction Schedule

Administrative Documents

166-40-060 This schedule includes Directives and formal documentation filed in the general administrative office of any agency or required filing office (Secretary of State, County Clerk, City Auditor or Recorder, etc.) and general administrative (housekeeping) records which relate to facilitative operations common to all offices (as distinguished from program or substantive records that relate to primary functions of an office).

RECORD SERIES	MINIMUM RETENTION PERIOD
<p>(1) ADMINISTRATIVE ORDERS of State agencies</p> <p>(a) Agency file of orders adopting, amending or repealing rules with supporting documents (notices, copy of rule or amendment adopted, minutes and record of hearing, if required).</p> <p>(b) Copy filed with the Secretary of State. After repeal.</p> <p>(c) Orders in contested cases.</p> <p>(d) Sound and mechanical recordings of hearings:</p> <p style="padding-left: 20px;">(A) Fully transcribed.</p> <p style="padding-left: 20px;">(B) Summarized in findings.</p> <p>(SEE ALSO: Orders, Ordinances & Resolutions)</p>	<p>Permanent</p> <p>7 years</p> <p>10 years</p> <p>90 days</p> <p>5 years</p>
<p>(2) AGREEMENTS OR CONTRACTS</p> <p>(a) For cooperation with other government agencies. Original copy.</p> <p>(b) For research or technical advisory services provided by private persons, businesses or other agencies. After maturity.</p> <p>(c) For maintenance of equipment. After period of service and maintenance completed satisfactorily.</p> <p>(d) Fiscal office copy. After maturity.</p> <p>(e) All other copies. After maturity.</p>	<p>Permanent</p> <p>7 years</p> <p>2 years</p> <p>7 years</p> <p>2 years</p>
<p>(3) BOND AUTHORIZATION FILE</p> <p>Includes authorization, supporting financial data, contracts or sale agreements, and specimen or sample copy of bond for each issue of bonds sold as evidence of agency indebtedness.</p>	<p>Permanent</p>
<p>(4) BONDS, FIDELITY, PERFORMANCE, OR POSITION, posted by elected officials, individual employes, or groups of employes.</p>	<p>25 years</p>
<p>(5) CHARTER, AND AMENDMENTS THERETO.</p>	<p>Permanent</p>
<p>(6) CONSTRUCTION CONTRACTS. (With Specifications and Change Orders).</p> <p>(a) Record copy.</p> <p>(b) Other duplicate copies. After acceptance of construction.</p>	<p>Permanent</p> <p>2 years</p>
<p>(7) CORRESPONDENCE, POLICY & HISTORICAL,</p> <p>Includes copies of letters sent and received, notes, memoranda, and formal documents which state or form the basis for policy, set precedent, or record important events in the operational and organizational history of the agency and its subordinate offices. This series, organized by subject, must usually be deliberately created.</p>	<p>Permanent</p>

RECORD SERIES

MINIMUM
RETENTION
PERIOD

Agency procedures should be established to insure filing of copies or pertinent records in the series, and to provide for transfer of records from subordinate offices and other record series to the agency Policy and Historical file during regularly scheduled file purging and retirement. This record series can be used very efficiently to consolidate small annual accumulations from other permanent record series for retirement to archives storage.

(8) CORRESPONDENCE, FISCAL.

7 years

Contains copies of letters sent and received pertaining to accounts payable or receivable, or to private or public fiscal obligations. After payment or when determined unrecoverable.

(9) CORRESPONDENCE, ROUTINE.

1 year

Includes copies of letters sent and received, notes, acknowledgments, transmittals, and memoranda which pertain only to completed routine matters handled in accordance with existing policy and procedures. May be weeded from case files or from correspondence files which also contain policy and historical or fiscal material.

(10) CRISIS OR SPECIAL EVENT RECORDS.

Permanent

Includes diaries, logs, reports, photographs and notes which document what happened, when, and where, the results of any preliminary planning, and the extent of damages from storms, riots, fires, droughts, floods, and other events affecting citizens and facilities within the jurisdiction of the agency.

(11) DEEDS TO LANDS OWNED.

Permanent

Includes supporting appraisals, abstracts of title, and documentation on history of acquisition of any lands owned by the agency.

(12) DEEDS TO LAND SOLD.

With supporting documentation.

After recording and receipt of final payment.

2 years

(13) DIRECTIVES ISSUED.

Permanent

Includes procedure manuals and work rules for employes.

(14) EMPLOYE DESK NOTES.

1 year

Includes calendars, logs, and diaries recording information used in reports, EXCEPT those recording a crisis or special event.

(15) INSURANCE POLICIES, EXPIRED.

(a) Fire, theft, or extended coverage. No claims outstanding.

2 years

(b) Liability, motor vehicle accident, and group insurance for employes. No claims outstanding.

10 years

RECORD SERIES

MINIMUM
RETENTION
PERIOD

(16) LEASES

For office space, machinery, equipment, use of lands, and other real estate. After termination.

7 years

(17) MINUTES OF BOARDS, COMMISSIONS, AND COUNCILS

Includes minutes of all meetings of the governing body of any agency and of any boards, commissions, or similar organizations created by statute, order, or ordinance. The record should contain a list of those present, a record of subjects discussed, statements of intent, a record of action taken, and any evidence on which the action was based.

(a) Record copy (kept by Clerk, Recorder, or Secretary).

Permanent

(b) Members copies, after completion of service.

2 years

(c) Agendas only (if included in minutes).

1 year

(18) OATHS OF OFFICE (Elective, Appointive, and Statutory Officials).

(a) State Offices. Record copy.

Permanent

(b) Initial officials of political subdivisions.

Permanent

(c) Successors to initial officials. After termination.

7 years

(d) Employes. After termination.

1 year

(19) ORDERS, ORDINANCES, AND RESOLUTIONS

Of governing bodies of cities, counties, and special districts. Record copy.

(a) Directive or Legislative in nature.

Permanent

(b) Routine orders approving fiscal transactions, except fiscal office copy.

2 years

(20) PHOTOGRAPHIC FILES

Permanent

Consisting of pictures selected to document activities, illustrate publications, and visually record events. Includes negatives and full identification (dates, names, places, and occasions) of each picture.

(21) PLANS AND PLATS

For buildings, facilities, and areas administered by the agency. Includes best available copies of surveying, architectural, engineering and landscaping drawings of present facilities (including plans prior to major modifications) and abandoned underground facilities. The record copy of plans of new construction or remodeling should be "as-built" on permanent record quality paper or mylar, or be on archival quality 105mm film.

(a) Record Copy.

Permanent

(b) Preliminary and duplicate use copies. After acceptance of construction.

7 years

(22) PUBLICATIONS AND DIRECTORIES ISSUED. Record Copy.

Permanent

This copy may be either the final manuscript or a printed copy. Note: State agencies are required to furnish copies of their publications to the State Library for distribution and exchange

RECORD SERIES

MINIMUM
RETENTION
PERIOD

with other libraries (ORS 182.070). Political subdivisions should provide copies of their publications to their local libraries. This is particularly recommended for limited-edition special studies, proposals, and surveys to make them more readily accessible to the public. These distribution copies are not the record copy which must be retained by the agency or in its archives.

(23) REPORTS AND STUDIES, HISTORICAL

Permanent

Includes narrative and statistical reports, studies, surveys, plans, and proposals which have long-term administrative or research value, including periodic reports and memoirs from agency offices or employes, and special reports or studies received from consultants. This series includes year-end reports compiled to document the agency's programs, services, problems, and cumulative transactions.

(24) REPORTS, ROUTINE

1 year

Includes reports, not scheduled as separate record series as program records, made by individual employes reporting work progress, status, or minor incidents.

(25) SOUND AND MECHANICAL RECORDINGS

Of hearings and meetings of governing bodies:

(a) Fully transcribed.

90 days

(b) Summarized in formal findings and orders.

5 years

(c) Summarized in minutes.

1 year

(26) WORKSHOP, SEMINAR, CONFERENCE AND CELEBRATION RECORDS

This series consists of files resulting from agency-sponsored training and public relations meetings, or celebration of special occasions such as pioneer days or centennials.

(a) Substantive promotional and information documentation, attendance summaries, and final reports.

Permanent

(b) Organizational detail and correspondence.

2 years

(c) Programs, agenda, and rosters.

1 year

Statutory Authority: ORS 357.895 and 192.105

Records Retention and Destruction Schedule

Fiscal

166-40-070 This schedule is applicable to housekeeping records of all offices. It includes some program records in specified offices because they serve as the Record Copy of a series and provide the basis for the shorter retention periods established for the Housekeeping copies in other offices. It is not all inclusive. Care must be exercised to insure proper identification of record series to which it is applied. The location of the Record Copy must be clearly established before any office assumes that their copy is a duplicate or subordinate. No records of fiscal transactions may be destroyed prior to completion of required statutory audits (including Federal) of the period covered, and computer magnetic tape records (other than scheduled intermediate versions) of fiscal transactions must be retained until after audit, regardless of paper or microfilm duplication or retention period established.

PART I - Accounting Records

RECORD SERIES	MINIMUM RETENTION PERIOD
<p>(1) AUDIT AND FINANCIAL REPORTS, STATUTORY</p> <p>Reports of audits or Financial Statements prepared by, or in accordance with rules of, the State Auditor, and filed in compliance with statutes.</p>	
(a) State agency and county copy prior to 1935.	Permanent
(b) State auditor copy 1935 to date.	Permanent
(c) City and Special District copies prior to 1961.	Permanent
(d) State agency copy after 1935.	10 years
(e) County copy after 1935 and City and Special District copies after 1961.	3 years
(f) County copy of Taxing District Reports.	3 years
(g) Duplicate copies filed by action officers.	3 years
<p>(2) AUDIT REPORTS, INTERNAL</p> <p>Management, operations, and fiscal audits prepared by an agency's own staff for monitoring, control, and improvement purposes; with supporting work papers.</p>	
(a) If discrepancies reported.	6 years
(b) No discrepancies, or action completed.	3 years
<p>(3) AUTHORIZATION OF SIGNATURES</p> <p>Certification that name employes are authorized to sign checks, contracts, purchase orders, travel documents, disbursement vouchers or other fiscal documents. Superseded.</p>	
	7 years
<p>(4) AUTHORIZATION TO DISBURSE OR TRANSFER FUNDS</p>	
(a) Fiscal Office copy.	7 years
(b) Administration copy.	2 years
<p>(5) AUTHORIZATION TO CANCEL OUTSTANDING WARRANTS</p>	
(a) Fiscal Office copy.	6 years
(b) Administration copy.	2 years

RECORD SERIES

MINIMUM
RETENTION
PERIOD

(6) BALANCE (RECONCILIATION) RECORDS	Permanent
Consolidated record of status of all funds (Financial Statement), the year-end report only, if cumulative on a monthly or quarterly basis.	
(7) BALANCE (BUDGET) REPORTS	3 years
Daily, monthly, or quarterly reports on status of funds, bank accounts, investments, reconciliations, and forecasts of receipts and disbursements.	
(8) BANK DEPOSITORY APPLICATIONS	
Applications received from banks to serve as a depository for public funds, with statements of condition.	
After rejection or cancellation.	2 years
(9) BANK DEPOSIT BOOKS (RECORD)	
Record of deposits and withdrawals in savings or term accounts. After closing of account, book, or record.	2 years
(10) BANK DEPOSIT SLIPS	2 years
(11) BANK STATEMENTS	2 years
Periodic statements of transactions in checking accounts.	
(12) BANK STATEMENTS OF INTEREST PAID ON DEPOSITS	7 years
(13) BONDS AND COUPONS, Paid or Redeemed.	2 years
(14) BOND RECEIPTS FOR BONDS OR COUPONS	
Transmittal receipts to and from purchasers or bonded agency. After redemption.	5 years
(15) BOND RECEIPTS FOR PAYMENT	
Copy of receipt taken for payments on interest coupons or principle on bonds cancelled.	7 years
(16) BUDGETS ADOPTED	
(a) Record copy.	Permanent
(b) Agency or office duplicates.	2 years
(17) BUDGET WORK FILES	Current
Retain all documentation through next budget preparation and bring forward to new work file statistical and research data still required. Retire to Policy and Historical File any documentation of research value after it is of no further value in preparation of budgets.	

RECORD SERIES	MINIMUM RETENTION PERIOD
(18) CHECK REGISTERS (WARRANT REGISTER) Includes stub books if separate Register is not created.	12 years
(19) CHECK STUB BOOKS (WARRANT STUBS) Not required as a Register.	2 years
(20) CHECK (WARRANT) LISTS (a) Of those outstanding or unredeemed. (b) Prepared for other purposes.	Current 2 years
(21) CHECK (WARRANTS) OR COUNTY ORDERS ISSUED AS WARRANTS (a) Paid or redeemed. (b) Returned as unclaimed or unredeemed. (c) Duplicates of those issued.	7 years 12 years 2 years
(22) CLAIM FILES Bills, Invoices, statements, and vouchers which serve as exhibits in support of all disbursements. May include copies of Purchase Orders, payment authorization, report of receipt of goods or services, and checks or warrants.	7-1/2 years
(a) Paid. Agency Record Copy. NOTE: Flag and transfer to Policy and Historical File claims for land acquisition, major building construction, and individual employe salaries if not recorded in a separate payroll or earnings record.	7-1/2 years
(b) Paid. Duplicate in State Executive Department.	3 years
(c) Paid. Duplicates in other offices.	2 years
(d) Rejected or unpaid. Agency Record Copy.	12 years
(e) Rejected or unpaid. Duplicates in other offices.	7-1/2 years
(23) JOURNAL, FISCAL ACCOUNT Contains chronological entries for all receipts and disbursements. May be titled Cash or Day Book.	Permanent
(a) With detailed entries which include payee or payor and purpose.	7 years
(b) Citing only Receipt or Voucher number.	7 years
(24) JOURNAL OF RECEIPTS A County record, for payments to school and other taxing districts.	7 years
(25) LEDGER, APPROPRIATION AND MISCELLANEOUS ACCOUNTS	Permanent
(26) LEDGER, BUDGET Includes encumbrances and duplicates General Ledger.	7 years
(27) LEDGER, GENERAL (May also be titled Budget or Disbursement Ledger).	Permanent
(28) LEDGER, ACCOUNTS RECEIVABLE, OR PAYABLE. After payment or cancellation of obligation.	5 years

RECORD SERIES	MINIMUM RETENTION PERIOD
(29) LEDGER, COUNTY TREASURER, ACCOUNTS PAYABLE To school and other taxing districts.	7 years
(30) LEDGER, TRUST FUNDS After payments completed and balance reduced to zero.	7 years
(31) LEDGER (OR REGISTER), BONDS Upon redemption of all bonds and coupons.	7 years
(32) LEDGER, ROAD COSTS (COUNTY) (a) Prior to 1920 (b) Since 1920	Permanent 12 years
(33) PARKING CITATIONS (TICKETS) (a) Satisfied. (b) Unsatisfied. After dismissal by the Court. (c) Stubs, of tickets issued.	1 year 1 year 2 years
(34) POSTAGE METER AND REGISTERED MAIL RECORDS	2 years
(35) RECEIPT TAPES (CASH REGISTER) for control of balances.	2 years
(36) RECEIPTS ISSUED (copies or stubs) for monies received. (a) State Treasurer's Office Receipts. (b) Agency Business Office, Fiscal Office or Treasurer (other than State) copies. (c) Payment receiving office (if the receipts are not Program Records for the office).	25 years 7 years 2 years
(37) RECEIPTS FOR MONIES PAID TO TAXING DISTRICTS	2 years
(38) RECEIPTS FOR REDEEMED WARRANTS, checks or county orders returned by Treasurer.	2 years
(39) RECEIPTS FOR SECURITIES DEPOSITED BY BANKS With supporting correspondence after return of securities.	7 years
(40) RECEIPTS FOR TURNOVER OF FUNDS AND TAXES To Treasurer or Fiscal Office, with supporting reports. (a) State agencies. (b) City, County, or District Agencies: (A) Treasurer or Fiscal Office copies. (B) Departmental copies.	7 years 7 years 2 years
(41) RECEIPTS (LISTS) FOR WARRANTS (CHECKS) Forwarded to agency for distribution to payees.	2 years
(42) REPORTS, ACCOUNTS RECEIVABLE STATUS	Current

MINIMUM
RETENTION
PERIOD

RECORD SERIES

(43) REPORTS, COSTS OR STATUS of Public Works and Equipment Rentals.	2 years
(44) REPORTS, COURT FINES OR FEES COLLECTED	7 years
(45) REPORTS, MILEAGE OR USE OF PUBLICALLY-OWNED VEHICLES	2 years
(46) REPORTS, TRUST FUND BALANCES	Current
(47) TOLL TICKETS FOR BRIDGE AND FERRY TOLLS This series include Toll slips and daily tapes.	2 years
(48) VOUCHERS, JOURNAL Documents which instruct, authorize, or direct bookkeepers or accountants to transfer funds between accounts.	7 years

PART II - Payroll Records

RECORD SERIES	MINIMUM RETENTION PERIOD
(1) PAY CHANGE NOTICES This series includes assignments, claims, and notices and reports received by the payroll preparation or certifying office of advances, emergency payments, termination payments, advances from Revolving Funds, deductions for leave, and other salary adjustments.	2 years
(2) PAYCHECK ADDRESS OR DEPOSIT AUTHORIZATION Instructions or authorizations from an employe to mail check to a specified address or deposit it in a specified bank account. After revoked, superseded, or employe terminated.	2 years
(3) PAY INITIATION DOCUMENTS Includes personnel action or notice of appointment of a new employe, annual pay card and changes, academic time certificate, credit hours taught memos, and similar authorizations for the Fiscal Office to set up a payroll account for a new, returning, or casual temporary employe.	3 years
(4) PAY RECORD, INDIVIDUAL EMPLOYEES A cumulative earnings record for each employe which includes name of employe, social security number, positions held, dates (or hours) for which paid, gross salary, and retirement contributions withheld and paid. May be in the form of an Individual Employee Earnings Record, a Payroll Ledger, a Payroll Journal, a Register, a cumulative year-end report, or (if a separate cumulative pay record is not maintained for each employe) Monthly or cumulative Year-End Payrolls for all employes which contain the required data for each employe. This record series must be identified before applying this schedule to the following Payroll Journal, Ledger, Records, Register, or Report series.	Permanent
(5) PAYROLL JOURNAL	5 years*
(6) PAYROLL LEDGER	5 years*
(7) PAYROLL RECORD	5 years*
(8) PAYROLL REGISTER	5 years*
(9) PAYROLL REPORTS Budget, computation, periodic, and deduction listings for State, Federal, and employe-authorized deductions, including withholding taxes, retirement, social security, insurance, charitable, etc. Also includes reports of liens, salary advances, and undelivered Forms W-2. (a) If data can be reconstructed from a Journal, Ledger, Record, Register, or Year-end Report.	2 years*

RECORD SERIES

MINIMUM
RETENTION
PERIOD

(b) If data cannot be so reconstructed.	5 years*
*NOTE: The retention period for the Payroll Journal, Ledger, Record, Register, or Report series is PERMANENT for any period for which the Pay Record, Individual Employee series does not exist. One or more of these series may be required to supply the necessary data.	
(10) PAYROLL WITHHOLDING AUTHORIZATIONS After lapse or superseded.	5 years
(11) PAYROLL WITHHOLDING OR ASSESSMENT BILLINGS Received from insurance and other types of agencies, with receipts for payment.	2 years
(12) PAYROLL WORKSHEETS AND SOURCE DOCUMENTS Prepared for computer in-put from other documents within the office which are covered by this schedule.	
(a) Editing and correction copies.	Upon correc- tion.
(b) Budget preparation copies.	Through next budget pre- paration.
(c) Computer service bureau copies.	Upon comple- tion of the run.
(13) TIME RECORDS FOR EMPLOYES	2 years
This series includes Time Cards, Daily Attendance Reports, Time Sheets (Gang and Job), Absence or Leave Reports (Sick and Vacation), Overtime Authorization or Certification, Physician's Certificate for Sick Leave, Attendance Exception Reports, and similar records reporting compensable time worked. It does NOT include contractors employe or work time reports submitted in support of claims. Extended retention may be required if the work time reported is chargeable to a Federal Grant or Funded Project.	
(14) UNEMPLOYMENT COMPENSATION CLAIM REPORTS	2 years
Reports, with associated correspondence, received from the Employment Division of a claim submitted by a former employe.	
(15) U.S.SAVINGS BOND STUBS and other records of issuance and transmittal.	2 years
(16) VACATION RECORDS, Staff Schedules, and Leave Requests.	2 years
(17) WORKER'S COMPENSATION REPORTS	
(a) Employer's report of injury or disease, statements of payments made, and other documents resulting from claims. After employe returns to work, resigns, or retires.	4 years
(b) Class rate and experience rating notices and corres- pondence.	4 years

PART III - Supply Records

RECORD SERIES	MINIMUM RETENTION PERIOD
(1) BID TABULATION RECORDS, all bids received.	15 years
(2) BIDS ACCEPTED Includes copy of call for bids on purchases or contracts, with specifications.	
(a) Fiscal or purchasing copy.	15 years
(b) Duplicate in other files.	2 years
(3) BIDS REJECTED	2 years
(4) INVOICES, BILLS, AND STATEMENTS Copy of billings issued to other agencies, employes, or others for authorized services or supplies furnished.	6 years
(5) ISSUE TICKETS OR RECEIPTS For gasoline, oil, rock, gravel, or other consumable supplies issued for authorized use.	2 years
(6) PURCHASE ORDERS (if copy filed in Claim Files).	
(a) Fiscal Office copy.	2 years
(b) Ordering office copies, after receipt.	3 months
(7) REQUISITIONS FOR SUPPLIES AND SERVICES	
(a) Fiscal Office, purchasing, or Supply copy.	1 year
(b) Ordering office copies, after receipt.	3 months

Statutory Authority: ORS 357.895 and 192.105

Records Retention and Destruction Schedule

Personnel Records

166-40-080 This schedule is applicable to housekeeping records relating to employes and personnel administration in state and local agencies. It is not applicable to personnel program records maintained in the State Executive Department Personnel Division, Employment Relations Board, or Public Employes Retirement Board, or in local agencies responsible for providing centralized personnel services by administering a Civil Service (Merit) system.

MINIMUM
RETENTION
PERIOD

RECORD SERIES

(1) INDIVIDUAL EMPLOYEE (PERSONNEL) FOLDERS

Case files containing records related to an individual employe. This series includes the following records for each employe, whether filed in the case files or separately: initial employment application, record of appointment (letter, order, notice, etc.), record of training completed, employe contracts, oaths of office or allegiance, approved applications for sabbatical or educational leave, surety bond records, record of health or disability limitations on job assignments, record of on-the-job injuries or job-related disease, summary record of service (or copies of all transaction documents recording change of name, promotion, demotion, reclassification, transfer, termination, reinstatement, or retirement), and copies of the last two Position Descriptions of duties performed by the employe. This file may also be used to file employe-related records which are scheduled for temporary retention. It is kept current by removing such temporary records upon expiration of the retention periods specified for them.

- (a) Temporary Employes (not more than 90 days) and Student Workers, if not injured on the job. After termination.
- (b) All other Employes.

2 years
Permanent

(2) APPLICANT EXAMINATION (TEST) RECORDS

30 days

(3) APPLICATIONS AND SELECTION FILES

Including interview records, evaluations, letters of recommendation, References from previous employers, and back-ground check reports.

- (a) For Applicants Hired (may be filed in Individual Employe's folder):
 - (A) Application.
 - (B) Other Selection records.
- (b) For Applicants Not Hired.

Permanent
3 years
90 days

(4) CERTIFICATION OF ELIGIBLES

Lists, arranged in qualifying score order, of applicants eligible for appointment to a position, with supporting request.

3 years

(5) COLLECTIVE BARGAINING FILES

- (a) Contracts.
- (b) Minutes, sound recordings, and reports of collective

Permanent

RECORD SERIES

MINIMUM
RETENTION
PERIOD

bargaining negotiations or meetings, with associated correspondence and exhibits. After termination of negotiations or contracts, whichever is later.

1 year

(6) GRIEVANCE CASE FILES

- (a) Resulting in major modifications of employer's policy.
- (b) Resulting in single corrective action or no action.

Permanent
3 years

(7) LETTERS OF RECOMMENDATION

3 years

(8) LETTERS OR REPRIMAND

3 year

(9) LETTERS OF RESIGNATION

*or upon return to agency employment.

3 years*

(10) MERIT RATINGS (Performance Appraisals)

3 years

(11) NOTICE OF DISCIPLINARY ACTION

3 years

(12) NOTICE OF LAYOFF

3 years

(13) PERSONNEL INVENTORIES (Reports)

- (a) Monthly report of current established positions, except July report.
- (b) July report.

Current
Permanent

(14) PERSONNEL TRANSACTION DOCUMENTS (Personnel Actions)

- (a) Recording change of name, promotion, demotion, reclassification, transfer, termination, reinstatement, or retirement. (May be filed in Individual Employee's Folders).
- (b) Reporting salary changes only.

Permanent
3 years

(15) POSITION DESCRIPTIONS

Specifying duties to be performed by an employe.

- (a) Two most recent for each employe at time of termination. (May be filed in Individual Employee Folder).
- (b) Other copies for positions established.
- (c) For positions or reclassification not approved, with supporting documents.

Permanent
Current

1 year

(16) RESEARCH FILES

Comparative salary surveys, collective bargaining, fringe benefits, manning standards, minimum qualifications, recruitment, training, etc.

- (a) Unpublished data.
- (b) Data published in detail, with correspondence. After publication.

6 years

3 years

(17) STATISTICAL REPORTS

Current

RECORD SERIES

MINIMUM
RETENTION
PERIOD

(18) TRAINING RECORDS

- | | |
|--|---------|
| (a) Contracts or agreements for employe training courses or programs, with specifications and correspondence or worksheets. | 6 years |
| (b) Course outlines and materials. | Current |
| (c) Enrollment and attendance records. | 2 years |
| (d) Applications or requests from employes for training, educational leave, schedule adjustments, or time off for training or education. | 3 years |

Statutory Authority: ORS 357.895 and 192.105

Records Retention and Destruction Schedule

Court Records

166-40-200 This schedule is applicable to program records of the Circuit and District Courts, and to program records of the Justice of the Peace, and to County and Federal District Court records in matters over which jurisdiction has been transferred by statute to other courts since formation of the State, in the custody of the Court, Court Administrator, County Clerk, or other officer designated by charter or law. Retention periods are established by statute for some of the record series listed (which are included in this schedule only for convenience of reference in efficiently managing the records). In any conflict between this schedule and statute-mandated retention or destruction, the statute shall govern.

PART I - Jury and Witness Records

RECORD SERIES	MINIMUM RETENTION PERIOD
<p>(1) GRAND JURY REPORTS. Record copy. Includes only reports on condition and management of Public Institutions and courts.</p>	Permanent
<p>(2) JURORS CERTIFICATES. Form completed by juror to determine exemption or to provide data on travel for mileage estimate.</p>	3 years
<p>(3) JUROR'S REQUEST TO BE EXCUSED with copy of replies from judge.</p>	3 years
<p>(4) JURY LISTS, PRELIMINARY. Includes court orders, minutes of drawings, and similar documents relating to selection of jury panels.</p>	3 years
<p>(5) JURY REGISTER (Jury Payroll or Jury Book). A record which contains names of Regular panel, grand jurors, and reserve jurors; with dates of attendance, discharge or excuse; mileage, and fees earned.</p>	6 years
<p>(6) JURY SIGN-IN SHEETS (ROLL CALL), DAILY.</p>	3 years
<p>(7) JURY AND WITNESS CLAIMS (Cost Bills). Includes affidavits or certificates of distance traveled and time served.</p>	3 years
<p>(8) RECORD OF TRIALS (Record of Jurors and Witnesses, Record of Witnesses and Jurors, Departmental Jury Book). Record of participants in trials. Lists case number, dates, names of plaintiff, defendant, attorneys, jurors accepted and excused, names of witnesses, type of case, and verdict.</p>	Permanent
<p>(9) WITNESS BOOK (Witness Fee Book, Register of Witnesses, or Witness Claims Register). Recording, under the title of each suit: names, attendance, and mileage of witnesses, with fees earned.</p>	6 years

PART II - Court Financial Records

RECORD SERIES	MINIMUM RETENTION PERIOD
(1) AUTHORIZATION NOTICES AND WARRANT REQUEST FORMS. Court copy of vouchers submitted to the Fiscal Office authorizing disbursement of funds or requesting reimbursement of expenditures.	2 years
(2) BAIL AND APPEAL BOND RECORDS. Includes undertaking, copy of receipt given, verification of relationship and net worth, copy of check taken, copy of order exonerating or forfeiting bail or security, and copy of receipt taken for return of bail or securities. (See also: Receipts for Fines, etc.).	
(a) Criminal cases:	5 years
(b) Civil and Domestic cases. After notice to appellant of final action on appeal:	30 days
(3) CASH BOOK (JOURNAL).	7 years
(4) DAILY RECORD OF COURT INCOME AND CUSTODIAL REPORTS.	7 years
(5) MONTHLY REPORTS OF FINES AND FEES.	2 years
(6) RECEIPTS FOR FINES, Fees, Bail, Executions, and Judgments. Copy of receipts issued.	
(a) Duplicated in Clerk's, Finance, or Treasurer's Office.	2 years
(b) Record copy.	7 years
(c) Copies in Bail and Appeal Bond Records (See that series).	
(7) RECORD OF FINES AND FEES COLLECTED AND DEPOSITED.	7 years
(8) REGISTER OF FEES RECEIVED (Numerical District Court Register). IF this record does NOT serve as the Register of actions required by ORS 7.020:	10 years

PART III - Judicial Records

RECORD SERIES	MINIMUM RETENTION PERIOD
(1) CALENDAR (Bar Docket, Trial Docket, Trial Schedule). Schedules prepared to notify trial and hearings participants of dates and times set for appearances.	90 days
(2) CITATIONS for Violations. For fish, game, marine, traffic, littering and other violations for which citation is authorized. IF each citation and action thereon is entered in the Docket required by ORS 46.740, 51.120 or 55.140 (if not so entered, and action is entered on the citation in lieu of docketing, see DOCKET):	
(a) Bail paid and no trial.	5 years
(b) Judgment entered. After sentence complete.	5 years
(3) DOCKET, District and Justice's Court. A book, or equivalent record required by ORS 46.740, 51.120, and 55.140.	Permanent
(4) EXECUTION DOCKET. (ORS 7.050).	10 years
(5) FILES OF THE COURT (Case Files, Trial Court File). Case files containing all papers or process filed in any action, suit or proceeding. Includes separately filed and maintained case files (probate, adoption, filiation, juvenile, etc.) required by statute to be kept separate.	
(a) Circuit Court Files.	Permanent
(b) Probate Case Files, Circuit, County, District, and Justice's Courts.	Permanent
(c) District Court Files and Exhibits other than Probate:	
(A) Criminal Cases, Judgment entered, after expiration of sentence:	5 years
(B) Criminal Cases, Dismissed or no judgment of conviction entered, after date of last action:	5 years
(C) Civil Cases, Dismissed or no Trial held:	5 years
(D) Civil Cases, Judgment satisfied or not renewed:	10 years
(E) Civil Cases, Judgment renewed, after date of renewal:	10 years
(d) Justice of the Peace Case Files:	
(A) Prior to 1880 in counties west of the Cascades:	Permanent
(B) Prior to 1910 in counties east of the Cascades:	Permanent
(C) Criminal, and Civil cases where no judgment is outstanding, later than 1880 west of the Cascades and 1910 east of the Cascades:	6 years
(6) INDEXES to Dockets, Files, Journals.	
(NOTE: A microfilm security copy should be made of all indexes to permanent record series at not more than 10 year intervals. File cut-off at 1, 5 or 10 year intervals is recommended to avoid awkward cumulation.)	Same as the series Indexed

RECORD SERIES

MINIMUM
RETENTION
PERIOD

- | | |
|--|------------------------------------|
| (7) JOURNAL (Order Book) (ORS 7.040).
Includes separate journals required by statute for filiation,
juvenile, probate, etc. | Permanent |
| (8) JUDGMENT DOCKET (ORS 7.040). | 10 years |
| (9) NATURALIZATION AND IMMIGRATION RECORDS. | Permanent |
| (10) RECORD OF BONDS, PROBATE (ORS 7.240). | Permanent |
| (11) RECORD OF WILLS (ORS 7.240). | Permanent |
| (12) REGISTER of Action (ORS 7.020).
Includes Fee Register where that record is a consolidated
record as authorized by ORS 7.015 and constitutes the sole
register of action. | Permanent |
| (13) SUBPOENAS (both returned and unserved). | 3 years |
| (14) TRANSCRIPTS.
(a) Of testimony. (ORS 8.340, 8.350, and 8.360).
*See ORS 7.120. | Same as
records
transcribed* |
| (b) Of Judgments, after filing or renewal. | 10 years |

Statutory Authority: ORS 357.895 and 192.105

Records Retention and Destruction Schedule

District Attorney

166-40-275 This schedule is applicable to program records of the Office of District Attorney.

RECORD SERIES	MINIMUM RETENTION PERIOD
(1) CASE OR DOCKETED FILES	
From date judgment entered, action dismissed, reversed on appeal, or non-suit entered.	
(a) Murder, Treason, and Felonies, Class A or equal.	
(A) Judgment entered, sentence less than 57 years:	60 years
(B) Judgment entered, sentence 57 years or more.	
After expiration of sentence:	3 years
(C) Dismissed, or judgment of not guilty:	5 years
(b) Felonies, Class B, C, or unclassified.	
(A) Dismissed, found not guilty or sentence less than 30 days:	3 years
(B) Sentence 30 days or more. After expiration of sentence:	3 years
(c) Misdemeanors.	2 years
(d) Violations.	1 year
(e) County or State suits or contracts, except those listed below:	6 years
(A) County suits, liability.	2 years
(B) County suits, support, after final support payment.	2 years
(C) County suits, Eminent Domain or other real property rights, except water rights.	10 years
(D) Water rights and other civil causes not enumerated above.	Permanent
(2) CORRESPONDENCE, PROGRAM	
This series includes all correspondence not covered by the General Schedule for Administrative Documents (OAR 166-40-060) and not filed in case or investigation files.	
(a) Advice and recommendations to county offices on establishment, modification or discontinuance of policies or services, and studies, plans, research, or discussions of facilities, services, or issues in the criminal justice system.	Permanent
(b) Routine matters.	2 years
(3) GRAND JURY REPORTS on condition and management of Public Institutions and courts.	
(a) If filed with courts.	3 years
(b) Not filed with courts.	Permanent

RECORD SERIES

MINIMUM
RETENTION
PERIOD

(4) INVESTIGATION FILES

Investigation reports and documentation gathered as evidence, no information or indictment as a true bill filed by a grand jury, include grand jury notes.

- | | |
|--|-----------|
| (a) Murder, Treason, and Felonies, Class A or equal. | Permanent |
| (b) Felonies, Class B or equal. | 10 years |
| (c) Felonies, Class C or equal. | 5 years |
| (d) Misdemeanors. | 2 years |
| (e) Violations. | 1 year |
| (f) Support cases, closed. | 5 years |

(5) LIST OF INDICTMENTS RETURNED or schedules of persons awaiting grand jury hearings, cases pending, etc.

2 years

(6) COPIES OF OFFICIAL DOCUMENTS RECEIVED

Or solicited, but not used as the basis of investigations or cases:

- | | |
|---|---------|
| (a) Abortion certificates. | 5 years |
| (b) Accident reports. | 5 years |
| (c) Divorce complaints. | 3 years |
| (d) Dog complaints. | 3 years |
| (e) Driving under the influence of liquor (DUIL) reports. | 5 years |
| (f) Medical investigation reports. | 5 years |
| (g) Police or Sheriff reports. | 3 years |
| (h) Search warrants and affidavits. | 3 years |
| (i) Violation citations. | 1 year |

(7) OPINIONS OF THE DISTRICT ATTORNEY

Record copy of official opinions issued by the District Attorney to local agencies, with any index thereto.

Permanent

(8) OPINIONS SOLICITED FROM THE ATTORNEY GENERAL

Record copy, including copies of documents on which the request was based, of opinion requested on behalf of local agencies. With any index thereto.

Permanent

(9) STATE BREATHALYZER PERMITS.

Current

(10) REGISTER (DOCKET) OF OFFICIAL BUSINESS

Showing proceedings in any action, suit, or proceeding commenced or defended.

Permanent

Statutory Authority: ORS 357.895 and 192.105

Records Retention and Destruction Schedule

Records of the Recorder

166-40-300 This schedule is applicable to records in the custody of the County Clerk or other official performing the function of recorder of conveyances.

RECORD SERIES	MINIMUM RETENTION PERIOD
(1) CHATTEL MORTGAGE RECORD and indexes, includes liens upon chattels. After all mortgages or liens recorded in volume have matured. EXCEPTION: First volume and one sample volume for years 1900, 1920, 1940, and 1960 with matching indexes.	7 years Permanent
(2) CHATTEL MORTGAGES FILED, after maturity.	7 years
(3) COMMUNITY PROPERTY RECORD	Permanent
(4) DEED BOOKS (DEED RECORD), and matching indexes. Includes land claims records and may include leases.	Permanent
(5) DEEDS, recorded but not delivered.	7 years
(6) FEE BOOKS (RECEIVING BOOKS OR RECEPTION RECORD). Lists fees paid or instruments recorded or filed, including fees paid to the county treasurer.	7 years
(7) INHERITANCE TAX RECEIPTS. (Transfer tax record).	7 years
(8) FINANCING OR CONTINUATION STATEMENTS and matching indexes. (a) Lapsed or terminated files. (b) Matching indexes, on microfilm. (c) Matching index, unfilmed.	1 year. (ORS 79.4030(3)). Permanent 8 years
(9) LIMITED PARTNERSHIP RECORD	Permanent
(10) MAP PLAT BOOKS (TOWN PLAT BOOKS), as well as all original maps and plats.	Permanent
(11) MIGRATORY SLIPS (Notice to Motor Vehicles Department of chattel mortgages, etc).	3 years
(12) MINING CLAIMS RECORD and matching indexes. Includes affidavits, location notices and affidavits of co-owners.	Permanent
(13) MISCELLANEOUS RECORD BOOKS and matching index. May include: Affidavits explanatory of recorded documents. Articles of agreement. Bills of sale. Certified copies of death certificates. Military record. Powers of attorney. Records of assignments for benefit of creditors.	Permanent

RECORD SERIES

MINIMUM
RETENTION
PERIOD

- (14) MORTGAGE BOOKS (Mortgage record) for real property and matching index. Permanent
- (15) OIL AND GAS LEASE RECORD and matching indexes (see also Mining claims records, or Deeds books). Permanent
- (16) PATENT RECORD (Record of U.S. Land patents and Clear lists). Permanent
- (17) TORRENS SYSTEM RECORDS of registration of title. May include: Permanent
- (a) Cancelled certificates of title.
 - (b) Instruments, notices, orders and papers affecting registry (usually filed together under register number).
 - (c) Land registration docket (Record of court proceedings regarding title registry). Includes index, papers and exhibits.
 - (d) Map and Plat record and index (may be filed with other plats in the recorder's office).
 - (e) Register of titles (record of registry, title certificate, transfer and liens).
 - (f) Index to register of titles (by tract, number on plats and alphabetically by name of owner).
- (18) U.S. LIEN RECORD Permanent
- (19) UNSATISFIED MORTGAGES RECORD (if a record is compiled in addition to the Chattel Mortgage index). After satisfaction of all mortgages listed or after transfer of unsatisfied entries to a new record. 3 years

Statutory Authority: ORS 357.895

Records Retention and Destruction Schedule

Tax Collection Records

166-40-600 This schedule is applicable to the records of the county sheriff or other officer charged with tax collection responsibilities of the county.

RECORD SERIES	MINIMUM RETENTION PERIOD
(1) ASSESSMENT AND TAX ROLL, or tax roll as received from Assessor, whether a card system as a ledger of accounts receivable for taxed properties or a bound roll recording taxes collectible, current and delinquent with Assessor's certificate and Clerk's warrant. This includes print-outs from computer storage. Tax deferred roll for homesteads. Yield tax roll for timber, Reforestation assessment and tax roll for additional Tax on timber.	
(a) For all years through 1905.	Permanent
(b) Years 1906 and later (except years ending in 0 and 5).	50 years
(c) Years ending in 0 and 5 after 1905.	Permanent
(2) INDEXES TO BOUND TAX ROLLS (Item 1).	Permanent
(3) ANNUAL TAX STATEMENT compiled from the tax rolls, certified by the County Clerk.	Permanent
(4) TAX ROLL CONTROL LEDGER, or summary of taxes collected for each taxing district.	25 years
(5) TAX RECEIPTS for personal, real and utility taxes paid.	7 years. (ORS 311.361(4)).
(6) DAILY POSTING SHEETS to tax ledger.	2 years
(7) TAX CASH COLLECTION REGISTERS, with tax recapitulations of receipts showing distribution of taxes paid to taxing agencies. (ORS 311.365, Repealed 1965).	7 years
(8) REQUESTS FOR TAX STATEMENTS from mortgagees and notices of completion of payment and release of mortgage.	2 years after completion of payment.
(9) DOCUMENTS TO SUPPORT TAX SEPARATIONS and vouchers, correcting assessment and tax rolls.	
(a) After tax on personal property affected has been cancelled or collected.	1 year
(b) After real property for years affected has been foreclosed and deeded to the County.	1 year
(10) TAX COLLECTOR'S COPY OF WARRANTS FOR COLLECTION of delinquent taxes on personal property.	When paid or cancelled.
(11) TAX WARRANT LISTS.	7 years

RECORD SERIES

MINIMUM
RETENTION
PERIOD

(12) REAL PROPERTY FORECLOSURE ON LIEN LISTS and supporting documents. After redemption or foreclosure, when property is deeded to the County. (Record copies of documents are in Circuit Court Judgment files).

1 year

(13) SHERIFF'S CERTIFICATE OF REDEMPTION (Record copy is in Circuit Court Judgment files).

5 years

(14) INSTRUCTIONS FROM STATE OR FEDERAL OFFICIALS. Superseded.

2 years

Statutory Authority: ORS 357.895

Records Retention and Destruction Schedule

Health Department Records

166-40-1005 This schedule is applicable to the records of district, county or city health departments, or other department charged with health responsibilities of the county.

RECORD SERIES	MINIMUM RETENTION PERIOD
GENERAL ADMINISTRATION:	
(1) CORRESPONDENCE concerning major complaints involving extended investigation and/or litigation.	10 years
(2) MEDICAL INVESTIGATION CASE FILES, County copy only. (Note: Files in State Office of Chief Medical Investigator are indefinitely retained.)	5 years
(3) STATEMENT OF EXPENDITURES, monthly or quarterly. After audit by appropriate State or Federal agency.	2 years
(4) TABULATION OF LOCAL HEALTH DEPARTMENT SUMMARY REPORTS, or similar documents summarizing services statistically.	20 years
(a) Daily work sheets from all employes, when compiled into monthly reports.	1 month
(b) Monthly tabulation.	Until annual tabulation is received.
(c) Quarterly tabulations.	5 years
(d) Annual reports.	20 years
MEDICAL-NURSING RECORDS:	
(5) FAMILY SERVICE RECORDS. Contains records of service to a patient, specialized clinic records (Crippled children of all types, tuberculosis, venereal disease, etc.), family correspondence, reports and professional notations. Provided that significant findings are recorded on an index card for Tuberculosis and other cases with long term health implications (as defined by the local Health Officer). After last service.	7 years
EXCEPTION: (a) Professional notations, family correspondence, and reports in current service files which are summarized in the family service file or in registers.	7 years
(6) CLINIC SCREENING REPORTS, ABNORMAL for crippled children including hearing conservation case reports confirming Otolotic clinic reports, etc. with lists of pupils selected for further observation. (Note: Such records retained in family service files when nursing follow-up required--see Item 5).	3 years
(7) CLINIC SCREENING REPORTS, NORMAL CHILDREN including hearing conservation and Otolotic clinic reports.	Destroy with- out filing.
(8) COMMUNICABLE DISEASE INCIDENCE REPORTS	15 years

RECORD SERIES

MINIMUM
RETENTION
PERIOD

(9) EPIDEMIOLOGICAL REPORTS, GENERAL (Enteric, Brucellosis, Gonorrhoea, Hepatitis, etc.) unless filed in family service file. From date of completion of investigation.

1 year

(10) EPIDEMIOLOGICAL RECORDS. TUBERCULOSIS NEGATIVE CASES.

- (a) As recorded in pertinent family record of register card.
- (b) Otherwise.

As recorded
7 years

(11) EPIDEMIOLOGICAL REPORTS, VENEREAL DISEASE OR SYPHILIS After investigation is complete.

3 years

(12) IMMUNIZATION CARDS.

10 years

(13) IMMUNIZATION (Parents consent slips) AND TB X-RAY AUTHORIZATIONS.

7 years

(14) INDEX CARDS TO ALL FAMILY HEALTH RECORDS. After last service.

7 years

EXCEPTION: Tuberculosis and any other cases with long term health implications as defined by the local Health Officer.

- (a) For life of the individual.
- (b) Unknown to the Department 7 years.

On death
Aged 70

(15) LABORATORY REPORTS RELATING TO INDIVIDUALS

- (a) As recorded in pertinent family record or register card.
- (b) Otherwise.

As recorded
7 years

(16) MEDICAL CERTIFICATES for foodhandlers and teachers.

1 year

(17) MEDICAL HEALTH CASE SUMMARIES from Hospitals and other sources, not added to family service records (5).

2 years

(18) TUBERCULOSIS REGISTER (Active and Inactive), and index,

- (a) For life of the individual,
- (b) Unknown to the Department 7 years.

On death.
Aged 70

(19) TUBERCULOSIS X-RAY REGISTRATION CARDS and accompanying films for screening purposes.

7 years

(20) X-RAY FILMS SHOWING EVIDENCE OF DISEASE. After date of individual's last X-ray.

7 years

SANITATION RECORDS:

(21) APPLICATIONS FOR LICENSES after abandonment or change in licenses.

- (a) Restaurant licenses.
- (b) Permit to operate Ice factory.
- (c) Certificates of sanitation (for travelers accommodations and tourist parks).

7 years
2 years
7 years

RECORD SERIES

MINIMUM
RETENTION
PERIOD

(d) PERMITS (Commissary, Vending and Mobile units).	2 years
(22) LABORATORY REPORTS FOR WATER BACTERIOLOGICAL EXAMINATIONS.	1 year
(23) REPORT OF INSPECTION OF INDIVIDUAL SEWAGE DISPOSAL SYSTEMS:	
(a) Original inspection and plan, or inspection and plan of alteration or additions.	After system destroyed, abandoned, or disconnected.
(b) Reinspections. No alterations or additions.	2 years
(24) INSPECTION REPORTS (Restaurants, Travelers and tourist facilities, Ice factories, Schools and institutions food services, and Commissary, Vending, and Mobile units).	7 years
(25) COPIES OF LICENSES ISSUED (all types).	When renewed or audited.
(26) RENEWAL NOTICES FOR LICENSES.	Upon return without filing.
(27) SANITATION SERVICE AND LICENSE RECORD, filed forms or forms for closed establishments.	7 years
VITAL STATISTICS RECORDS:	
(28) BIRTH CERTIFICATES, abstracts or copies:	
(a) Through 1915, including record books chronologically listing births.	Permanent
(b) After 1915.	2 years
(29) DEATH CERTIFICATES, including fetal or stillbirths, abstracts or copies.	Permanent
(30) INDEXES TO BIRTH RECORDS, cards or books.	
(a) Through 1915.	Permanent
(b) After 1915.	Destroy
(31) BIRTH AND DEATH CERTIFICATES LISTS prepared for public inspection.	1 year
(32) BURIAL PERMIT STUBS.	1 year
(33) BURIAL TRANSIT PERMITS.	1 year
(34) REPORTS OF DEATH.	1 year

Statutory Authority: ORS 357.895

Records Retention and Destruction Schedule

Mental Health Clinic Records

166-40-1015 This schedule is applicable to records in community or county mental health clinics and private clinics which serve as a county clinic under a contract with a county, if the contract so provides.

RECORD SERIES	MINIMUM RETENTION PERIOD
<p>(1) FAMILY SERVICE, OR TREATMENT RECORD. Since last service. May include:</p> <ul style="list-style-type: none"> (a) Admission data form of which duplicate copy is sent to the Oregon State Mental Health Division. (b) Psychiatrist's diagnostic record. (c) Psychologist's testing and treatment record. (d) Social worker's treatment record. (e) Medical examinations or reports of outside physicians, including EGG charts. (f) Releases and communications from hospitals and clinics. (g) Termination data sheet, of which copy is sent to the Oregon State Mental Health Division. 	7 years
EXCEPTIONS:	
(A) Cases of serious disturbance with possible further complications or of value for staff training purposes, retained longer than 7 years.	On recommendation of staff members.
(B) PERMANENT TREATMENT RECORDS, with matching indexes and clinic journals, selected for research purposes in accordance with agreements with the Oregon Mental Health Division and the Clinics concerned, as records of a "Record" clinic to be used for state research.	On planned basis or Permanent.
(2) PENDING FAMILY SERVICE OR TREATMENT FILES, OR DOCUMENTS, which did not result in case records being opened. Would include hospital discharge summaries, reports from other clinics and doctors, police incident reports, and any therapy waiting list for pre-admission control record of new cases.	2 years
(3) INTAKE TAPES OF INTERVIEWS USED FOR DIAGNOSTIC STUDY, and movies taken for similar purposes. Unless retained for further diagnostic or staff training purposes, or substituted for detailed written diagnostic record in the family service or treatment record (Item 8).	At discretion of responsible staff member.
(4) ADMISSION JOURNAL or REGISTER OF APPLICATIONS, inactive. Provides name, sex, age, address, and case number, and other data needed to control intake and treatment or to handle transfer of cases to hospital, other clinics, etc.	7 years
EXCEPTION:	
Admission records retained under exception item (1) (b) above.	Permanent
(5) MENTAL HEARING LISTING and index maintained for the use of the committing court.	Permanent

RECORD SERIES

MINIMUM
RETENTION
PERIOD

(6) APPOINTMENT SCHEDULES, including group therapy, and weekly schedule for case workers, psychiatrists or other employes.

1 year

(7) INDEXES of various types to family service records.

Destroy with
matching
treatment
record.

(a) Index to individuals treated.

(b) Index to families (duplicated in County Health Office).

(c) Index to medication.

EXCEPTION:

Cards for treatment records transferred to Oregon State Mental Health Division under exception (1)(b) above.

(8) TABULATION OF COMMUNITY MENTAL HEALTH CLINIC ACTIVITIES or services.

(a) Daily records, when compiled into monthly report.

1 month.

(b) Monthly records.

20 years.

Statutory Authority: ORS 357.895

Records Retention and Destruction Schedule

Hospital Records

166-40-1025 This schedule is applicable to records in the offices of city, county, or district hospitals.

RECORD SERIES	MINIMUM RETENTION PERIOD
MEDICAL RECORDS:	
(1) ADMISSION AND OTHER REGISTERS AND INDEXES as specified by the Oregon State Board of Health Rules OAR 333-23-190(7). Admission register may vary in format, as application forms, summary cards or bound volumes. If duplicated between formats, priority of selection of record copy follows above order.	Permanent
(2) BIRTH AND DEATH CERTIFICATES, copy of documents forwarded to the State Board of Health.	7 years
(3) CENSUS OR STATISTICAL REPORTS.	
(a) Daily, when cumulated in monthly report or ledger.	2 months
(b) Monthly, if cumulated in annual report or ledger.	1 year
(c) Annual reports or ledger accumulated from daily or monthly reports.	Permanent
(4) EMERGENCY ROOM, OUTPATIENT OR DUPLICATE ADMISSIONS REGISTER as described in (1).	7 years
(5) INJURY REPORTS of accident within hospitals.	7 years
(6) INSURANCE COMPANY NOTICES of acceptance of patients claims:	
(a) After payment.	2 years
(b) If rejected.	7 years
(7) INTERNAL REVENUE SERVICE PERMIT TO USE ALCOHOL free of tax (Form 1447), supporting Applications (Form 2600), and Powers of Attorney and/or under signature authorization (Form 1534).	Permanent
(8) LABORATORY COPY OF RECORDS (original should be filed in case files).	1 year
(9) LICENSES FOR HOSPITALS AND PERMITS, after renewal.	2 years
(10) MEDICAL CASE FILES on discharged patients. As described by Oregon State Board of Health Rules, OAR 333-23-190(1) through (6).	25 years
(11) MEDICAL CLINIC RECORDS on discharged patients. As described by Oregon State Board of Health Rules, OAR 333-23-190(15).	7 years
(12) MOTOR ACCIDENT QUESTIONNAIRES and supporting papers for insurance purposes.	
(a) If determined unrecoverable.	5 years
(b) If determined recoverable.	7 years
(c) If judgment obtained but not satisfied.	10 years

MINIMUM
RETENTION
PERIOD

RECORD SERIES

- | | |
|--|-----------|
| (13) NARCOTIC SHEETS or records of distribution of prescription drugs. | 3 years |
| (14) NURSING RECORDS from floors or wards, such as bed books, and records of daily events and responsibilities, used basically to guide work. | |
| (a) If posted to medical case records. | 2 months |
| (b) If supplementary to medical records. | 5 years |
| (15) PATIENT'S PERSONAL PROPERTY LISTS AND RECEIPTS for valuables. After discharge. | |
| (a) For lists and receipts signed by patient. | 2 years |
| (b) For lists and receipts signed by others. | 2 years |
| (16) PHARMACY PRESCRIPTION RECORDS. | |
| (a) For hospital use (record is duplicated on medical chart). | 3 years |
| (b) For home use. | Permanent |
| (17) PHARMACY INVOICES for purchases of drugs including narcotics. | 3 years |
| (18) TAX FREE ALCOHOL USER REPORT (Form 1451) and supporting documentation of receipt and use, including Form 1473. Unless notice requiring further retention is received by the Assistant Regional Commissioner, Alcohol and Tobacco Tax Division, U.S. Internal Revenue Service. | 3 years |

Statutory Authority: ORS 357.895

Records Retention and Destruction Schedule

Nursing Home Records

166-40-1050 This schedule is applicable to records of city, county, or district nursing homes.

RECORD SERIES	MINIMUM RETENTION PERIOD
ADMISSION AND TREATMENT RECORDS:	
(1) ADMISSION AND DEPARTURE RECORD:	
(a) Application for admission.	Permanent
(b) Transfer information or report from Hospital of origin.	Permanent
(c) Financial plan for nursing home care (State Public Welfare Commission form PA 458A).	Permanent
(d) Information relating to persons expiring, used for processing at time of death.	Permanent
(e) Standard Certificate of Death (State Board of Health Form VS-2).	7 years
(f) Inmate admission request, or authorizations from County Physician, Court, or Board of Commissioners.	2 years
(2) ALPHABETICAL INDEX TO ADMISSION AND DEPARTURE RECORDS.	Permanent
(3) ADMISSIONS REGISTER, a book record:	
(a) For years not covered by (1).	Permanent
(b) Since (1) has been kept.	Destroy as duplicate.
(4) ALPHABETICAL INDEX TO ADMISSIONS REGISTER.	Permanent
(5) CORRESPONDENCE OR PERSONAL LETTERS, etc. to residents.	
(a) Upon death.	Give to nearest of kin.
(b) Upon discharge.	Give to Resident.
(6) REGISTER OF DEATHS.	7 years
(7) ADMISSIONS AND DEPARTURES, REPORTS AND DATA.	
(a) Annual reports, summary of operations.	Permanent
(b) Monthly reports, submitted to the County Court or Board of County Commissioners (purely statistical) if (a) is kept.	1 year
(c) Monthly report if annual report is not made.	Permanent
(d) Daily report, or resident census, if cumulated to annual reports or posted to log.	1 year
(e) Admission and departure log book or ledger.	Permanent
(f) Weekly report, sent to County Health Officer, Public Welfare, etc.	1 year
(g) Monthly report of deaths to County Auditor or Clerk, and to Health Department.	1 year
(h) Work papers for above reports, all types.	1 year
(8) VISITOR'S REGISTER.	10 years

RECORD SERIES

MINIMUM
RETENTION
PERIOD

- (9) TREATMENT OR MEDICAL CASE FILES. After death or discharge. 7 years
 May include permanent records described in (1) which must be re-
 tained, as well as:
- (a) Physician's order and progress record (medical charts).
 - (b) Nurses notes or records.
 - (c) Self care chart.
 - (d) Physical therapy progress report.
 - (e) Report of medical examination on admission.
 - (f) Referral sheets from other agencies, furnishing diagnosis
 and treatment plan.
 - (g) Medical evaluation report (SPWC Form 704 m).
 - (h) Resident's personal property list.
 - (i) Medical reports for outpatient clinic.
 - (j) Social worker's notes, for case followup.
 - (k) Tuberculosis card, recording X-ray and sputum tests.
 - (l) X-ray and other specialized reports.
- (10) X-RAYS
- (a) Most recent positive chest examination showing pathology 7 years
 after death.
 - (b) All other X-rays. 7 years
- (11) NURSING RECORDS from floors or wards used to guide work:
- (a) BED BOOKS, monthly time book or record containing name, 1 year
 room and bed number, used during nightly bed-check.
 - (b) TRANSFER SLIPS, book, or record reporting movements from one 1 year
 bed to another.
 - (c) WORK SCHEDULE for medical section employes, recording hours 1 year
 scheduled and hours worked.
 - (d) NURSES REPORT BOOK or record for information of new shifts. 1 year
 - (e) TREATMENT SCHEDULE BOOK or record, recording treatments due 1 year
 and given.
- (12) SUPPLY RECORDS:
- (a) Narcotic supply book or records, recording receipts, issues 3 years
 and balance on hand.
 - (b) Narcotic inventory reports, or "Certificate of Exempt Offi- 3 years
 cial Narcotics" (US IRS Form 1964).
 - (c) Record of floor stocks and issues, for supplies and medica- 3 years
 tions other than narcotics.
- ADMINISTRATIVE RECORDS:
- (13) ESTATE LIEN REQUESTS, from the County Auditor or Clerk to 2 years
 the Welfare Commission.
 - (14) PETTY CASH FUND REIMBURSEMENT VOUCHER. 2 years

RECORD SERIES	MINIMUM RETENTION PERIOD
(15) RECEIPTS FOR PAYMENTS RECEIVED on residents accounts (carbon copies).	7 years
(16) RECEIPTS SIGNED BY RESIDENTS for withdrawals from trust account, or payouts:	
(a) File or record copy.	7 years
(b) Duplicates.	1 year
(17) REPORTS OF ACCIDENTS within the home.	7 years
(18) RESIDENT MAINTENANCE JOURNAL.	2 years
(19) RESIDENT PAYROLL.	7 years
(20) RESIDENT'S PERSONAL PROPERTY LIST, or receipts, for valuables after death or discharge.	7 years
(21) TRUST ACCOUNT CONTROL JOURNAL.	7 years
(22) TRUST ACCOUNT LEDGER SHEETS, with zero balances or after escheat.	7 years

Statutory Authority: ORS 357.895



Oregon

John A. Kitzhaber, MD, Governor

Parks and Recreation Department

State Historic Preservation Office

725 Summer St NE, Ste C

Salem, OR 97301-1266

(503) 986-0690

Fax (503) 986-0793

www.oregonheritage.org

June 24, 2013

Ms. Sara Javoronok
2250 Salamo Rd.
West Linn, OR 97068

Dear: Ms. Javoronok

On June 14, 2013, The U.S. National Park Service approved additional documentation, including a name change and updated property list, for the listed historic district noted below:

WILLAMETTE HISTORIC DISTRICT

ROUGHLY BOUND BY WILLAMETTE FALLS DR TO THE NORTH, 12TH ST TO
THE EAST, 4TH AVE TO THE SOUTH, AND 15TH ST TO THE WEST
WEST LINN
NRIS # 09000768

The boundary of the district and the property's status as a listed resource in the National Register of Historic Places remain unchanged. If you have further questions about the National Register designation, please contact Ian Johnson, National Register & Survey Coordinator, at (503) 986-0678.

Sincerely,

Roger Roper
Deputy State Historic Preservation Officer

cc: Mayor John Kovash



United States Department of the Interior
National Park Service


Willamette Historic District
Name of Property Clackamas Co., OR
County and State N/A
Name of multiple listing (if applicable)

National Register of Historic Places Continuation Sheet

Section number Amendment Page 1

Willamette Falls Neighborhood Historic District
NRIS # 09000768
Date Listed: September 24, 2009

The purpose of this continuation sheet is to change the name of the Willamette Falls Neighborhood Historic District to the Willamette Historic District, address minor errors, and note non-contributing secondary buildings for six properties addressed at 1608, 1677, 1831, 1865, 1883, and 1891 6th Avenue. A complete nomination form, updated appendixes, and a new photo CD are submitted to address the name change throughout the documentation where the District's former name is noted. Minor changes to the form include the inclusion of a Period of Significance Justification and Summary Statement of Significance in the form, and removing the Waldon, Nicholas O., House, listed before the District was recognized, from the count of new properties added to the Register in Section 5. The updated information for the six buildings is noted in the revised property list.



Deputy State Historic Preservation Officer

5-1-13
Date

National Register of Historic Places
Date listed 6/14/2013
NRIS No. 09000768
Oregon SHPO

United States Department of the Interior
National Park Service

National Register of Historic Places
Date listed 6/14/2013
NRIS No. 09000768
Oregon SHPO

National Register of Historic Places Registration Form

This form is for use in nominating or requesting determinations for individual properties and districts. See Instructions in National Register Bulletin, *How to Complete the National Register of Historic Places Registration Form*. If any item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials, and areas of significance, enter only categories and subcategories from the instructions. **Place additional certification comments, entries, and narrative items on continuation sheets if needed (NPS Form 10-900a).**

1. Name of Property

historic name Willamette Historic District
other names/site number Willamette Falls Neighborhood Historic District (previous registered name)

2. Location

street & number District not for publication
city or town West Linn vicinity
state Oregon code OR county Clackamas code 005 zip code 97068

3. State/Federal Agency Certification

As the designated authority under the National Historic Preservation Act, as amended,

I hereby certify that this X nomination ___ request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60.

In my opinion, the property X meets ___ does not meet the National Register Criteria. I recommend that this property be considered significant at the following level(s) of significance:

___ national ___ statewide X local

5-1-13
Date

Signature of certifying official/Title: Deputy State Historic Preservation Officer

Oregon State Historic Preservation Office
State or Federal agency/bureau or Tribal Government

In my opinion, the property ___ meets ___ does not meet the National Register criteria.

Signature of commenting official _____ Date _____

Title _____ State or Federal agency/bureau or Tribal Government _____

4. National Park Service Certification

I hereby certify that this property is:

- ___ entered in the National Register
- ___ determined eligible for the National Register
- ___ determined not eligible for the National Register
- ___ removed from the National Register
- ___ other (explain:) _____

Signature of the Keeper

Date of Action

Willamette Historic District
 Name of Property

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5. Classification

Ownership of Property
 (Check as many boxes as apply.)

- private
- public - Local
- public - State
- public - Federal

Category of Property
 (Check only **one** box.)

- building(s)
- district
- site
- structure
- object

Number of Resources within Property
 (Do not include previously listed resources in the count.)

Contributing	Noncontributing	
38	26	buildings
		district
		site
		structure
		object
37	26	Total

Name of related multiple property listing
 (Enter "N/A" if property is not part of a multiple property listing)

N/A

Number of contributing resources previously listed in the National Register

Walden, Nicholas O., House, 1847 5th Avenue

6. Function or Use

Historic Functions
 (Enter categories from instructions.)

DOMESTIC: Single Dwelling

Current Functions
 (Enter categories from instructions.)

DOMESTIC: Single Dwelling

7. Description

Architectural Classification
 (Enter categories from instructions.)

LATE VICTORIAN
LATE 19TH AND EARLY 20TH CENTURY
AMERICAN MOVEMENTS
LATE 19TH AND 20TH CENTURY REVIVALS
LATE VICTORIAN

Materials
 (Enter categories from instructions.)

foundation: CONCRETE
 walls: WOOD; BRICK
 roof: ASPHALT
 other: _____

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Narrative Description

(Describe the historic and current physical appearance of the property. Explain contributing and noncontributing resources if necessary. Begin with a **summary paragraph** that briefly describes the general characteristics of the property, such as its location, setting, size, and significant features.)

Summary Paragraph

The Willamette Historic District is a single-family residential area located in West Linn, Clackamas County, Oregon approximately two miles upriver from Willamette Falls on the west side of the river. The district encompasses 15.4 acres and 64 primarily one- and two-story wood-frame residences in the Stick, Queen Anne, Craftsman, Colonial Revival, and later styles constructed between 1895 and the present. Many residences have garages or other secondary structures. Streets are laid in a regular rectilinear pattern, although street and sidewalk widths and treatments vary. Landscaping consists of ornamental lawns and foundation plantings. Mature trees and shrubs throughout the district convey the sense of a well-established neighborhood. In many cases properties surrounding the nominated area are part of the original town plat, these areas were not nominated as part of the district due to a lack of physical integrity or because they were developed later. See figure 3, Willamette Historic District Expanded Map, and the verbal boundary description in Section 10.

The proposed district is eligible for the National Register of Historic Places under Criterion A in the area of community planning and development. Willamette Falls was a designed speculative venture intended to capitalize on the expanding trade and manufacturing industries centered at Willamette Falls. In 1893, the Willamette Falls Company platted the nominated area with the intention of building a town. Under the direction of Nicholas O. Walden, businessman and real estate speculator, the company proceeded to construct what was to be a fully modern port city. To attract residents and business, plans for the development incorporated the latest amenities, including electric light, running water, sewer, and electric rail service. Although Willamette Falls never realized its founders' hopes, the original plat directed the town's growth for years to come. The district is also eligible under Criterion C for its intact collection of Victorian and early-twentieth century American styles of architecture. The district's period of significance spans from the building of the first residences in the district in 1895 to 1929, when construction halted due to the onset of the Great Depression and dwindling numbers of buildable lots. Within the district, 38 (59 percent) of the resources are contributing. The remaining 26 buildings are either noncontributing historic buildings or were built after the period of significance. The Nicholas O. Walden House at 1847 5th Avenue was individually listed in the National Register under Criterion B and C in 1984. See figures 2, 4, and 5 for a district map, statistics, and property list.

Narrative Description

GENERAL DESCRIPTION AND SETTING

The Willamette Historic District is located within the City of West Linn at northwest corner of Clackamas County, Oregon, ten miles south of Portland. The City is nestled in a bend on the west side of the Willamette River across from Oregon City on a ridge above the Willamette River floodplain. The nominated area is south of the geographic center of West Linn, about two miles upriver from Willamette Falls and 200 feet above the river. The Tualatin River is located just to the southwest of the district at the base of the ridge. See figure 1. The district and the area to the north sit on relatively level ground. At the southern end of the district the topography slopes down sharply to the south and southeast toward the Tualatin and Willamette Rivers. Along Willamette Falls Boulevard at the northern edge of the district is the commercial core of the area. This area has historically been the center of commerce for the neighborhood, with shops, restaurants, and services located on both sides of the street. Many of the

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buildings here are not historic or have lost much of their historic integrity. More recent residential development borders the district on the east, south, and west sides. See figure 3. The blocks within the district follow the original 1893 plan and are uniformly arranged, approximately 300 feet by 200 feet, each bisected by a 20-foot wide alley. Each lot is approximately 50 by 100 feet. The streets are 60 or 80 feet wide and paved with asphalt. Records indicate that the roads were originally unpaved in 1895, but it is not clear when they were surfaced. Some streets have wide graveled parking areas to either side, while others are paved from curb to curb. Sidewalk treatments and age vary greatly from block to block, suggesting that the walks were put in over a long period of time or were periodically replaced. Buildings within the district are single-family residential housing consisting primarily of one- and two-story wood-frame buildings constructed between 1895 and the present. Some buildings have matching detached garages or storage buildings many built during the period of significance. Building setbacks are fairly uniform at 20 to 25 feet from the street. Many of the buildings in the district are situated on two lots, often with the house located on one lot adjoining an undeveloped lot used as a garden. Most residences have ornamental lawns and foundation plantings, and some have short fences and retaining walls. A great variety of mature deciduous and evergreen trees and shrubs give the district a well-established feeling.

DEVELOPMENT

Now including 7.9 square miles and 24,000 residents, present-day West Linn includes a number of formally independent communities founded during the late-nineteenth and early-twentieth centuries around the booming trade and manufacturing industries centered at the Falls. Of these, the town of Willamette Falls was the most developed. Willamette Falls was platted in 1893 by Nicholas O. Walden for the Willamette Falls Company. As originally platted in 1893, the town included 17 blocks consisting of 200 city lots laid out in a rectangular grid.¹ See figure 6. To maximize the development potential, Walden and the Willamette Falls Company included a number of amenities designed to attract potential residents and businesses, including underground water and sewer lines and above-ground power.

Shortly after platting, Willamette Falls began to grow quickly. Development was initially residential construction concentrated on the blocks between 12th and 14th Streets, south of 7th Avenue.² Many of the first homes were owned by significant founding members of the community, such as the developer, Nicholas O. Walden, and Sheriff E.T. Mass, who built large Stick- and Queen Anne- style homes. Businesses began to prosper as more residents arrived in the new community. The main commercial area of the town was, and still is, along 7th Avenue, now called Willamette Falls Drive. In the first decades of the twentieth century, most of the commercial development was on the south block of 7th Avenue between 13th and 14th Streets. The Willamette School, built in 1896, was located on 12th Street between 5th and 6th Avenues, where the current 1950 grade school is located today. See figure 11. In 1895 the town's only industry, the Capen Shoe Factory, was established on the corner of 7th Avenue and 12th Street. See figure 9.

Walden died suddenly in 1897, his vision of a port city unfinished. Subsequently, work on a planned railroad line on the floodplain ceased, as did the development of a port and further industrial expansion. Competition from nearby and better-established towns such as Canemah and Oregon City, and Willamette Fall's distance from the Falls no doubt further limited the town's development potential. Due to these circumstances, many of the platted lots were never developed during the historic period. By the turn of the century, Willamette Falls was becoming increasingly populated by blue-collar workers employed by the Capen Shoe factory in town or at Willamette Falls by the Willamette Falls Electric Company, or the paper mill. Most newcomers settled within the nominated area and to the immediate

¹ The plat was originally bounded on the north by 8th Ave, the west by 16th Street, the east by 11th Street and the south by 4th Avenue. The blocks between 7th and 8th Avenues on the west were vacated, and 7th Avenue is now Willamette Falls Drive.

² Sanborn Fire Insurance Map, Oregon City, OR (May 1900), 21.

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east and south, building Period Revival and Craftsman-style residences. To make room for this new construction, many of the larger lots were subdivided, accounting for the intermixing of late-nineteenth and early-twentieth century housing types. Willamette Falls incorporated as the Town of Willamette in 1908, but did not grow substantially during this period. In 1916, Willamette was annexed into nearby West Linn.³ Although pausing momentarily around 1910, infill growth in the district continued at a slow but steady pace until the onset of the Great Depression in 1929.

RESOURCE TYPES & ARCHITECTURAL STYLES

There are two primary groups of resources in the Willamette Historic District, those from the late Victorian era and those representing the early-twentieth century American era. The district is especially significant for its concentration of intact Victorian-period residential architecture in the Stick and Queen Anne styles, which represent 20 resources in the proposed district. Many of these buildings are simplified designs intended to imitate the high-style examples of the period. As was typical at the time, design elements of the Stick and Queen Anne styles are often combined on the same building. There are 26 examples of early-twentieth Century American-era styles in the district. These include 23 examples of the Bungalow type in front- and side-gable arrangements, generally with Craftsman details. The Colonial Revival style is the second-most popular twentieth-century style with three examples.

The Stick Style

The Stick style is a transitional style linking the preceding Gothic Revival with the subsequent Queen Anne style. Gabled roofs, usually steeply pitched with cross gables and decorative trusses are common. Stick style stresses the wall surface as a decorative element. The style is characterized by wood wall cladding interrupted by horizontal, vertical, and diagonal boards (stickwork) raised from the wall surface to mimic half-timbering. Few buildings have all of these elements present. This style emerged from the Picturesque Gothic style and was common in pattern books from the 1860s-70s. In Oregon, its popularity spanned from about 1870-1895. Never as popular as other styles of the period, it was rapidly replaced by the related Queen Anne style.

There are five examples of the Stick style in the Willamette neighborhood, all of which appeared before the turn of the century. They all have front-facing two-story gables with stickwork -embellished wall surfaces and decorative "gingerbread" detailing on the gable ends and porches. These include 1862 4th Avenue (1897), 1892 4th Avenue (1895), 1731 6th Avenue (1895), and 1830 6th Avenue (1895). All four retain a high degree of integrity and contribute to the district.

The Queen Anne Style

The Queen Anne style is characterized by asymmetrical massing, wrap-around porches, steeply pitched roofs, and a variety of decorative surface materials. In the Queen Anne style, wall surfaces are used as primary decorative elements. Plain, flat walls are avoided by the use of bay windows, towers, wall insets and projections, and by using a variety of wall materials of differing textures. It was named and popularized by a group of nineteenth century English architects. However, the style has little to do with Queen Anne or the architecture common during her reign (1702-14). This style was dominant in domestic architecture from about 1880-1900. It was popular in the Willamette Valley from about 1885-1905. In many cases, simple cross-wing farm houses were embellished with architectural details, such as porch railings and posts, borrowed from the Queen Anne aesthetic.

³ The incorporation dates for Willamette Falls and West Linn are a matter of much speculation. Incorporation documents from the City of West Linn indicate that Willamette Falls incorporated as the town of Willamette in 1908; although various accounts state that the city was incorporated as early as 1909 or as late as 1913. Incorporation documents for West Linn were not found, but most accounts agree that the city was organized in 1913 including the communities of Bolton, Sunset, and the plat of West Oregon City, filed in 1913. All consulted accounts agree that the Town of Willamette incorporated with West Linn in 1916; although, a legal filing has not been located.

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There are 15 Queen Anne-style houses in the Willamette Historic District, many of which are very well-preserved examples of the style. Houses were constructed in this style from 1895-1906. Many of the examples in the neighborhood are two-stories in height with cross-gables and decorated porches nestled between the wings. Some are larger hipped-roof examples with extending cross gables and wrap-around porches. There are also variations such as one and one-half story examples, and some with towers or bay windows. The prevalence of the style is one of the character defining elements of the neighborhood. Examples include 1798 4th Avenue (1895), 1822 5th Avenue (1899), 1831 5th Avenue (1895), and 1780 6th Avenue (1898).

The Bungalow Type

The Bungalow type is an accessible and informal style related to the ideals of the English Arts and Crafts movement. In contrast to the designs of the Victorian era, the Bungalow type is characterized by an open floor plan, the use of natural materials, and simplicity of design. These buildings were popularized by trade publications and plan books. They were commonly small to moderately sized dwellings constructed of readily available materials. The style was very popular in Oregon from about 1900 to about 1925, coinciding with a period of enormous growth in the region. A typical bungalow has one to one-and-a-half stories, a low-pitched roof, and an integral front porch. Details generally included exposed eaves, decorative rafter tails and brackets, and tapered porch posts.

The Craftsman bungalow style is the most common style in the Willamette Historic District, with 23 examples. These are typically modest bungalows with low-pitched front or side gabled roofs with wide front porches supported with wood columns or battered posts. Some of these buildings adhere more closely to the Craftsman aesthetic, while others incorporate classical details. Of the total, 17 bungalows are contributing, including, 1709 5th Avenue (1920), 1790 5th Avenue (1920), 1608 6th Avenue (1920) and 1706 6th Avenue (1928).

The Colonial Revival Style

Colonial Revival refers to the rebirth of interest in the early English and Dutch colonial houses of the Atlantic coast of the United States. The style was an attempt to create a truly American style based on colonial architecture. In Oregon, Colonial Revival houses began to appear frequently around 1900, but the style continued to be popular for decades. The style is regionally expressed most commonly in a symmetrical form, one or two stories, with classical decorative elements such as pilasters and sidelights. There are three examples of the Colonial Revival style in the Willamette neighborhood; although, only 1747 5th Avenue (ca. 1905) contributes to the district.

CHANGES WITHIN THE DISTRICT

Alterations to the buildings within the district include siding and window replacement and the construction of additions, including garages, porches, dormers, and additional living space. Some residents have constructed small fences or retaining walls. Most of these alterations are relatively minor and do not detract from the overall integrity of the neighborhood or the individual building. In total, there are only five non-contributing buildings built during the period of significance.

While the Willamette Historic District represents a cohesive and intact picture of late-nineteenth and early-twentieth century residential development. It has been, and continues to be, impacted by infill development. Early builders in the Willamette Historic District often bought two adjoining lots to build a house on one while using the second for a garden. This led to a district defined by lower building density. Construction in Willamette Falls slowed substantially after 1929 due to the lack of available lots and the

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economic downturn. A few homes were constructed on vacant lots within and around the district in the 1930s and 40s. Building picked up again in the area in the postwar period, beginning in the 1950s and continuing through the 1970s. Residences built during this period are simple with a minimum of applied detail. Styles of the period include Minimal Traditional, WWII Period Cottage, and Ranch. Within the nominated area, only three ranch-type buildings were constructed that exhibit the characteristic low-pitch roof, horizontal profile, minimal porch, and large picture windows. One building was constructed in the Northwest Regional Style during the same time. All of these buildings were constructed after the major development period of the neighborhood and are outside the period of significance.

In the last several decades, development pressure in the Portland area and the lack of buildable lots has led to a significant number of vacant lots in the neighborhood being sold and developed. In the Willamette Historic District 14 buildings were constructed since 1980 throughout the neighborhood, reflecting the continuing availability of empty lots between historic resources. These houses were constructed between 1962 and 2008 and represent a variety of contemporary styles. The most prevalent non-historic style in the district is the Neo-Victorian, a contemporary interpretation of the late-nineteenth century Victorian-era styles, most frequently the Queen Anne style. Other styles represented include the Ranch type and the Neo-Colonial Style. While these newer buildings do not contribute the historic character of the district, their compatible styles do not significantly detract from the district's historic associations. Many buildings added detached garages or storage buildings outside of the period of significance that are compatible with the primary buildings.

In addition to new construction, the neighborhood's utilities have been upgraded overtime. The original wood power poles have been replaced in kind by modern ones in approximately the same locations in the neighborhood's alleyways. Although the under-ground sewer system has been upgraded with modern pipes and fittings, segments of the original clay tile system still remain. Despite alterations to the historic utilities, the historic location and orientation of the buildings and streets are retained, thus reflecting the original arrangement of the plat and associated utilities. Sidewalks and streets appear to have been paved and repaired as necessary from the historic period to the present.

CONCLUSION

The proposed Willamette Historic District is an architecturally significant collection of 64 residential buildings consisting of Victorian and early-twentieth century American styles. Of the total, 38 (59 percent) contribute to the historic integrity of the district. There are relatively few non-contributing historic resources, and the newly constructed buildings do not significantly detract from the district's historic associations. As a whole, the district reflects the historic influence of the industrial and commercial development at Willamette Falls on the surrounding area and the tenets of modern city planning in the late-nineteenth century.

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8. Statement of Significance

Applicable National Register Criteria

(Mark "x" in one or more boxes for the criteria qualifying the property for National Register listing.)

- A Property is associated with events that have made a significant contribution to the broad patterns of our history.
- B Property is associated with the lives of persons significant in our past.
- C Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
- D Property has yielded, or is likely to yield, information important in prehistory or history.

Criteria Considerations

(Mark "x" in all the boxes that apply.)

Property is:

- A Owned by a religious institution or used for religious purposes.
- B removed from its original location.
- C a birthplace or grave.
- D a cemetery.
- E a reconstructed building, object, or structure.
- F a commemorative property.
- G less than 50 years old or achieving significance within the past 50 years.

Areas of Significance

(Enter categories from instructions.)

COMMUNITY PLANNING AND DEVELOPMENT

ARCHITECTURE

Period of Significance

1895-1929

Significant Dates

1893, Willamette Falls platted

1908, Incorporation of the Town of Willamette

1916, Incorporation by City of West Linn

Significant Person

(Complete only if Criterion B is marked above.)

N/A

Cultural Affiliation

N/A

Architect/Builder

Multiple

Period of Significance (justification)

The period of significance includes the construction of the first building within the Willamette Historic District in 1895 and continues until 1929 when construction activity significantly slowed with the onset of the Great Depression.

Criteria Considerations (explanation, if necessary) N/A

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Statement of Significance Summary Paragraph (Provide a summary paragraph that includes level of significance and applicable criteria.)

The Willamette Historic District is nominated for its local significance under Criterion A, Community Planning and Development, as an example of a late-nineteenth century planned community and Criterion C, Architecture, for its cohesive collection of intact late-nineteenth and early-twentieth century residences dating to the district's time of development. The period of significance begins in 1895 with the construction of the first still-extant residence and ends in 1929 when construction activity within the district wanes.

Narrative Statement of Significance (Provide at least one paragraph for each area of significance.)

The importance of Willamette Falls as a potential trade and manufacturing center was instantly recognized by early settlers. Towns both above and below the Falls grew rapidly as key trade centers moving goods around the natural barrier to connect the farms of the Willamette Valley with the Pacific Ocean. As early as 1887, the river's rushing waters were used to produce a number of industrial products, most notably paper. In 1890, water power generated the electricity for the first long-distance electrical transmission. The area's bustling trade and manufacturing sectors led to active land speculation and created fast-growing communities along both sides of the river. Platted by the Willamette Falls Company in 1893, Willamette Falls was one of these speculative towns. Designed by Nicholas O. Walden, businessman and real estate speculator, the ambitious plan for the town called for underground utilities, including water and sewer systems, and electricity supplied by the company. Future improvements included a rail line and port facilities along the river. The company hoped that the town's close proximity to the Falls and desirable amenities would drive demand for lots and make the town an important manufacturing and shipping center. Soon after its founding, the town boasted a number of fine homes, a small bustling downtown, and a modern shoe factory. Despite a promising start, the community never met its developer's expectations and instead matured into a small mill town that grew slowly through the 1920s.

The Willamette Historic District includes the portion of the original Willamette Falls plat that still retains the physical characteristics of the original town design and that contains the greatest concentration of contributing resources. The entirely residential district is eligible for the National Register of Historic Places under Criterion A for its significance in the area of community planning and development. Willamette Falls, like other communities around the Falls, grew as a direct result of the industrial boom in the area in the late-nineteenth and early-twentieth centuries. Of the many remnant towns within West Linn, Willamette Falls was the largest and most developed, possessing a distinct character that is still evident. Willamette Falls is the best representation of this former town, encompassing the area of initial residential development and still retaining the character of the original plat. The proposed district is also eligible under Criterion C for its significance in the area of architecture. The district contains a cohesive collection of intact late-nineteenth and early-twentieth century residences dating to the district's time of development. The period of significance spans from construction of the first residence in the district in 1895 through 1929, when building of new homes waned. While the community of Willamette Falls never developed into the manufacturing center its founders hoped for, the initial development of the community directed its growth as a small independent town.

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Developmental history/additional historic context information (include a chronological or thematic context.)

EARLY SETTLEMENT AND INDUSTRIAL DEVELOPMENT⁴

Already an important meeting place for native peoples, Willamette Falls attracted the attention of European settlers who wished to take advantage of the trade and manufacturing opportunities the natural feature afforded. Before European settlement, the Falls were a major gathering place for Native American tribes. Fish were abundant and, as with Celilo Falls on the Columbia River east of The Dalles, the local tribes would meet near the Falls to trade and hold traditional feasts and rituals. Tribes of the area included members of the Calipooyas, Tualatins, Malales (Molallas), and the Clow-e-wallas. The Klamath and Multnomah tribes would also seasonally gather nearby. The first permanent European settlement at the Falls occurred in the 1820s when John McLoughlin, Chief Factor of the Hudson's Bay Company, claimed two square miles on the east side of the river above the Falls to build a trading post. In 1829 McLoughlin constructed a sawmill to take advantage of the obviously abundant water power.⁵ A few years later, a traveler in 1835 noted the area's value as a power source and transportation corridor, writing "the opportunities here for water power are equal to any that can be named. There cannot be a better situation for a factory village than on the east side of the river, a dry-wide-spread level extends some distance, and the shores form natural wharves for shipping...."⁶

The traveler's observations proved to be prophetic. Shortly after McLoughlin's settlement, Oregon City, established itself on the east side of the river in 1829. The opening of the Oregon Trail unleashed a wave of immigration into the Oregon County. As the terminus of the trail, Oregon City soon became an important waypoint for settlers heading to the Willamette Valley and a necessary stop for their agricultural goods sent to market. In 1844 the town became the first incorporated city west of the Rockies.⁷ Historian William D. Welsh noted in 1952 that

In 1844 Cincinnati and Chicago were little more than villages, San Francisco was a sleepy Spanish Fortress. Seattle was an Indian village with a fur trading post and Portland, although it had one house, was distinguished chiefly as the site of Sauvie's Dairy on Wapato Island. Oregon City was platted, had streets, two churches, the Pioneer Lyceum and Literary Club, Mills, [and] a ferry.⁸

Oregon City's success and the demand for Oregon timber and agricultural products due to the California Gold Rush contributed to the growth of surrounding communities.⁹ Platted in 1850 above the Falls, Canemah became an important working-class riverboat town in the 1860s, thriving on the trade and industry along the territory's most important transportation route.¹⁰ In 1852, Robert Moore platted a sister community opposite of Oregon City on the west side of the river named Linn. Moore sought to establish a manufacturing and trade center. Constructed by Moore himself, the Linn City Works included a grist mill, sawmill, warehouse, wharves, and moorage for ships to load and unload.¹¹ Established in the same period were the small communities of

⁴ The history of the exploration and development of industry and towns surrounding Willamette Falls is well-documented in many thorough histories of the topic. The information presented in this section is only a brief summary intended to highlight the most important events of this period as they relate to the development of the Willamette Historic District. Please see the bibliography for texts on these topics.

⁵ Vera Martin Lynch, *Free Land for Free Men: A Story of Clackamas County* (Portland: Artline Printing, Inc., 1973), 20-25, 98-99, 107; George Kramer, "Willamette Falls Industrial Area: Request for Determination of Eligibility" [to the National Register of Historic Places] (Prepared for Portland General Electric and Blue Heron Paper Company, in cooperation with the West Linn Paper Company, May 2002).

⁶ Samuel Parker, *Journal of an Exploring Tour Beyond the Rocky Mountains, Under the Direction of the A. B.C.F.M. Performed in the Years 1835, '36, and '37* (Minneapolis, Minnesota: Ross & Haines, Reprint Edition, 1967), 163.

⁷ William D. Welsh, *A Brief History of Oregon City and West Linn, Oregon* (Portland, OR: Crown Zellerback Corporation, 1941) 12; James A. McNett, "National Register of Historic Places nomination for the Willamette River (Oregon City) bridge (No. 357)" (Salem: Oregon State Historic Preservation Office, 2005), Section 8, Page 1.

⁸ Welsh, 12.

⁹ *Ibid.*, 13-14.

¹⁰ Jeff Lohr and Catherine Galbraith, "National Register of Historic Places Nomination for the Canemah Historic District" (Salem: Oregon State Historic Preservation Office, 1978), Section 8, Page 1; Welsh, 22.

¹¹ Lynch, 240-242.

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Multnomah City and Clackamas. The towns surrounding Oregon City were much smaller and never developed to the same extent; however, they contributed to the growing manufacturing and trade industries.¹² As the population of Oregon Territory grew, so did the transportation and manufacturing capacity at the Falls. A navigable passage around Willamette Falls to reduce transportation costs and travel time had long been recognized as a needed improvement, and was finally achieved on 1 January 1873 with the opening of the Willamette Locks. Prior to the opening of the locks goods were transported around the Falls on portage roads. Realizing the potential industrial development opportunities, lawyer, bank president, state legislator, and entrepreneur E. L. Eastham sought to monopolize the Falls, focusing on industrial development and the emerging electric industry. In 1883, Eastham acquired the Willamette Transportation and Locks Company, owner of the Willamette Locks and other interests. By 1887 he controlled most of the water rights and adjacent land surrounding the Falls.¹³ To develop his holdings, Eastham and his business associates created subsidiary companies, often with similar names, to raise private capital. One of these was the land development firm Willamette Falls Development Company, later the Willamette Falls Company.¹⁴ Eastham also actively solicited companies to locate at the Falls by offering lucrative leases for land, water, and electric power – all of which Eastham and his associates controlled. In 1883, the first year Eastham acquired control of the locks, the businessman successfully attracted the Willamette Falls Pulp and Paper Company, soon the Willamette Pulp and Paper Company, to locate on the east bank. The company began pulp production in 1889 with the mill producing 20 tons of product daily. Expansion of the facility began almost immediately. The same year the Crown Paper Company began operation.¹⁵

Under Eastham and his associates the area around Willamette Falls developed into an important industrial center. As part of his business plans, Eastman actively developed electric power at the Falls and marketed this new technology to residents and businesses throughout the region. In July 1888, Eastham incorporated the Oregon City Electric Company to supply electric lighting, telephone, and telegraph service in the vicinity of the Falls. Demand for electricity was high in Oregon City, and soon the town was “ablaze” with electric light.¹⁶ Eastham always considered Portland the main market for Willamette Falls electricity, and in November 1888 he formed the Willamette Falls Electrical Company with Portland-based competitor United States Electric Lighting and Power Company. See figure 10. In a few ears, the new company made the first long-distance transmission of electric power in the nation. The development of electric power at the Falls made electric lighting and electric powered industries and trolley cars possible.¹⁷ After Eastham’s death in 1892, the Willamette Falls Company, Willamette Falls Electric Company, and other regional transportation, electricity, and water companies were incorporated as subsidiaries of Portland General Electric Company. The new company was formed to raise fresh capital to invest in the expansion of regional infrastructure, including canals, locks, and basins, and to supply water power at or near Willamette Falls, generate and transmit electricity for heating and lighting, and to run electric railways.¹⁸ In many cases, the constituent companies continued to operate under their own names until fully subsumed by the parent company, often well into the twentieth century.¹⁹ Continued development at the Falls created a densely developed urban corridor. Historian Harry H. Stein notes that by the end of the nineteenth century that “Oregon City and what became West Linn... resembled Northeastern industrial towns more than Oregon’s usual commercial centers or its one-industry villages.”²⁰

DEVELOPMENT OF WILLAMETTE FALLS

¹² Welsh, 12, 22.

¹³ Craig Wollner, *Electrifying Eden: Portland General Electric: 1889-1965* (Portland: Oregon Historical Society Press, 1990), 23-25; A full discussion of previous methods of carrying goods around the Falls can be found in R.R. Robley’s work, *Portland Electric Power Company with its Predecessor and Subsidiary Companies: December 16, 1860 – December 31, 1935* (Portland: Portland General Electric Company, 1982).

¹⁴ *Oregon City Enterprise*, (Oregon City) 14 July 1893; Robley, 57.

¹⁵ Kramer, “Willamette Falls Industrial Area: Request for Determination of Eligibility;” Welsh, 25-26.

¹⁶ Lynch, 110, 113; Wollner, 24; Welsh, 26.

¹⁷ Wollner, 24; Lynch, 110.

¹⁸ *Oregon City Enterprise*, 14 July 1893.

¹⁹ Robley, 57, 178; *Oregon City Enterprise*, 14 July 1893.

²⁰ Harry H. Stein, “The Paper Mill at West Linn, Oregon 1889-1997: Hydropower, Sawmill, and Grinder Operations” (Portland: Jacobs-Sirrine Engineers, April 1997).

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Industrial development around the Falls and the advent of new transportation infrastructure in Oregon City renewed interest in town development on the west side of the river. A flood in 1861 destroyed the communities of Linn, Multnomah City, and Clackamas and severely damaged dams, docks, and factories close to the water's edge in Canemah and Oregon City.²¹ This event and subsequent flooding significantly slowed development on the west side of the river. Still, by 1888 enough of the factory work force lived on the west side of the river that the existing ferry service proved inadequate and a suspension bridge was constructed at Oregon City to allow workers to reach the mills.²² In 1893, the East Side Railway completed the nation's first electric interurban railway between Oregon City and downtown Portland, supplanting local travel on less-reliable and -convenient steam trains. The railway made it possible for people living around the Falls to commute to jobs in Portland. The fourteen-mile route was eventually extended above the Falls to Canemah in the early 1900s.²³ By 1895 Clackamas County was growing quickly and more people came to live on the west bank. The *Oregon City Enterprise* reported that the county was "rapidly becoming the great manufacturing center of this state," and in subsequent articles noted the growing mail volume in the county and expanding businesses and towns as markers of this success.²⁴

The communities appearing in nineteenth-century America and around Willamette Falls were privately developed neighborhoods, either located within cities or just outside of them. The advent of the horse-drawn trolley car, and soon thereafter, interurban-electric trolleys and -commuter trains, caused a migration out of the nation's cities by those who could afford to relocate.²⁵ Speculative development around the Falls had a long tradition, stretching back to Linn City and Multnomah, each founded and built by wealthy individual property owners. By the late-nineteenth and early-twentieth centuries corporate development around the Falls was more common. Willamette Pulpwood and Paper Company platted the neighborhood of Windsor, across from Oregon City, in 1889. Portland Railway and Light Company and Oregon Iron & Steel Company each platted subdivisions in 1908 and 1911 as well.²⁶ With the construction of the bridge in 1888 and the trolley line in 1893, several new plats developed on the west side of the river. These plats were clustered near the west end of the bridge, which was located just north and upriver from the mills. These included the West Side Addition to Oregon City (1889); Windsor (1889); Wesylinn (1889); Sunset City (1892); Parker Hill Addition to Oregon City (1892); Willamette Falls (1893); and Bolton (1896). These developments were largely residential, unlike Willamette Falls, which developed as a complete community.

In 1893, the Willamette Falls Company, a subsidiary of Portland General Electric, purchased land from B.F. Baker and Oregon Iron and Steel with the intention of building a town, complete with its own services, businesses, and industries served by the latest advances in urban infrastructure.²⁷ The Willamette Falls Company sold property outright to potential purchasers and intended to profit not only from the sale of the lots and the increasing property value on its vast holdings on the west side of the river, but also by building and managing the town's fee-based utilities, including water, sewer, and electric power. The Willamette Falls plat

²¹ Lynch, 102, 114; Welsh, 23,

²² McNett, Section 8, Page 2.

²³ Harold L. Throckmorton, "The Interurbans of Portland, Oregon: A Historical Geography" (M.A. Thesis, Eugene, University of Oregon, 1962), 28-31; Because of technical limitations that prevented the long-distance transmission of electricity at this time, power for the northern half of the railway came from Portland and the southern portion was supplied by electricity generated at the Falls. In 1893 the East Side Railway and a number of other companies merged to become the Portland Railway Company. It is unclear when, if ever, the railroads on the west and east banks were connected; Loher and Galbraith, Section 8 page 3; Portland General Electric, 6; Dick Pintarich, "Rise and Fall of Oregon Electrics" in *Great Moments in Oregon History: A Collection of Articles from Oregon Magazine* (Portland: New Oregon Publishers, 1987), 111-112.

²⁴ *Oregon City Enterprise*, 22 March 1895, 29 March 1895.

²⁵ George W. Hilton and John F. Due, *The Electric Interurban Railways in America* (Stanford: Stanford University Press, 1960), 9.

²⁶ Clackamas County Recorder's Office, Plats for Bland Acres and Willamette and Tualatin Tracts (Oregon City: Clackamas County, 1908 and 1911).

²⁷ Portland General Electric was the majority stock holder of the Willamette Falls Company. The transfer of property from the Willamette Falls Company to Portland General Electric did not occur until 1921; Robley, 178; A contemporary biographical sketch of Walden is included in Rev H. K. Hines, *An Illustrated History of the State of Oregon* (Chicago: The Lewis Publishing Co., 1893); Willamette Neighborhood Association, "Old Willamette Walking Tour" (West Linn: Willamette Falls Cultural Heritage Committee, West Linn Chamber of Commerce, and Clackamas County Tourism Development Council, 2004).

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was intended to be just one part of a large "manufacturing city" the company hoped to develop on it's 1,600 acres in the area.²⁸ See figures 6 and 7. In many ways the location the company choose was ideal. Only two miles south of the Falls, the town site sat on a flat plateau, not far from the former location of Linn City, at the confluence of the Willamette and Tualatin Rivers. Bernert's landing, a steamboat wayside at the mouth of the Tualatin River, already existed on the west shoreline, and the broad floodplain along the river was an excellent location for new industries and docks.²⁹ This potential for industrial development was perhaps one of the most important factors in locating the new town.

Nicholas O. Walden, one of the co-founders of the Willamette Transportation and Locks Company and Willamette Falls Electric Light Company, real estate speculator, and Eastham friend and associate, platted the town of Willamette Falls.³⁰ A native of Sweden, Walden traveled the world as a young man, finally arriving in Oregon. He worked as a wood cutter and a laborer on the Willamette Falls Locks, and then became a land surveyor and clerk in the Oregon City Land Office. He began to invest in land in Clackamas and Oregon City and became wealthy as the area grew.³¹ In his plan for Willamette Falls, Walden choose rectilinear over curvilinear streets and opted not to include dedicated park lands or planting areas, as was becoming an accepted, although still rare, practice.³² In the Willamette Falls area, all of the plats recorded before 1900 were rectilinear plans. The seventeen rectangular blocks of the Willamette Falls plat included twelve lots each with a public alley. The 200 individual lots measured 50 x 100 feet each. Fifth and 7th Avenues and 12th Street were intended to be the main thoroughfares and were each 80 feet wide. Seventh, now Willamette Falls Drive, became the town's commercial center. Twelfth was dedicated as the river access to the already extant Bernert Landing at the confluence of the Willamette and Tualatin Rivers, as was dictated by Baker in the sale of the property. The rest of the streets were 60 feet wide. Future expansion included docks and a railroad to be located on the floodplain to transport goods from the Willamette Valley north to Portland. In the plat filing, the company guaranteed its right to lay tracks for railways and utility lines in the public streets and to be the sole provider of all utilities, including gas, water, steam, telephone, telegraph, electricity, and pneumatic pipes. Other plats had similar restrictions; however, Willamette Falls is notable as the first in the area to have these utilities installed before development began. Utility revenue was generated through the use of deed restrictions that mandated connection to town services. Every house in Willamette was fully wired when constructed and included indoor plumbing; although, indoor toilets were so new that they were often installed in small rooms accessed from the back porch instead of inside the house. In some cases, these bathrooms are still identifiable in the neighborhood's extant historic buildings. Privies, cesspools, and "other nuisance[s]" were explicitly excluded.³³

The *Oregon City Enterprise* commented on the plans, saying, "the proprietors of Willamette Falls are taking all the steps necessary to make it a model city, as they are having the streets graded and will lay all sidewalks, water pipes, and sewers so that it will be a desirable residence location."³⁴ In the same article, the *Oregon City* paper considered the new town's prospects and Portland General Electric's vast holdings on the west side of the river, warning "unless the Oregon City with its historic renown shall assume new energy and the life to maintain its supremacy, its identity is likely to be swallowed in the newer town which has been laid out across the river and above the falls."³⁵

²⁸ Portland General Electric, *History of the Portland General Electric Company* (Portland: Portland General Electric, 1982), 7.

²⁹ Howard McKinley Corning, *Willamette Landings*, 2nd ed. (Portland: Oregon Historical Society, 1973), 214; *Oregon City Enterprise*, 28 July 1893; Charles Awalt, local historian, personal communication, 7 April 2009.

³⁰ Hines, 1294-1295.

³¹ Ibid; Diane Awalt, "National Register of Historic Places Nomination for the Walden, Nicholas O., House" (Salem: Oregon State Historic Preservation Office, 1984), Section 8, Page 1.

³² David L. Ames and Linda Flint McClelland, *Historic Residential Suburbs: Guidelines for Evaluation and Documentation for the National Register of Historic Places* (Washington D.C.: US Government Printing Office, National Park Service, 2002), 37-43.

³³ Clackamas County Recorder's Office, "Plat of Willamette Falls" (Oregon City: Clackamas County, 1893); Clackamas County Recorder's Office, "Abstract of title for Lots 3 and 4, block 16 Willamette Falls in Clackamas County, Oregon" (Oregon City: Clackamas County Recorder's Office, 1893-1920).

³⁴ *Oregon City Enterprise*, 28 July 1893.

³⁵ Ibid; On 30 November 1894 the *Oregon City Courier* reported that the Willamette Falls Company was one of the county's "wealthy property owners," owing \$16,330 in taxes. Most property owners in the listing paid less than \$5,000 in taxes.

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Construction on the new town began soon after platting. Walden himself supervised a large force of men clearing the land for the town. In January 1893 the local paper reported, "as fast as possible they are cleaning up everything which was not converted into cord wood, and placing it in piles which are fired. It is intended to have the ground as clear as possible so that when the big stump puller is set to work..., there will be nothing on the ground but the big stumps which it will walk right out."³⁶ By August 1894 the paper noted:

Improvement is the order of the day at the new town of Willamette Falls. A. W. Schwan has just completed laying over a mile of sewer pipe which gives the place the best kind of drainage. The water mains are being laid and the dynamo to run it is already in place. The electric poles and wires are not being places so that inside of the month those living in the town will have all the conveniences of a modern city including cars [electric trolley cars] and sidewalks.³⁷

The same year Willamette Falls was platted, the Willamette Falls Railway, another subsidiary of Portland General Electric, opened a three-mile electric railroad on the west side of the river along the present-day alignment of Willamette Falls Drive. The railroad took delivery of its first cream-colored electric trolley in 1894, which was hauled across the suspension bridge on temporary tracks.³⁸ The electric-line trolley line (called the "wood train" locally) offered regular passenger service on two cars and regularly transported up to 100 cords of wood daily from the ridge to the factories at the Falls. Portland General Electric hoped that the line would encourage development on its extensive holdings on the west bank, including in Willamette Falls.³⁹ See figures 16 and 17.

The Willamette Falls Company aggressively marketed the new town and its amenities and attempted to spur development in a difficult economic climate by offering incentives to purchase lots. Lot prices in Willamette Falls varied between \$400 and \$500 each.⁴⁰ Unfortunately, 1893 was an inauspicious year to begin a new enterprise. The falling stock market and a tightening credit market created a national depression that reverberated in Oregon.⁴¹ Although generally upbeat in its predictions for the new community, the *Oregon City Enterprise* acknowledged as much, noting the "stringent times" in March 1894.⁴² Bucking the general economic trend, newly incorporated Portland General Electric required many workers for its expanding operations. To attract them, the company developed an innovative plan to entice prospective employees to purchase lots. Half of the workers' wages would be applied to the purchase of land from the company, the other half paid in cash. When the worker wished to redeem his land receipts, he selected a lot and paid market rate with his certificates. As reported in the *Oregon City Enterprise* in 1893, the company devised this plan out of a desire to:

Give employment to men who want to become permanent fixtures with homes of their own. These men make better laborers, and more contented, thrifty, and are more watchful over their employer's interests than such as have no fixed abode. It is the intention of the company to make of this a manufacturing city, the greatest on the coast and they want by this means to invite to come here as settlers the very best class and to help them in their endeavors to secure a home of their own. With this in view prices will be made reasonable, steady work will be given good men, those with families being given the preference. These are two considerations which commend it to the thrifty home seeker. It enables him by thrift and economy to acquire a home, and while doing this he is learning to be economical and to save money. There is also this feature which is appreciated by many visitors: It enables men without means to make

³⁶ *Oregon City Enterprise*, 20 January 1893.

³⁷ *Ibid.*, 3 August 1894.

³⁸ *Oregon City Enterprise*, 30 March 1894. Portland General Electric, 7; The rail line itself was constructed by the Willamette Falls Improvement Company, a Portland General Electric subsidiary, and transferred to the Willamette Falls Railway.

³⁹ Portland General Electric, 7; See Ed Austin and Tom Dill, *The Southern Pacific in Oregon* (Edmonds, WA: Pacific Fast Mail, 1987), 66, 67, for a full discussion of the Willamette Falls Railroad.

⁴⁰ Clackamas County Recorder's Office, "Abstract of title for Lots 3 and 4, block 16 Willamette Falls in Clackamas County, Oregon."

⁴¹ E. Kimbark MacColl, *The Shaping of a City: Business and Politics in Portland, Oregon 1885 – 1915* (Portland: The Georgia Press Company, 1976), 100-106.

⁴² *Oregon City Enterprise*, 2 March 1894.

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an investment in a town which has the resources to make it and the prospects of being a very large city in the near future.⁴³

This plan apparently worked to some degree, as the newspaper reported that there were many more applicants than jobs at the mill. In May 1894 the company stepped up its efforts to sell lots, giving away 25 sites to "those building without delay houses on them to cost at least \$500." As part of the arrangement, residents received unlimited privileges to ride the electric trolley for \$1 a month, water for 50 cents a month, and electric light for 1 cent a day.⁴⁴ By October six new homes had been constructed.⁴⁵

During this period the population of the area was growing, spurring the creation of new businesses and institutions and more residential growth. In October 1894, the paper reported that "The population of Willamette Falls has increased to such an extent that there is sufficient children to organize a good school."⁴⁶ Although the town was still in its infancy, an encampment of woodcutters and their families living at the end of the Willamette Railway Line and other area residents brought the total population to 800 inhabitants.⁴⁷ In response, a proposal to divide the school district on the West side of the river in half, with Willamette Falls, the electric road, and factories in the new district and Sunset, Windsor, West Lynn, Bolton in the other was suggested.⁴⁸ The proposal succeeded, and the Children of Willamette Falls met at Batdorf's store on 7th between 1894 and 1896 until the new two-story four-room schoolhouse for grades 1 through 10 was completed. See figure 11.⁴⁹ During that time, the small town opened its first factory in October 1894, the Capen Shoe Factory, at the southeast corner of 12th Street and 7th Avenue (now Willamette Falls Drive). See figure 9. The local paper reported that the company manufactured "a high grade of boot" and that the "superior facilities" were electrically powered with electricity from the Falls.⁵⁰ Subsequent reports noted that the factory employed an increasing number of employees.⁵¹ The Capen Shoe Factory is no longer extant.⁵² Also in October, it was reported that in addition to the factory, Willamette Falls already boasted "a blacksmith shop, and architect's office and shop, [and] a store and hall..."⁵³ In December 1895 the *Journal of Electricity* predicted that Willamette would "in all probability soon become the Lynn of that Portion of the Country."⁵⁴

By 1895 more new residences were springing up within Willamette Falls. Houses constructed during this time were moderate in size and their ornate decoration was reflective of the optimism and success of the new community. Houses within the district such as 1409 14th Street, 1862 4th Avenue and 1892 4th Avenue, all built in 1895, still exhibit the style and quality of the houses of that era. Walden constructed his own house in Willamette Falls "overlooking the river" with a "very picturesque view from his grounds" in 1895. The two-story Queen Anne-style building was also home to Ellery Capen, owner of the Capen Shoe Factory. In 1984 the building was listed for its architectural merit and historic association with Nicholas O. Walden.⁵⁵ Sheriff Ernest Mass constructed an impressive Queen Anne style home at 1492 13th Street in 1897 – also within the district, but not part of the original Willamette Falls Plat.

⁴³ Ibid., 27 January 1893.

⁴⁴ *Oregon City Courier* (Oregon City) 4 May 1894.

⁴⁵ Ibid., 5 October 1894.

⁴⁶ *Oregon City Enterprise*, 26 October 1894; Portland General Electric, 7.

⁴⁷ Ibid., 2 March 1894;

⁴⁸ Ibid., 26 October 1894.

⁴⁹ The original schoolhouse was torn down and replaced in 1936. The current building at 1403 12th Street was constructed in 1950 on the site of the previous two schools.

⁵⁰ Ibid., 26 April 1895, 21 September 1894; *Oregon Courier*, 5 October 1894.

⁵¹ *Oregon City Courier*, 4 January 1895.

⁵² The Capen Shoe Factory was destroyed in a fire between 1915 and 1920. Attempts to identify an exact date have been inconclusive; Charles Awalt, local historian, personal communication, 22 April 2009.

⁵³ *Oregon City Courier*, 5 October 1894.

⁵⁴ Quoted in *History of the Portland General Electric Company* by Portland General Electric, 7.

⁵⁵ Hines, 1294-1295.

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THE TOWN OF WILLAMETTE AND INCORPORATION BY WEST LINN

Walden died suddenly in 1897, leaving the railroad line and his grand vision for Willamette Falls unfinished. Like other cities with grand ambitions, such as Canemah and Linn City, Willamette Falls never became the major western port that its founders envisioned. After 1900 growth slowed considerably in Willamette Falls and more blue-collar workers from the mills and other local business moved to the community. Construction during this transition remained relatively steady for the first three decades of the twentieth century. Nine of the buildings in the district were built between 1900 and 1910, eight between 1910 and 1920, and ten in the 1920s. These decades added a large number of period revival- and craftsman-style residences in bungalow volumes. Over these decades, the town evolved into a small hamlet, which was eventually absorbed with other local communities into the City of West Linn.

By the turn of the century, Willamette Falls was maturing into an established small town. In 1900, 100 people lived in Willamette Falls, not counting those in the larger area. In addition to the school and shoe factory, many shops were located along the commercial core on the south side of 7th Avenue. Off to the east was a grocery store and a post office on the block between 13th and 14th on 7th Avenue, along with some apartments on the corner to the southwest. There was another shop to the northeast and several residences. None of the earliest commercial buildings are still extant. Sidewalks throughout Willamette Falls were wooden planks, and the water for the community was supplied by a spring and held in a large water tower.⁵⁶ Houses continued to be constructed in the Queen Anne style through the first several years of the twentieth century, reflecting the continued prosperity of the town. These include 1724 4th Avenue, built in 1903, 1831 6th Avenue, built in 1904, and 1892 6th Avenue, built in 1905. The great majority of these early buildings are still extant. See figures 13 and 14.

While Willamette Falls continued to be home to the political and business leadership of the community during this time, increasingly more working-class residents came to live there, reflecting the town's changing economic fortunes. The early speculation about the success of Willamette Falls as a major port city faded in this first decade of the century despite continued success of local industry at the Falls. Oregon City remained the dominant municipality in the area; although, even this historically important town had already been surpassed by Portland to the north.⁵⁷ Too far from the Falls and overshadowed by larger towns, Willamette Falls grew slowly. In 1902 the north side of the original plat was abandoned, left undeveloped until much later in the twentieth century. Fifth Avenue, intended as a major thoroughfare for what was planned to be a manufacturing metropolis remained a quiet residential street. Despite these setbacks, the young community continued to grow, relying heavily on supplying cord wood to the mills at the Falls. By 1900, the electric line was extended across the Tualatin River to a point approximately 1 1/2 miles beyond Willamette to expand cord wood production. At the same time, the 1900 Sanborn Fire Insurance map shows two 10-foot high wood piles located on the north side of 7th Avenue, opposite of the business core.⁵⁸ The lack of residential and industrial expansion limited the growth of the Willamette Falls Railway, which was hoped would continue to Portland.⁵⁹ Residents not employed in the cordwood industry or at Capen Shoe factory worked in the mills or for other local business. Slow, yet steady, growth led to the construction of the town's first house of worship in 1908, the Willamette United Methodist Church. See figure 12.⁶⁰ That same year the community was incorporated as the Town of Willamette.⁶¹ In 1911 the interurban was extended to Magones. In 1912 a four-room addition was

⁵⁶ Sanborn Fire Insurance Company, "Oregon City, 1900;" Awalt, Section 8 Page 2.

⁵⁷ Wollner, 19; Willamette Neighborhood Association, "Old Willamette Walking Tour;" A directory for the communities of the west bank of the Willamette does not exist prior to 1916; however, the changing housing stock and an examination of the listings in the 1916 Johns & Woodbeck's directory bears out the assertions of several local historians that Willamette Falls' population became increasingly blue collar in the early-twentieth century; Johns & Woodbeck's, "West Linn" in *Clackamas County & Oregon City Directory*, vol 1. (Oregon City: Johns & Woodbeck's, 1916-1917), 178-191.

⁵⁸ Sanborn Fire Insurance Map, Oregon City, 1900.

⁵⁹ Austin and Dill, 66, 67.

⁶⁰ Willamette United Methodist Church still stands at 1683 Willamette Falls Drive; although, the building was not included in the district because the number of exterior alterations make it noncontributing to the integrity of the district.

⁶¹ Clackamas County Recorder's Office, "An Act to Incorporate the Town of Willamette in Clackamas County, State of Oregon" Oregon City: Clackamas County, 3 October 1908; The actual incorporation date of the Town of Willamette is a subject of debate. The incorporation act from 1908 is unsigned and no reference to the event can be found in period newspapers. Secondary

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added to the grade school, doubling its size.⁶² New businesses and homes built during this period followed the rectilinear pattern set by the original plat.⁶³

In 1909 a typhoid epidemic broke out in Willamette, caused by contaminated river water leaking into the spring that fed the town water supply. Water for the town was pumped from a well 1,600 feet southeast of the town, now Willamette Park, by electric pumps to a 10,000 gallon water tank and then distributed underground by clay pipe. The spring was located on private property at the time of the epidemic.⁶⁴ See figure 7 for the location of the spring, and figure 14 for a photo of the town water tank. The first death of the epidemic was P.A. Minklenhour, "a well known resident of Willamette." His son was reported to be in critical condition.⁶⁵ The water works were sold to the town in 1910. Subsequent repairs on the pump were completed in November 1910 and the water was declared free of contamination by a Portland laboratory.⁶⁶ Still, the stigma of the incident hung over the town. The *Oregon City Enterprise* noted a year later that "a certain prominent man in one of the mills was heard to remark that Willamette was not fit to live in on account of the impure water."⁶⁷ Lingering problems with the municipal water supply and an unsuccessful attempt to expand the town led to Willamette's eventual incorporation with competing West Linn to the south.⁶⁸

In 1913, business leaders who resided in the Bolton and Sunset neighborhoods united and formed the West Side Improvement Club. The organization included merchants and other professionals who worked in Oregon City and the executives and managers of the mills.⁶⁹ Located across the river from Oregon City, Bolton, Sunset, and the other surrounding suburbs were more conveniently located to Oregon City and the railway to Portland. A good location and fine views of Mount Hood made the area very desirable. For instance, lot sales in Sunset City were brisk when the plat opened in 1893, in contrast to Willamette Falls plat one mile to the west that struggled.⁷⁰ The neighborhoods around the bridge were almost entirely residential. Sunset included some commercial frontage along Sunset Avenue and a school among its 176 lots, but also was largely residential. Sunset lost its school when it incorporated with Bolton to form West Linn.⁷¹ Although including 300 lots, Bolton, established in 1896 by the Bolton Land Company, did not have a general merchandise store until 1916, but the town did have its own school.⁷² Windsor, another west-side community platted in 1889, only had two commercial enterprises.⁷³ Although not entirely clear, the historic record suggests that the other west-side suburbs did not have commercial development either. In general, these communities and the incorporated town of Canemah above the Falls relied on Oregon City employers and shops.⁷⁴

In May 1913, the West Side Improvement Club voted to pursue creating a new town, West Linn, including the valuable mills and the electric plant. By incorporating, they planned to capture taxes from the two mills and the hydroelectric plant for the newly formed city. Residents of Willamette heard about the West Side Improvement

accounts of the incorporation from the 1980s and 1990s place the actual date of incorporation in 1908, 1912, or 1913. The 1912 and 1913 dates may refer to the attempted annexations in those years as discussed later in this document. Further research will be necessary to determine with certitude the actual date of incorporation.

⁶² Willamette Honor Class, "Willamette Treasures" (West Linn: Willamette Grade School, 1969), 15; Austin and Dill, 67.

⁶³ Cornelia Becker Seigneur, *Images of America: West Linn* (Charleston, Chicago, Portsmouth, San Francisco: Arcadia Publishing, 2009), 106.

⁶⁴ Sanborn Fire Insurance Map, Oregon City, 1900.

⁶⁵ *Oregon City Courier*, 7 January 1910.

⁶⁶ *Oregon City Enterprise*, 28 November 1910.

⁶⁷ *Oregon City Courier*, 3 February 1911.

⁶⁸ Willamette Neighborhood Association, "Old Willamette Walking Tour."

⁶⁹ Steve Law "West Linn Creation Marked by Deep Cultural Divisions" (West Linn: *West Linn Tidings*, 9 June 1988).

⁷⁰ *The Weekly Enterprise* (Oregon City) 7 April 1893.

⁷¹ Clackamas County Recorder's Office, "Plat for Sunset City" (Oregon City: Clackamas County, 1892); Seigneur, 61; The 1916 directory for West Linn does not note a school in Sunset; although, it does mention that Willamette and Bolton both have schools; Johns & Woodbeck's, 180; The Holly Grove area is part of Bolton, but did not develop until the twenties and thirties.

⁷² Rachel Engers, "Old Bolton Store Shifts Slightly North" (West Linn: *West Linn Tidings*, 10 June 1999); Clackamas County Recorder's Office, "Plat for Sunset City;" Clackamas County Recorder's Office, "Plat for Bolton" (Oregon City: Clackamas County, 1896).

⁷³ Clackamas County Recorder's Office, "Plat for Windsor" (Oregon City: Clackamas County, 1889).

⁷⁴ Loher and Galbraith, Section 8 Page 3; Generalization concerning commercial development in towns surrounding Oregon City based on examination of newspaper accounts and city directories.

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Club's plan, and scheduled an annexation vote to include the mills and power plant within the boundaries of Willamette.⁷⁵ The disputed territory was already a part of the town school district, and Willamette residents no doubt felt ownership over the area. In early 1913, the first Willamette vote failed, and the town leaders scheduled a second vote on 30 July 1913. This vote was also unsuccessful as well. Willamette leaders believed that unfair methods were used to manipulate the outcome of the vote. The paper reported the accusation that "...at least three west side families 'moved' into the targeted area and set up temporary tents."⁷⁶ Unable to muster enough yes votes, Willamette remained a small town. On 13 August 1913, West Linn was incorporated by the State of Oregon, including Bolton, Sunset, the newly filed plat of West Oregon City, other area neighborhoods, and the two mills and hydroelectric plant within its boundaries. The new town effectively blocked Willamette's expansion toward the more populated areas east of its borders.⁷⁷

After a lull during the town's water crisis and annexation battle, residential construction in Willamette resumed in the early teens. Reflecting the changing economic demographics of the town, buildings constructed in the teens and twenties within the district were well-built, but not overly-ornate, examples of the nationally-popular period revival and craftsman styles in bungalow volumes. These residences were located within the boundaries of the original plat, filling in the lots between the older housing stock. In most cases, the buildings are relatively modest one- or one-and-a-half story wood-frame buildings with horizontal wood siding. A building's individual style is most often communicated by wood trim and details. Although popular at the time, more expensive brick and stone are usually not used as a primary cladding or as accent material. Examples within the nominated area include 1808 4th Avenue, built in 1916; 1674 5th Avenue, built in 1917; 1709 5th Avenue, built in 1920; and 1790 5th Avenue, also built in 1920. In 1920 Willamette Falls Drive was paved, and in 1922 a new vehicular bridge replacing the 1888 suspension bridge was designed by ODOT engineer Conde McCullough, opening to much fanfare and connecting Oregon City and the young City of West Linn. In 1927, streetcars were taken off Willamette Falls Drive and buses began to operate between Willamette, Bolton, and Oregon City.

Due to continual problems with their independent water supply and lacking the tax revenue to remedy the problem, the Town of Willamette was forced to merge with West Linn in a special election in March 1916. A local directory described the amalgamated community as "including the towns of Bolton and Willamette" with an electric railway running between the two towns. The new city included two schools and two post offices, one each in the "old town of Willamette" and "West Linn proper." Willamette was listed as having the only church.⁷⁸

THE CITY OF WEST LINN AFTER 1930

After 1930, construction in Willamette, as in much of the country, dropped off as a result of the Great Depression. Only three buildings in the district were constructed in the 1930s and only one in the 1940s. By this time the district was mostly built out; although, many of the homes were set on two lots which could have been subdivided if demand were higher. Yet, during this period there was some construction in West Linn. The Bolton trolley station located at 22825 Willamette Falls Drive was torn down in 1935, signaling the final end to electric trolley service in the area. Trolley service was discontinued in 1927, but the building continued to serve as West Linn's City Hall. See figure 15. A new brick building was constructed on the same site and dedicated in 1936 to serve the city's population of 2,000 persons.⁷⁹ The same year the new City Hall was dedicated, Willamette's original four-room schoolhouse on 12th Street was demolished and replaced with a new building in the Collegiate-Gothic style, which later burned in 1949.⁸⁰ During this period and into the Forties the paper

⁷⁵ Law, 9 June 1988.

⁷⁶ Ibid.

⁷⁷ Ibid; Clackamas County Recorder's Office, "Plat of West Oregon City" (Oregon City: Clackamas County, 1913).

⁷⁸ Johns & Woodbeck's, 180.

⁷⁹ Janet Goetze, "Old City Hall Goes Down in West Linn History" (Portland: *Oregonian*, 14 October 1999); When completed, the new city hall included a grocery store and post office on the main floor and storage for Fire Department equipment. Municipal offices were on the second floor. In 1939 the newly established library was moved into the building; Seigneur, 47, 87.

⁸⁰ Willamette Honor Class, 20; Seigneur, 61; Seigneur notes that the school was completed with a "federal grant," but does not note the source of the funds. It is presumable that given the small population of Willamette that the city hall was paid for, at least in

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mill continued to prosper, benefiting from the natural resources found on the Pacific Coast and its location on the river. The locks were well utilized as well. According to local historian William Welsh, "in excess of one million tons of freight went through these locks in 1940."⁸¹

In the postwar period West Linn began to grow again, modestly at first as a handful of new subdivisions were platted.⁸² Many of these new buildings were constructed in the World War II Era Cottage and Ranch types. To the west, north, and east of the nominated area these types of residential buildings were constructed to fill in vacant lots. Within the nominated area, it was not until the late-twentieth century that construction in the district began again on some of the un-built secondary lots. During this period, the late-nineteenth century plats for Windsor, Wesylinn, Sunset City, and Bolton came under increasing development pressure, and homes and businesses were modified, demolished, and empty lots filled in. The result was the loss of much of the areas' historic character. Of these communities, only Bolton was consistently described as a "town" during the period of significance. Even so, Bolton did not develop a full-service downtown, have a church or other community social institution, or incorporate as an independent town as Willamette did.

Throughout the postwar period manufacturing at the Falls was an important source of employment for the local area. Crown Zellerbach continued operating in West Linn through 1986 when it sold the operation to The James River Corporation. The mill was historically the largest employer for the City of West Linn, with the workforce consisting of over 1,900 employees in the early part of the twentieth century. By 1990, when Simpson Paper acquired the mill, there were 550 employees. The mill was bought in 1997 by Belgravia Investments and reopened as the West Linn Paper Company. West Linn can claim to have the oldest continuously operating paper mill on the Pacific Coast, with the exception of the several weeks after the 1964 flood and a period in 1996-97.⁸³

CONCLUSION

The proposed Willamette Historic District, with a total of 64 resources, 59 percent of which are contributing to the district, conveys the significance of the period within which it developed. The district is significant as an example of late-nineteenth century community planning and development. During this period and into the early-twentieth century, the expansion of commerce and manufacturing at Willamette Falls led to rapid growth of the transportation network, encouraging corporate landholders to plat new developments. Of the many speculative communities established in the West Linn area during this time, Willamette was the most developed and the only community that incorporated as its own town. Of what remains of the town of Willamette, this neighborhood retains the distinct character of this community. The proposed district is also eligible under Criterion C for its significance in the area of architecture. The nominated area includes a significant concentration of intact late-nineteenth and early-twentieth century residences from the establishment of the plat in 1893 through 1929 when construction of new homes halted. The community of Willamette Falls did not become the manufacturing center its founders envisioned, but Walden's plan did direct the community's development – a historic feeling and association the area still retains.

part, with state or federal funding as well. The current Willamette Grade School is the product of an extensive remodel and several additions completed in 1965.

⁸¹ Welsh, 21.

⁸² City of West Linn Planning Department, "Annexations in West Linn, 1913-2005" (West Linn: City of West Linn, 2005).

⁸³ Kramer, "Willamette Falls Industrial Area; Request for Determination of Eligibility;" Stein, 9-10.

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Previous documentation on file (NPS):

- preliminary determination of individual listing (36 CFR 67 has been requested)
- previously listed in the National Register
- previously determined eligible by the National Register
- designated a National Historic Landmark
- recorded by Historic American Buildings Survey # _____
- recorded by Historic American Engineering Record # _____
- recorded by Historic American Landscape Survey # _____

Primary location of additional data:

- State Historic Preservation Office
 - Other State agency
 - Federal agency
 - Local government
 - University
 - Other
- Name of repository: Clackamas County Historical Society

Historic Resources Survey Number (if assigned): N/A

10. Geographical Data

Acreage of Property 15.4 acres

(Do not include previously listed resource acreage; enter "less than one" if the acreage is .99 or less)

UTM References

(Place additional UTM references on a continuation sheet)

1	<u>10</u>	<u>526908</u>	<u>5020900</u>	3	<u>10</u>	<u>527298</u>	<u>5020798</u>
	Zone	Easting	Northing		Zone	Easting	Northing
2	<u>10</u>	<u>527206</u>	<u>5021020</u>	4	<u>10</u>	<u>527000</u>	<u>5020677</u>
	Zone	Easting	Northing		Zone	Easting	Northing

Verbal Boundary Description (Describe the boundaries of the property.)

The Willamette Historic District is located in the southwestern portion of the Willamette Falls Plat, 1893, located in Clackamas County, West Linn, Oregon. The district encompasses approximately 15.4 acres containing six full and four partial city blocks and a total of 64 resources. Thirty-eight of these buildings are contributing to the district and 26 are either non-contributing or were constructed outside the period of significance, 1895 -1929. The boundary begins at the intersection of 15th Street and Knapps Alley and runs east along Knapps Alley, including only those properties fronting on 6th Avenue to the south. The boundary then turns south on 12th Street and extends past 4th Avenue along the eastern property line of the building located at 1296 12th Street, including those resources on the west side of the right-of-way. The southern and eastern boundaries of the district are irregularly shaped, and only properties north and east of the boundary line are included in the district. The line runs along the south property line of the building located at 1296 12th Street and turns north at the southwestern corner, running north to 4th Avenue. The boundary extends west along 4th Avenue and turns north at 14th Street, turns west again at 5th Avenue and once more turns north at 15th Street continuing to beginning point at the corner of 15th Street and Knapps Alley. See figure 2, Willamette Historic District Map.

Boundary Justification (Explain why the boundaries were selected.)

The boundary includes a portion of the Willamette Falls Plat historically associated with the Town of Willamette and the community's initial development period that still retains sufficient historic integrity to merit listing in the National Register of Historic Places. In July 2008, neighborhood was surveyed and recorded. The study area was bounded by Willamette Falls Drive to the north, 12th Street to the east, 4th Avenue to the south, and 15th street to the west, often including resources on both sides of the street. In October 2008 a much larger area was surveyed, See figure 3. For the purposes of the survey, buildings were considered contributing to the district if they retained most of their original volume and details and either the original siding and / or the original windows. Buildings that had neither the original windows nor siding, or had a number of individual

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alterations that together cumulatively resulted in a general loss of integrity were considered non-contributing. After examining the distribution of contributing resources in the area, the boundary was drawn to include the greatest concentration of contributing resources constructed during the selected period of significance. As shown in figure 3, the district is bound by out-of-period construction and groupings of non-contributing resources that interrupt the historic association and feeling of the district. To the north the district is bound by out-of-period modern commercial development and groupings of non-contributing resources fronting Willamette Falls Drive. Recent road improvements in this area, including widening and landscaping further diminish the historic feel and association along the corridor. The area north of the commercial development was vacated in 1902 and did not develop until later during the postwar period, and is not historically associated with the nominated area. The eastern boundary is defined by a large 1959 grade school complex extending between 6th and 4th Avenues and continuing east one full city block. There are not sufficient contributing resources to either the north or south of the school to justify including properties on the east side of 12th Street in the district. The southern and eastern boundaries follow the original plat along the ridge of the hill, but include 1296 12th Avenue, which is associated with the area's early development but not within the original plat. Most of the buildings outside the south and east boundary do not retain sufficient historic integrity to be included in the district or were built within the last 20 years.

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11. Form Prepared By

name/title West Linn Historic Resources Advisory Board, and City of West Linn and Oregon SHPO staff
organization City of West Linn date April 24, 2009
street & number 22500 Salamo Rd. telephone (503) 657-0331
city or town West Linn state OR zip code 97068

Additional Documentation

Submit the following items with the completed form:

- **General Location Map**
- **Tax Lot Map**
- **Site Plan**
- **Floor Plans**
- A **Sketch map** for historic districts and properties having large acreage or numerous resources. Key all photographs to this map.

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Photographs:

Submit clear and descriptive photographs. The size of each image must be 1600x1200 pixels at 300 ppi (pixels per inch) or larger. Key all photographs to the sketch map.

Name of Property: Willamette Historic District
City or Vicinity: West Linn
County: Clackamas Co. **State:** OR
Photographer: Margaret Marcusen, margaretmarcusen@verizon.net
Date Photographed: May 27, 2008

Description of Photograph(s) and number:

- Photo 1 of 21: OR_ClackamasCounty_WillametteHistoricDistrict_001
Exterior View: 14th St and 6th Ave, facing SW
- Photo 2 of 21: OR_ClackamasCounty_WillametteHistoricDistrict_0001
Exterior View: 6th Ave, facing NW
- Photo 3 of 21: OR_ClackamasCounty_WillametteHistoricDistrict_0009
Exterior View: 15th St and 5th Ave, facing NE
- Photo 4 of 21: OR_ClackamasCounty_WillametteHistoricDistrict_0008
Exterior View: 5th Ave, facing NE
- Photo 5 of 21: OR_ClackamasCounty_WillametteHistoricDistrict_0007
Exterior View: 14th St and 5th Ave, facing SE
- Photo 6 of 21: OR_ClackamasCounty_WillametteHistoricDistrict_0006
Exterior View: 4th Ave, facing NE
- Photo 7 of 21: OR_ClackamasCounty_WillametteHistoricDistrict_0007
Exterior View: 13th St and 4th Ave, facing NW
- Photo 8 of 21: OR_ClackamasCounty_WillametteHistoricDistrict_0008
Exterior View: 13th St and 4th Ave, facing NE
- Photo 9 of 21: OR_ClackamasCounty_WillametteHistoricDistrict_0009
Exterior View: 12th St and 4th Ave, facing SW
- Photo 10 of 21: OR_ClackamasCounty_WillametteHistoricDistrict_0010
Exterior View: 13th St and 5th Ave, facing NE
- Photo 11 of 21: OR_ClackamasCounty_WillametteHistoricDistrict_0011
Exterior View: 5th Ave, facing NE
- Photo 12 of 21: OR_ClackamasCounty_WillametteHistoricDistrict_0012
Exterior View: 5th Ave, facing SE

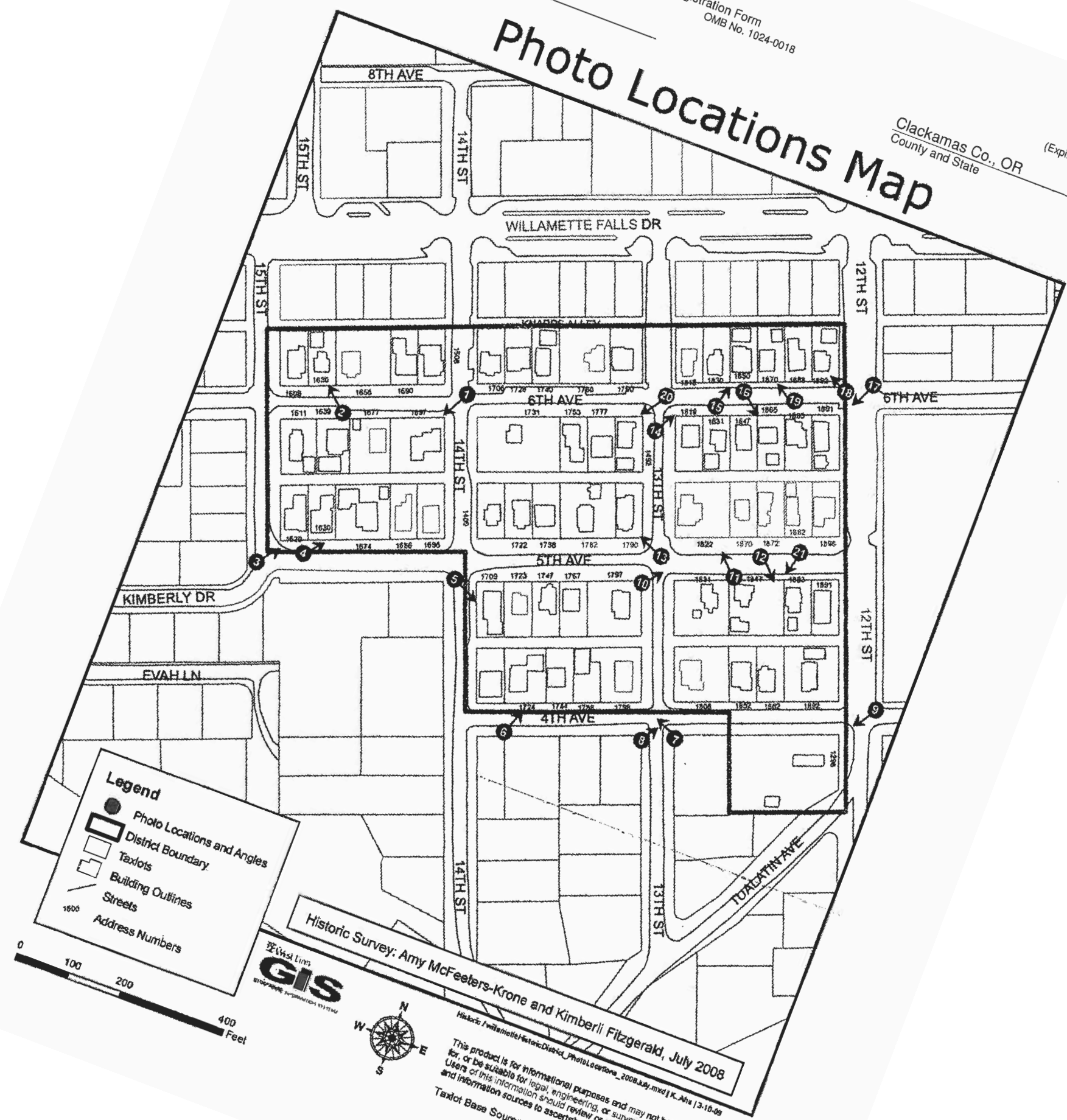
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PHOTOS CONTINUED

- Photo 13 of 21: OR_ClackamasCounty_WillametteHistoricDistrict_0013
Exterior View: 13th Ave, facing NW
- Photo 14 of 21: OR_ClackamasCounty_WillametteHistoricDistrict_0014
Exterior View: 13th St and 6th Ave, facing NE
- Photo 15 of 21: OR_ClackamasCounty_WillametteHistoricDistrict_0015
Exterior View: 6th Ave, facing NE
- Photo 16 of 21: OR_ClackamasCounty_WillametteHistoricDistrict_0016
Exterior View: 6th Ave, facing SE
- Photo 17 of 21: OR_ClackamasCounty_WillametteHistoricDistrict_0017
Exterior View: 12th St and 6th Ave. facing SW
- Photo 18 of 21: OR_ClackamasCounty_WillametteHistoricDistrict_0018
Exterior View: 6th Ave, facing NW
- Photo 19 of 21: OR_ClackamasCounty_WillametteHistoricDistrict_0019
Exterior View: 6th Ave, facing NW
- Photo 20 of 21: OR_ClackamasCounty_WillametteHistoricDistrict_0020
Exterior View: 6th Ave, facing SW
- Photo 21 of 21: OR_ClackamasCounty_WillametteHistoricDistrict_0021
Exterior View: 5th Ave, facing SW

Photo Locations Map



Historic Survey: Amy McFeeters-Krone and Kimberli Fitzgerald, July 2008

This product is for informational purposes and may not have been prepared for, or be suitable for, legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

Taxlot Base Source: Metro RLIS

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Clackamas Co., OR
County and State

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United States Department of the Interior
National Park Service

National Register of Historic Places Continuation Sheet

Willamette Historic District

Name of Property
Clackamas Co., OR

County and State
N/A

Name of multiple listing (if applicable)

Section number Additional Documentation Page 29

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Figure 1: Vicinity Map

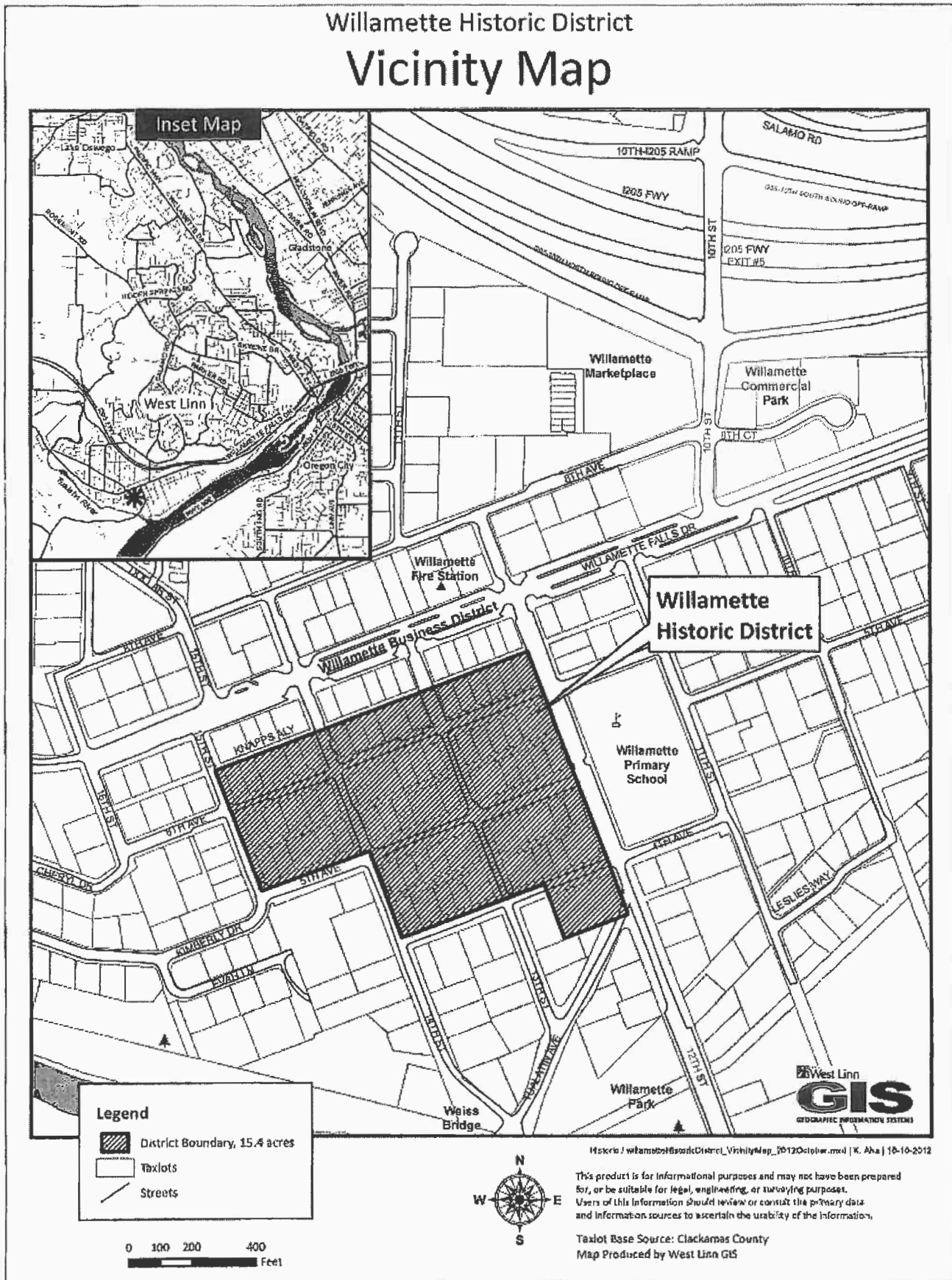


Figure 2: Willamette Historic District Map

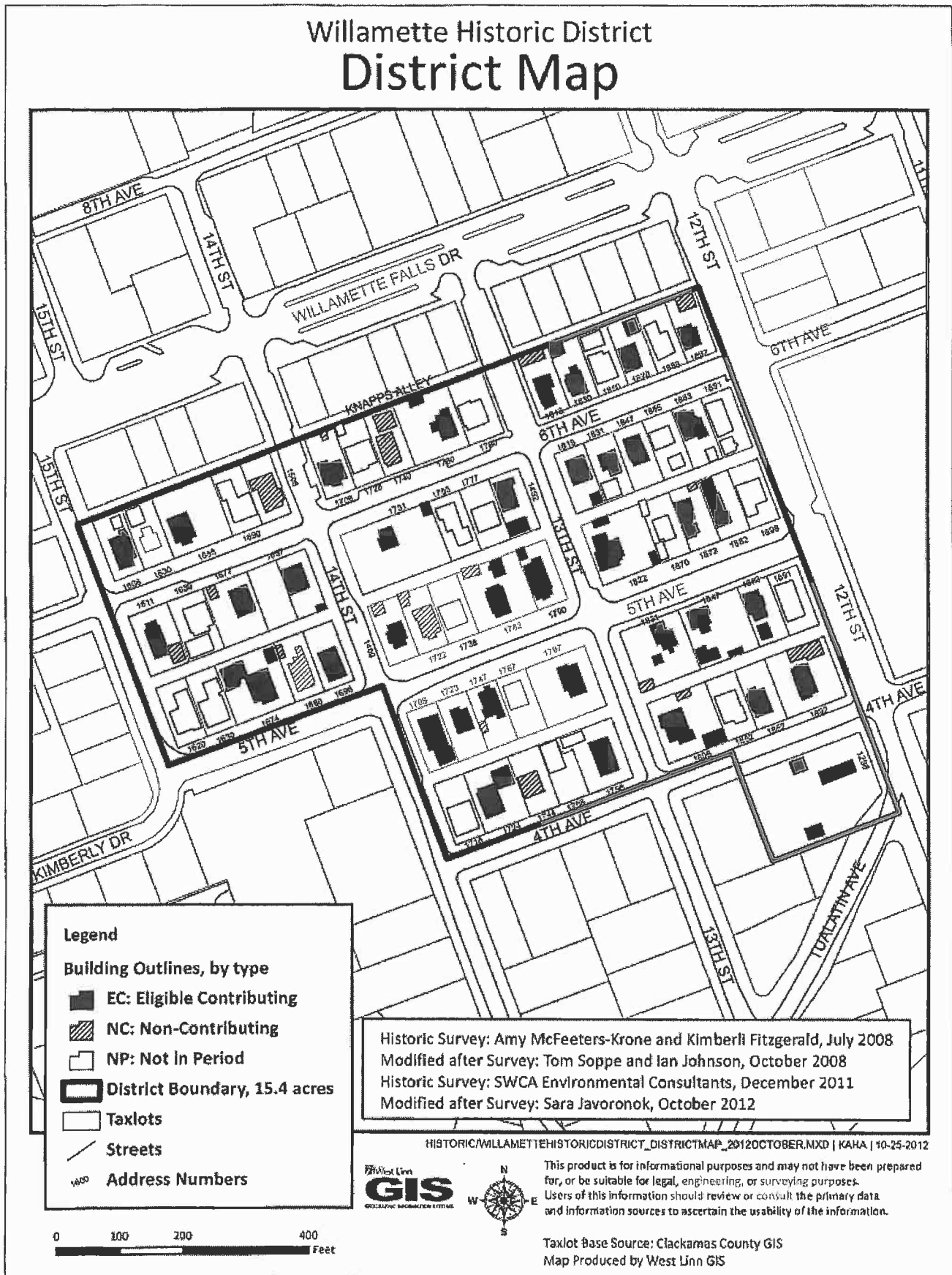
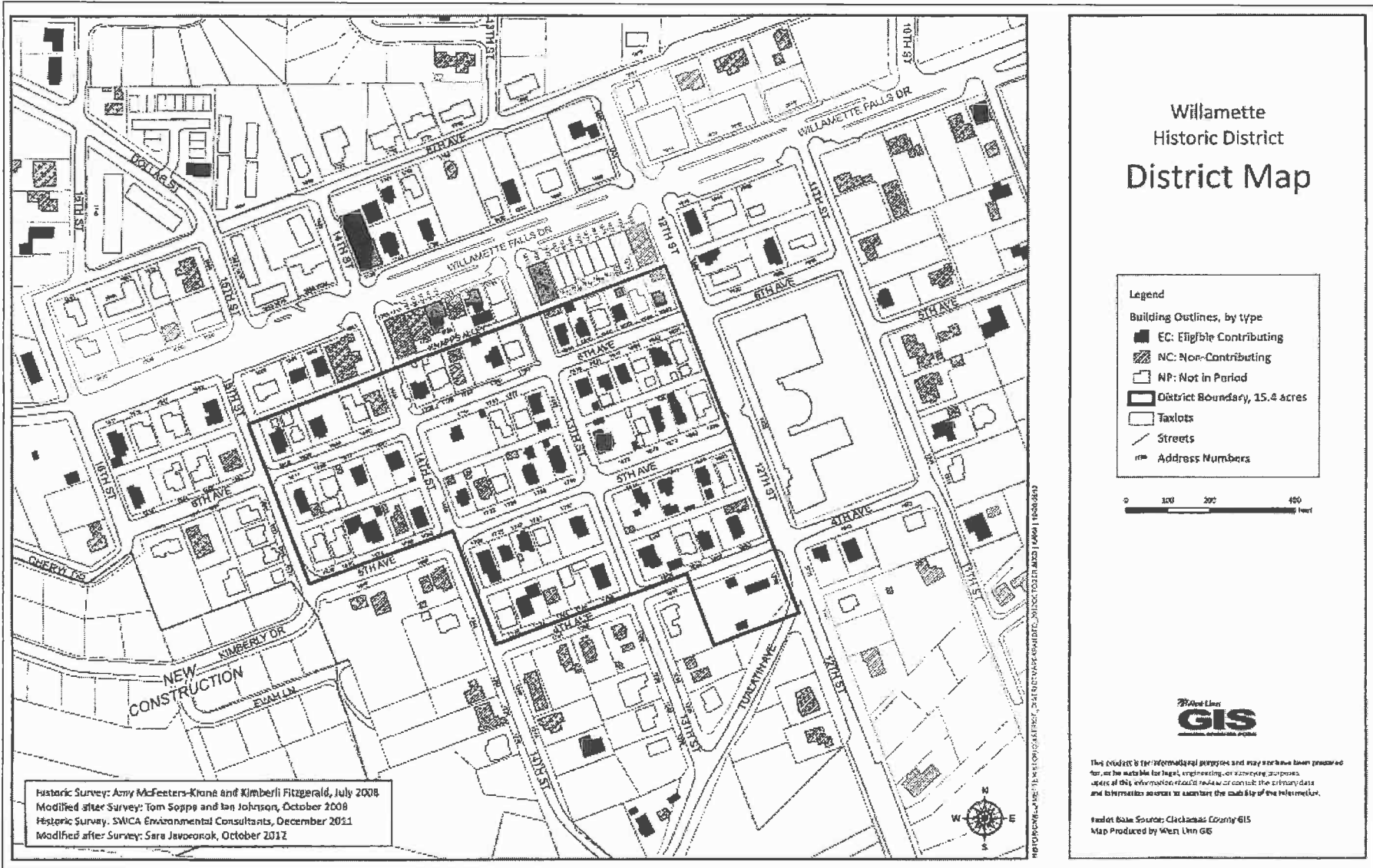


Figure 3: Willamette Historic District Expanded District Map



Historic Building Report/Counts
(All Properties Inventoried)

Evaluation Counts - Willamette Falls Historic District

Evaluation	Quantity	% of Total
eligible/contributing	33	52%
eligible/significant	5	8%
not eligible/non-contributing	5	8%
not eligible/out of period	21	33%
Total:	64	

Construction Date Decade Counts - Willamette Falls Historic District

Decade	Quantity	% of Total
1890s	16	25%
1900s	9	14%
1910s	8	13%
1920s	10	16%
1930s	3	5%
1960s	2	3%
1970s	2	3%
1980s	7	11%
1990s	4	6%
2000s	3	5%
Total:	64	

Original Use Counts - Willamette Falls Historic District

Original Use	Quantity	% of Total
DOMESTIC	64	100%
Total:	64	

Material Counts - Willamette Falls Historic District

Materials	Quantity	% of Total
CONCRETE	1	2%
SYNTHETIC SIDING	11	17%
WOOD	52	81%
Total:	64	

Figure 4, page 33

Historic Building Report/Counts

(All Properties Inventoried)

Style Category Counts - Willamette Falls Historic District

Style Categories	Quantity	% of Total
VICTORIAN ERA		
Queen Anne	15	
Stick	5	
Category Total:	20	31%
OTHER		
Other / Undefined	1	
Vernacular	1	
Category Total:	2	3%
MODERN PERIOD		
Northwest Regional	1	
Ranch (Type)	3	
Category Total:	4	6%
LATE 20TH CENTURY		
Late 20th Century: Other	2	
Neo-Colonial	1	
Neo-Victorian	8	
Category Total:	11	17%
LATE 19TH/20TH CENT. PERIOD REVIVALS		
Colonial Revival	4	
Category Total:	4	6%
LATE 19TH/20TH CENT. AMER. MOVEMENTS		
Bungalow (Type)	20	
Craftsman	3	
Category Total:	23	36%
Total:	64	

Architectural Survey Data for Willamette Falls Historic District
Oregon State Historic Preservation Office

Address/ Historic Name	Current-Other Names	Ht	Eval/ NR	Yr(s) Built	Materials	Arch Classifs/Styles	Orig. Use/ Plan (Type)	RLS / ILS Dates	Listed Date
1296 SE 12th St Mass, Sherriff Ernest T, House		2	EC NHD	c.1906	Horizontal Board	Queen Anne Vernacular	Single Dwelling RE	3/17/2006	
<i>Comments: Sherriff Mass House, Britton Barn ca. 1906 barn moved to site from 19th and Dollar Street in 1993.</i>									
1492 SW 13th St Maas House		3	EC NHD	c.1897	Horizontal Board	Queen Anne Vernacular	Single Dwelling RX	3/17/2006	
1409 SW 14th St Maple, E J, House		3	EC NHD	c.1895	Horizontal Board	Queen Anne Vernacular	Single Dwelling RX	3/17/2006	
1508 14th St		1	NC NHD	c.1916	Horizontal Board	Bungalow (Type) Colonial Revival	Single Dwelling RU	3/17/2006	
<i>Comments: Extremely altered-original wood siding, doors and windows replaced. New entry way.</i>									
1716 4th Ave		2	NP NHD	2008	Horizontal Board Shingle	Other / Undefined	Single Dwelling HZ	10/28/2008	
<i>Comments: New construction</i>									
1724 SE 4th Ave Downey House		2	EC NHD	1903	Horizontal Board Shingle	Queen Anne Vernacular	Single Dwelling RX	3/17/2006	
<i>Comments: at one time this structure had a turret</i>									
1744 4th Ave		1	NC NHD	c.1895	Vinyl Siding	Bungalow (Type)	Single Dwelling RU	3/17/2006	
<i>Comments: early settlers brought this home up from river</i>									
1788 4th Ave		1	NP NHD	c.1934	Horizontal Board	Bungalow (Type) Vernacular	Single Dwelling RU	3/17/2006	
<i>Comments: windows and siding replaced-hardiplank, stone veneer foundation, vinyl windows; NC in Survey; out of period for district</i>									
1798 SE 4th Ave Schmidt House		2	EC NHD	c.1895	Horizontal Board Shingle	Queen Anne Vernacular	Single Dwelling RX	3/17/2006	
<i>Comments: House under construction/ windows have been removed, house raised on new foundation, supposedly will be restored to original</i>									
1808 4th Ave		2	EC NHD	c.1916	Horizontal Board	Bungalow (Type)	Single Dwelling RU	3/17/2006	
<i>Comments: Ewalt Leisman/twin of 1674 5th</i>									
1852 4th Ave		2	NP NHD	c.1986	Vinyl Siding	Neo-Colonial	Single Dwelling HZ	3/17/2006	
1862 SE 4th Ave Hurst House		2	EC NHD	c.1897	Horizontal Board	Stick Queen Anne	Single Dwelling RX	3/17/2006	

Evaluation Codes: ES=eligible/significant EC=eligible/contributing NC=not eligible/non-contributing NP=not eligible/out of period UN=undetermined/lack of info XD=demolished
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Architectural Survey Data for Willamette Falls Historic District
Oregon State Historic Preservation Office

Address/ Historic Name	Current-Other Names	Ht	Eval/ NR	Yr(s) Built	Materials	Arch Classifs/Styles	Orig. Use/ Plan (Type)	RLS / ILS Dates	Listed Date
1892 SE 4th Ave Olsen House	<i>Nelson, Otto F. House</i>	2	EC NHD	c.1895	Horizontal Board	Stick Queen Anne	Single Dwelling RX	3/17/2006	
1620 5th Ave		2	NP NHD	c.1995	Synthetic Wood Siding	Neo-Victorian	Single Dwelling HZ	3/17/2006	
1630 5th Ave		2	NP NHD	c.1995	Synthetic Wood Siding	Neo-Victorian	Single Dwelling HZ	3/17/2006	
1674 5th Ave		2	EC NHD	c.1917	Horizontal Board	Bungalow (Type)	Single Dwelling RU	3/17/2006	
	<i>Comments: Martha Ream</i>								
1686 5th Ave		2	NC NHD	c.1910	Horizontal Board	Bungalow (Type)	Single Dwelling RU	3/17/2006	
	<i>Comments: brick porch with wrought iron posts, aluminum siding on second story</i>								
1696 5th Ave		2	EC NHD	c.1920	Horizontal Board	Bungalow (Type)	Single Dwelling RU	3/17/2006	
	<i>Comments: Windows and porch altered, new door.</i>								
1709 SE 5th Ave Snidow, W S, House		1	EC NHD	1920	Shingle Stucco	Bungalow (Type)	Single Dwelling RU	3/17/2006	
	<i>Comments: New compatible windows, new compatible siding.</i>								
1722 5th Ave		1	NC NHD	c.1915	Shingle	Bungalow (Type)	Single Dwelling RU	3/17/2006	
	<i>Comments: extremely altered-aluminum windows and a variety of replacement siding-vertical wood paneling, shingle, etc.</i>								
1723 5th Ave		1	EC NHD	c.1920	Horizontal Board	Bungalow (Type)	Single Dwelling RU	3/17/2006	
1738 5th Ave		2	NP NHD	c.1986	Horizontal Board	Neo-Victorian	Single Dwelling HZ	3/17/2006	
1747 5th Ave		1	EC NHD	c.1890 c.1935	Shingle	Colonial Revival	Single Dwelling HH	3/17/2006	
	<i>Comments: siding, porch altered</i>								
1767 5th Ave		2	NP NHD	c.1986	Horizontal Board	Colonial Revival	Single Dwelling HH	3/17/2006	
1782 S 5th Ave Bremer, Caroline, House		2	EC NHD	1920	Horizontal Board	Craftsman	Single Dwelling RU	3/17/2006	
	<i>Comments: Redeveloped. Earlier house owned by Herman Hanson</i>								

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Architctural Survey Data for Willamette Falls Historic District
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Address/ Historic Name	Current-Other Names	Ht	Eval/ NR	Yr(s) Built	Materials	Arch Classifs/Styles	Orig. Use/ Plan (Type)	RLS / ILS Dates	Listed Date
1790 SW 5th Ave Millekin, Wes, House		2	EC NHD	1920	Horizontal Board	Craftsman	Single Dwelling RU	3/17/2006	
<i>Comments: Millekin Family- Buckles and Millekin Store</i>									
1797 5th Ave		2	EC NHD	c.1900	Horizontal Board	Queen Anne	Single Dwelling RX	3/17/2006	
<i>Comments: Mildred Martin</i>									
1822 SW 5th Ave Baker House		2	ES NHD	c.1899	Shingle	Queen Anne Vernacular	Single Dwelling RX	3/17/2006	
<i>Baker, Benjamin & Mary Ann, House; Miller-Baker</i>									
1831 5th Ave Ralston, J H, House		2	ES NHD	c.1895	Horizontal Board Shingle	Queen Anne Vernacular	Single Dwelling RX	3/17/2006	
1847 SE 5th Ave Walden, Nicholas O, House		2	ES NRB	c.1897	Horizontal Board	Queen Anne Vernacular	Single Dwelling RX	3/17/2006	9/7/1984
1870 5th Ave		1	NP NHD	c.1964	Horizontal Board	Ranch (Type)	Single Dwelling HD	3/17/2006	
1872 SW 5th Ave Rasmussen House		2	EC NHD	c.1898	Horizontal Board	Stick Queen Anne	Single Dwelling RE	3/17/2006	
<i>Batdorf, George E G, House</i>									
1882 SW 5th Ave Morgan House		2	EC NHD	c.1895	Horizontal Board	Queen Anne Vernacular	Single Dwelling RX	3/17/2006	
<i>Harding, George A, House</i>									
1883 5th Ave		1	EC NHD	c.1921	Horizontal Board	Bungalow (Type)	Single Dwelling RU	3/17/2006	
1891 5th Ave		1	NP NHD	c.1978	Wood Sheet	Ranch (Type) Vernacular	Single Dwelling HF	3/17/2006	
1898 5th Ave		1	NP NHD	c.1962	Concrete Block Vertical Board	Ranch (Type)	Single Dwelling HK	3/17/2006	
1608 6th Ave		1	EC NHD	c.1920	Horizontal Board	Bungalow (Type)	Single Dwelling RU	3/17/2006	
<i>Comments: windows altered-openings enlarged; NP two-car detached garage</i>									
1611 SE 6th Ave Gross, Edward, House		2	EC NHD	1911	Horizontal Board	Craftsman Vernacular	Single Dwelling RU	3/17/2006	
<i>Comments: Ed Gross</i>									

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1630 6th Ave		2	NP NHD	c.1935	Horizontal Board	Colonial Revival	Single Dwelling RU	3/17/2006	
<i>Comments: vinyl windows. huge new garage; Sears kit house; EC per the survey; Out of Period based upon the Period of Significance (ending in 1929).</i>									
1639 6th Ave		2	NP NHD	c.1989	Synthetic Wood Siding	Neo-Victorian	Single Dwelling HZ	3/17/2006	
1658 6th Ave		2	EC NHD	c.1924	Horizontal Board	Bungalow (Type)	Single Dwelling RU	3/17/2006	
<i>Comments: built for Oldenstadts</i>									
1677 6th Ave		2	EC NHD	c.1918	Cement Fiber Siding	Bungalow (Type)	Single Dwelling RU	3/17/2006	
<i>Comments: NC shed</i>									
1690 6th Ave		2	NP NHD	c.1995	Synthetic Wood Siding	Neo-Victorian	Single Dwelling RZ	3/17/2006	
1697 SE 6th Ave Gross, Edward, House		2	EC NHD	1912	Horizontal Board	Bungalow (Type)	Single Dwelling RU	3/17/2006	
1706 6th Ave		2	EC NHD	c.1928	Horizontal Board	Bungalow (Type)	Single Dwelling RU	3/17/2006	
<i>Frenzel Market</i>									
1728 6th Ave		1	NP NHD	c.1971	Vertical Board	Northwest Regional	Single Dwelling HK	3/17/2006	
1731 SW 6th Ave Logan House		2	ES NHD	c.1895	Horizontal Board	Stick Vernacular	Single Dwelling RX	3/17/2006	
1740 6th Ave		1	NC NHD	c.1920	Asphalt Shingle Siding	Bungalow (Type)	Single Dwelling RU	3/17/2006	
<i>Comments: porch columns replaced with pipe, asphalt shingle siding, large plate glass replacement windows</i>									
1753 6th Ave		1	NP NHD	c.1930	Asphalt Shingle Siding	Bungalow (Type)	Single Dwelling HD	3/17/2006	
<i>Comments: EC from survey; out of the period of significance</i>									
1777 6th Ave		2	NP NHD	2008	Horizontal Board	Late 20th Century: Other	Single Dwelling HZ	10/29/2008	
<i>Comments: New construction</i>									
1780 6th Ave Buckles-Elligsen House		2	ES NHD	c.1898	Horizontal Board	Queen Anne	Single Dwelling RX	3/17/2006	
1790 6th Ave		2	NP NHD	c.1984	Horizontal Board	Neo-Victorian	Single Dwelling HZ	3/17/2006	

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1818 SW 6th Ave Dollar, Anna, House		2	EC NHD	1898	Horizontal Board	Vernacular	Single Dwelling RE	3/17/2006	
<i>Comments: Built for Great Grandma Dollar</i>									
1819 SE 6th Ave Tonkin Jr, O, House		2	EC NHD	1902	Horizontal Board	Bungalow (Type)	Single Dwelling RU	3/17/2006	
<i>Comments: PGE Show home in the 1920's. F.S. Howell</i>									
1830 SW 6th Ave Jones House		2	EC NHD	c.1895	Horizontal Board Shingle	Stick Vernacular	Single Dwelling RX	3/17/2006	
1831 SE 6th Ave White, Sadie E, House		2	EC NHD	c.1904	Horizontal Board	Queen Anne	Single Dwelling RX	3/17/2006	
<i>Comments: NP two-car garage</i>									
1847 SE 6th Ave Losey, Dora A, House		2	EC NHD	1900	Horizontal Board	Queen Anne Vernacular	Single Dwelling RE	3/17/2006	
1850 6th Ave		2	NP NHD	c.1997	Horizontal Board	Neo-Victorian	Single Dwelling HZ	3/17/2006	
1865 6th Ave		1	NP NHD	c.1981	Horizontal Board	Colonial Revival	Single Dwelling HH	3/17/2006	
<i>Comments: NP two car garage</i>									
1870 SW 6th Ave Capen, Frank, House		2	EC NHD	c.1907	Horizontal Board Shingle	Bungalow (Type) Vernacular	Single Dwelling RU	3/17/2006	
<i>Comments: porch rebuilt, windows replaced-Frank Capen; Capen Shoe</i>									
1883 SE 6th Ave Kinney House		2	EC NHD	c.1900	Cement Fiber Siding Shingle	Queen Anne Vernacular	Single Dwelling RX	3/17/2006	
<i>Comments: NP accessory structure/office</i>									
1888 6th Ave		1	NP NHD	c.1980	Wood Sheet	Late 20th Century: Other	Single Dwelling RU	3/17/2006	
1891 6th Ave		2	NP NHD	c.2002	Synthetic Wood Siding	Neo-Victorian	Single Dwelling HZ	3/17/2006	
<i>Comments: NP two-car garage, accessory dwelling unit</i>									
1892 SW 6th Ave Rasmussen House		3	EC NHD	c.1905	Horizontal Board	Queen Anne Vernacular	Single Dwelling RX	3/17/2006	
	Downey, Anna, House	<i>Comments: City GIS data (from Clackamas County Assessor) says 1900. Winterbrook study and Clackamas County historic resource inventory say circa 1905.</i>							
Total Resources Identified:		64							

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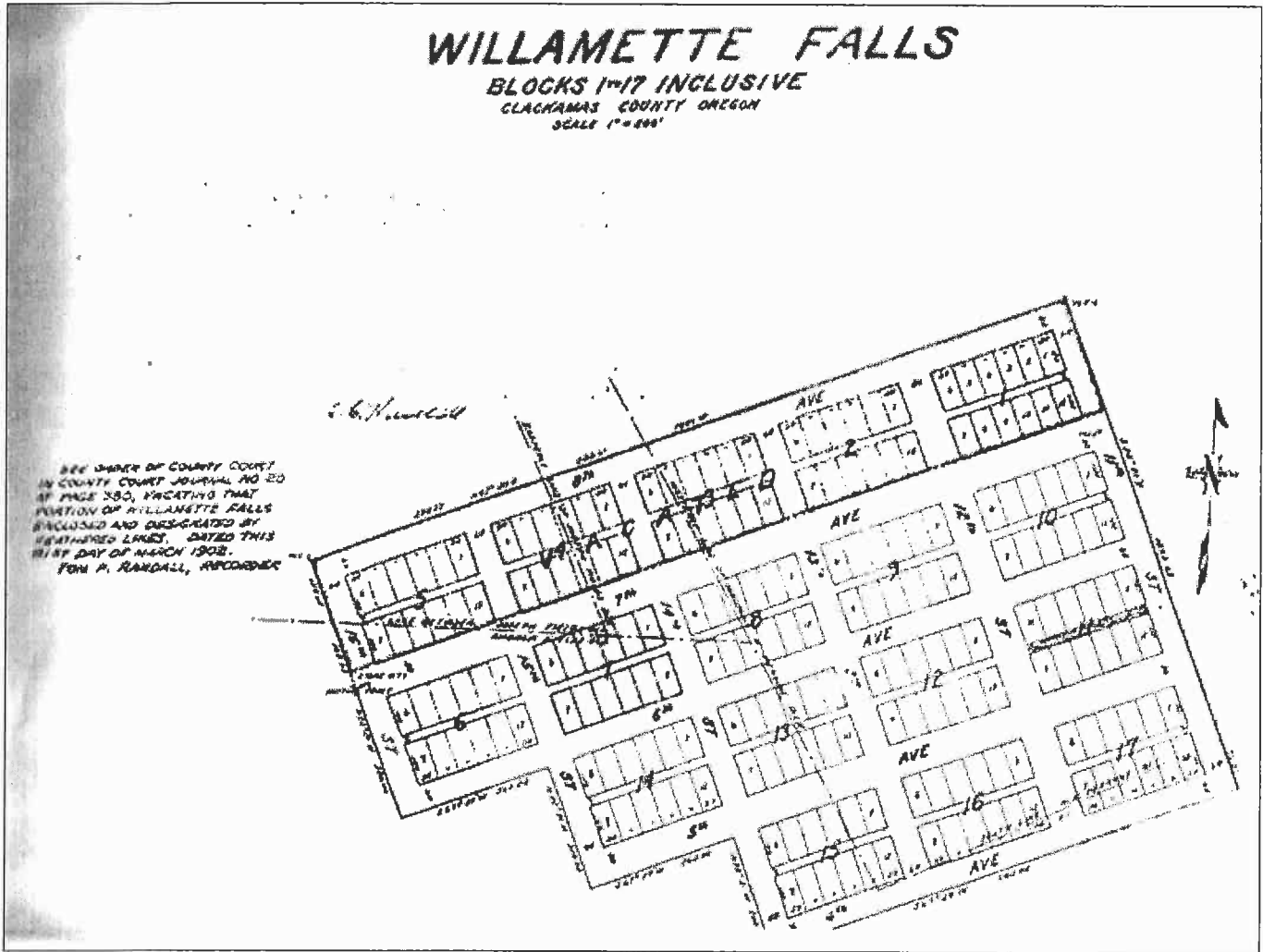
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National Register of Historic Places Continuation Sheet

Willamette Historic District
Name of Property
Clackamas Co., OR
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N/A
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Figure 6: Willamette Falls Plat, 1893



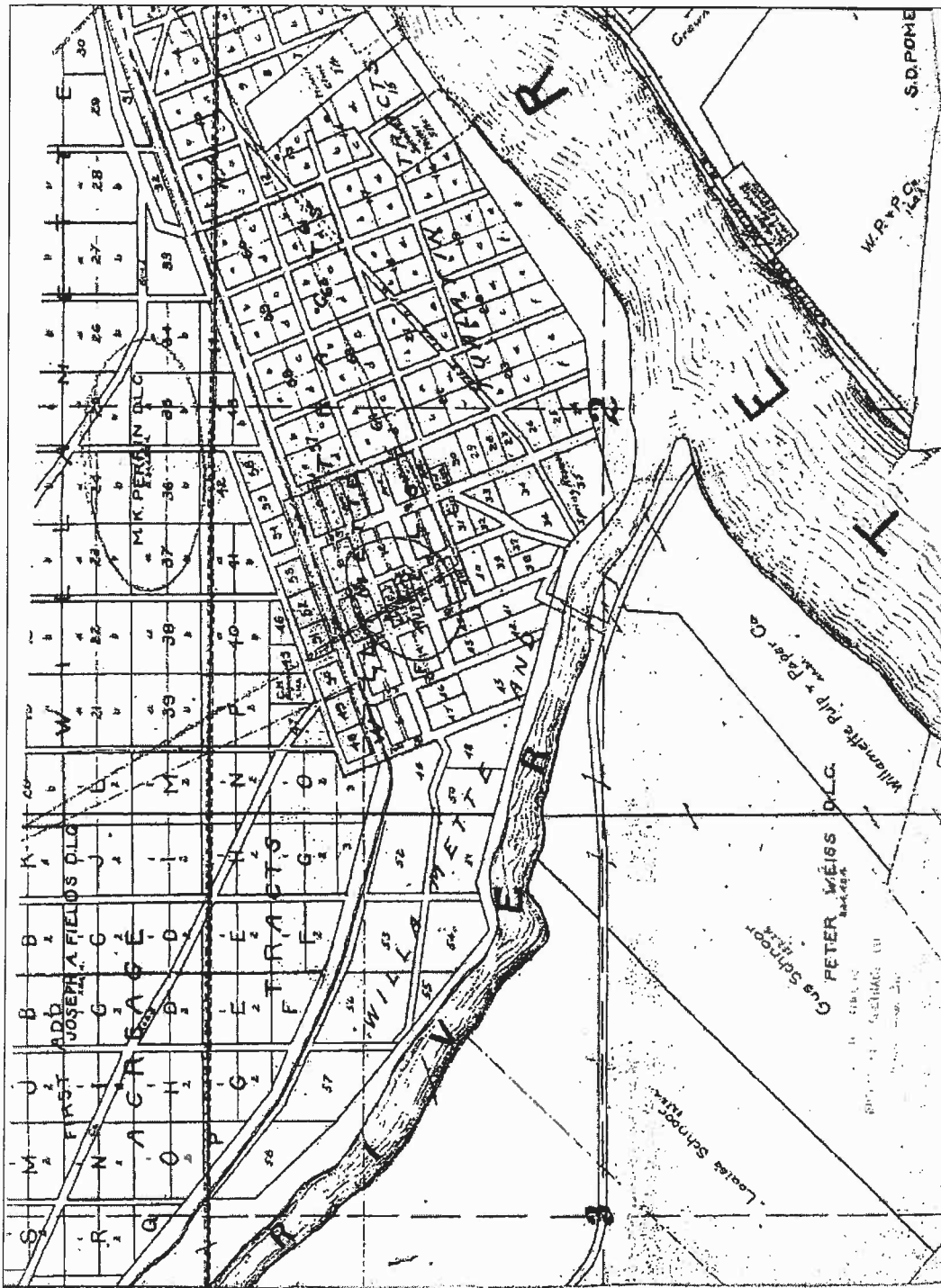
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Figure 7: Willamette Falls Area Plat, c. 1900



United States Department of the Interior
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Willamette Historic District
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Figure 9: Capen Shoe Factory, c. 1900

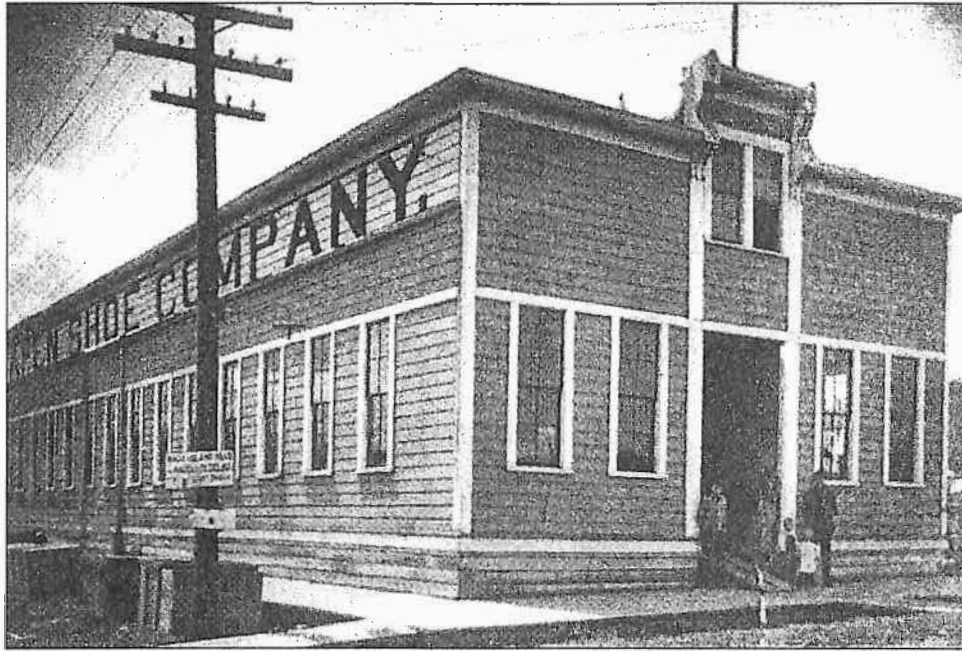
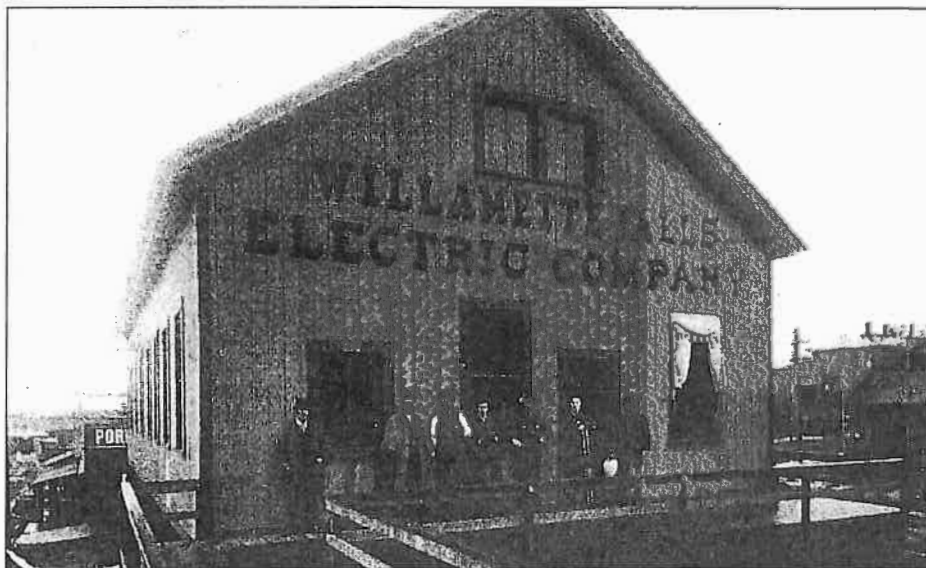


Figure 10: Willamette Falls Electric Company, nd.



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Figure 11: Willamette Falls School, c. 1897



Figure 12: Willamette United Methodist Church, nd



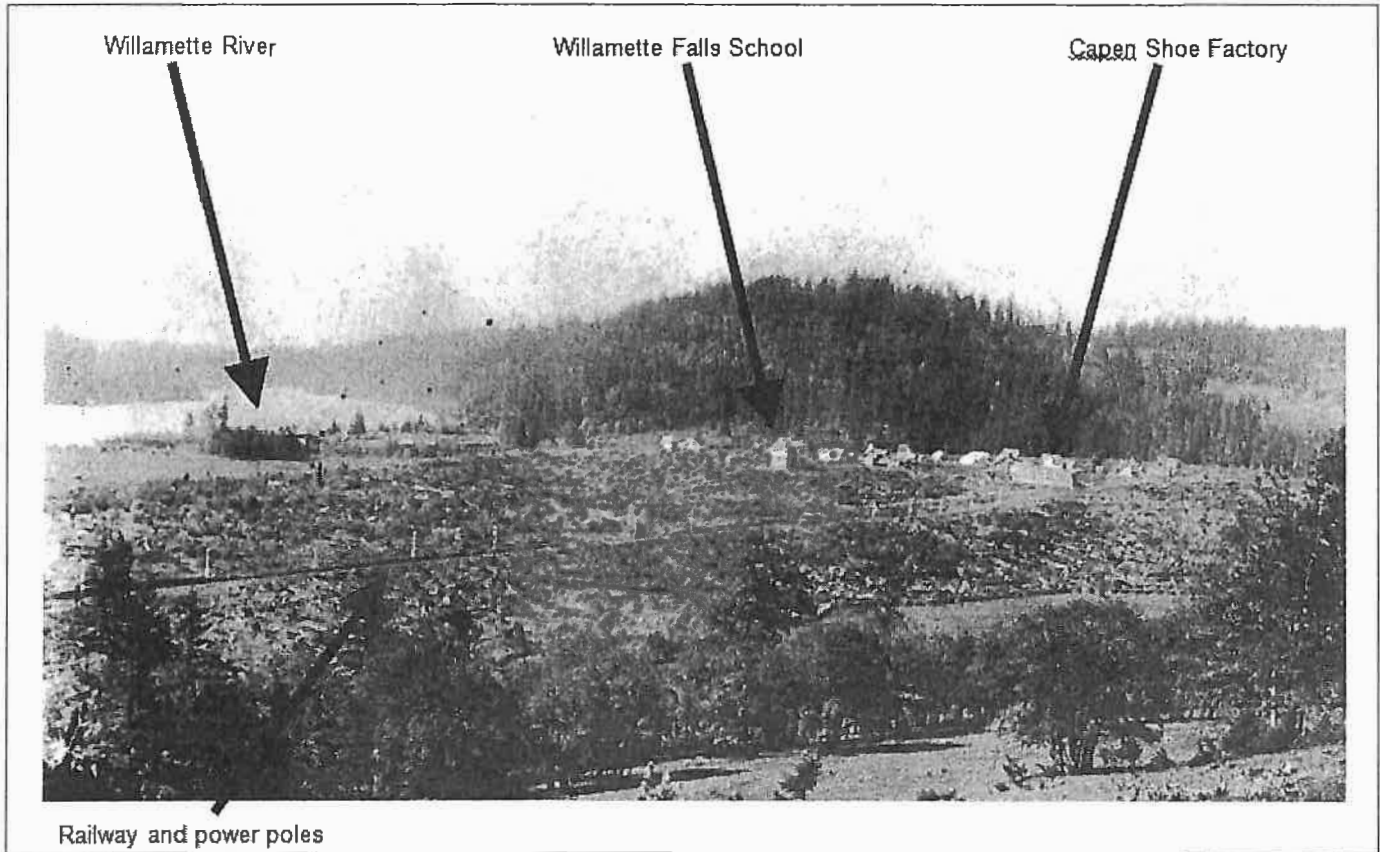
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Figure 13: Willamette Falls, c. 1900, looking southwest, buildings of note labeled.
The Willamette United Methodist Church was not constructed until 1908.



The applicant not being present, Joe Steinkamp asked if the staff knew of any objections the applicant might have regarding the staffs report. David Richey added that most of the conditions had been discussed with the applicant and he had not recalled any objections.

After some discussion, J. Steinkamp moved to approve the Minor Partition, subject to the revised staff report dated December 17, 1979, and deleting item number 6 of the conditions and adding number 9. J. Junk seconded the motion, and the vote was unanimous.

#3) WILLAMETTE VIEW SUBDIVISION Final Plat approval -

David Richey brought the Planning Commission current on the history of the Sub-division, and presented a packet of backup material he had compiled for their information. Mr. Richey mentioned the water line that has not yet been installed along the north edge of the Subdivision.

Doug Medak, the applicant, was present to ask the Planning Commission for an extension on obtaining the irrevocable letter of financial committment.

Tim Norton spoke representing the owners, and asking for Planning Commission approval subject to submittal of an irrevocable letter of financial committment, at a later date.

Chairman Lindas called for any questions..there being none she asked for any discussion.

J. Hammond City Attorney stated that he thought that approval was warranted.

J. Steinkamp moved to approve the Final Plat subject to a 90 day extension prior to signing of the Final Plat by the City Administrator, and further subject to review of the Plat and approval by the staff. J. Junk seconded the motion, the vote was three to one in favor. J. Junk Yes, K. Kuehn Yes, J. Steinkamp Yes, and S. Workman No.

There being no other business, the meeting was adjourned at 8:30 P.M..

Diana Nicolay
Diana Nicolay, Secretary

January 21, 1980

Chairman Lindas opened the regular meeting of the West Linn Planning Commission at 7:30 P.M..

Members present were, Judith Geeson, Steven Workman, Lorene Lindas, Jay Nisenfeld, Joe Steinkamp, Jerry Junk, and Kenneth Kuehn who arrived at 7:45.

Staff members present were David Richey, City Planner, and Kenneth Hubbard, Engineer/Planner.

#1) Approval of the MINUTES of the December 1979 Planning Commission meeting.

It was moved by Steinkamp, seconded by Junk, to approve the minutes as written.
Geeson Aye
Workman Aye
Nisenfeld Aye
Kuehn Aye
Steinkamp Aye
Junk Aye

#2) Dr. A.E. WYLLER CONDITIONAL USE to obtain a Business License to accompany a "hobby" of collecting and selling guns.

City Planner Richey read the staff report recommending conditional approval; submitted a letter, granting permission, from the owner of the duplex in which the applicant is renting a dwelling space; presented a letter dated November 1, 1979, from the applicant in explanation of his request; and conveyed the comments of the Chief of Police, Art Enderlin. Mr. Fnderlin had no problem with issuance of the Conditional Use Permit as it was described in the letter from the applicant. He added that if the Federal Government had issued a permit to sell firearms to a person, you could be sure he has been checked out thoroughly. Mr. Richey also pointed out a letter from Mr. John Schenk, a resident of the area. Mr. Schenk's letter stated that he had no problem with the conditional use permit if it were made conditional on the letter submitted by the applicant.

Dr. Wyller informed the Planning Commission that the sale of guns was merely a "hobby"-that he was a full time medical doctor with Kaiser.

Mr. Don Albrecht, a resident of the area, asked if limits could be applied to this conditional use. D. Richey replied affirmatively adding that the permit would be restricted to compliance with the applicants letter and any justifiable complaint pertaining to the business being operated by Mr. Wyller at his residence, from any resident of Imperial Oaks Subdivision, would be cause for revocation of the permit.

Joe Steinkamp questioned the City's liability, where a decision of this nature is concerned.

Judith Geeson asked the applicant if there would be any ammunition stored on his premises.

Dr. Wyller answered "No, another permit would be required in order to store ammunition."

Workman moved and Junk seconded to close the public hearing.

- J. Nisenfeld Aye
- J. Geeson Aye
- S. Workman Aye
- K. Kuehn Aye
- J. Steinkamp Aye
- J. Junk Aye

S. Workman then moved to approve the Conditional Use Permit for a Business License to accompany a "hobby" of collecting and selling guns at 4378 Imperial Drive, subject to the following:

1. That the conduct of the home occupation be as described in the applicants letter of November 1, 1979, addressed to the City of West Linn and Mr. David Richey.
2. That any variance from intended operations as stated in the letter be cause for revocation of the permit.
3. That there shall be no exterior signs of any kind visible from the street.
4. That any justifiable complaint pertaining to the business operated by Mr. Wyller at his residence from any resident of Imperial Oaks Subdivision, be cause for revocation of the permit.

Judith Geeson seconded the motion.

- J. Steinkamp No
- J. Nisenfeld Abstained
- J. Geeson Aye
- S. Workman Aye
- J. Junk Aye
- K. Kuehn Aye

#3) Final Plat ROBINWOOD ESTATES NO. 3 SUBDIVISION - Val West

D. Richey gave the staff report to bring everyone current. Staff suggested that the final decision on Robinwood Estates No. 3 be deferred until April 21, 1980, because of efforts by both the City and project engineers to refine the subdivision design on this very difficult piece of ground. Richey pointed out that possible refinements on the plat board, filing of the standard subdivision agreement with deposits and fees, plus submission of an irrevocable financial commitment, are among the things that remain to be completed.

Val West agreed with the staffs recommendation for extension, adding that he would not want the final acceptance to go any further than April 21, 1980.

S. Workman made a motion to grant a ninety (90) day extension to the approval of the final plat of Robinwood Estates No. 3 Subdivision. The motion was seconded by J. Steinkamp.

- J. Geeson Aye
- S. Workman Aye
- J. Nisenfeld Aye
- K. Kuehn Aye
- J. Steinkamp Aye
- J. Junk Aye

DDB873

#4) OTHER

(a) J. Nisenfeld resigned from the Comprehensive Plan Review Committee, because of a conflict in new working hours.

(b) S. Workman and J. Geeson committed themselves to the Comprehensive Plan Review Committee as representatives of the Planning Commission.

(c) J. Steinkamp was elected chairman of the Planning Commission for a two year term beginning today.

(d) J. Junk was elected vice-chairman of the Planning Commission for a two year term beginning today.

There being no new business, the meeting was adjourned at 8:30 P.M.

Diana J. Nicolay
Diana J. Nicolay, Secretary

February 19, 1980

The regular Planning Commission meeting was opened by the Vice Chairman J. Junk, at 7:30 P.M. Planning Commission members present were Junk, Geeson, Kuehn, Lindas, Nisenfeld, and Workman, who arrived at 8:00 P.M. Staff members present were Engineer/Planner Hubbard, and City Attorney, J. Hutchison.

#1) MINUTES - JANUARY 21, 1980 - PLANNING COMMISSION MEETING

Lorene Lindas moved to approve the minutes and the motion was seconded by J. Nisenfeld. The vote was unanimous.

#2) CONDITIONAL USE - LAKE OSWEGO WATER TREATMENT PLANT EXPANSION - 4200 KENTHORPE

Staff report recommending approval was given by K. Hubbard the Engineer/Planner.

Mr. Bob Amptman, City Engineer from Lake Oswego spoke as a proponent, giving background, and stating that the proposed treatment plant would be expanded from its current 10.3 million gallon per day capacity to 16.5 million gallons per day. Proposed additions are:

- . One Sedimentation Pond
- . Two Mixed Media Filters
- . One High Service Pump within the main building.
- . Miscellaneous items added to interior.

There would be no additional noise or traffic, created by the expansion. Landscaping would be discussed with Design Review Committee.

Some questions were asked regarding the total possible future capacity of the plant and power supply sources available.

Mr. Charles Hering, a property owner in the area, was curious about the length of time for construction. Amptman said the construction should last about eight months, and no work would be done on the streets.

Mr. L.A. Foulke of Mapleton Drive, directly behind the plant, expressed concerns with the noise and lighting levels at night. He also mentioned a drainage problem that was never taken care of behind his house.

Mr. Paul Maier of 4546 Kenthorpe asked how far away the concrete tanks would be from his property line, and wanted to know if the pipes in his yard would have to be dug up again.

Mr. Amptman spoke in answer to the questions presented by the property owners, stating that:

- . There will be no additional lighting or noise levels.
- . His department would look into the drainage problem behind Foulke's
- . Sedimentation tanks will be parallel with the two existing tanks, and will be built no closer to any north or south property lines than current tanks.
- . To his knowledge there would be no new pipes installed.
- . No dangerous chemicals would be left around the area.

There being no further questions, J. Nisenfeld moved to close the public hearing. The motion was seconded by L. Lindas.

Geeson Aye Lindas Aye
Nisenfeld Aye Workman Aye
Kuehn Aye

February 19, 1980

K. Kuehn recommended the Lake Oswego Treatment Plant be located in Lake Oswego rather than in West Linn. Mr. Kuehn moved to deny the requested expansion on the grounds that the power service to the area is inadequate for the expansion, and property owners in the area are deriving no benefit from the plant. The motion died for lack of a second.

J. Geeson moved to reopen the public hearing in order to hear more testimony from the applicant. Mr. Kuehn seconded the motion.

Geeson	Aye
Nisenfeld	Aye
Kuehn	Nay
Lindas	Nay
Workman	Abstain
Junk	Nay

Motion defeated.

Nisenfeld moved to approve the expansion based on the Staff Report dated February 19, 1980. Lindas seconded the motion.

Geeson	Aye
Nisenfeld	Aye
Kuehn	Nay
Lindas	Nay
Workman	Abstain
Junk	Aye

Motion carried.

#3) CHRISTY ADDITION - FINAL PLAT - 13th STREET

K. Hubbard, Engineer/Planner gave a brief rundown on the status of the Final Plat, and recommended approval.

There being no discussion, L. Lindas made a motion to approve the Final Plat of Christy Addition subject to previous reports and finalizations. The motion was seconded by S. Workman, the vote was:

Geeson	Aye
Nisenfeld	"
Kuehn	"
Lindas	"
Workman	"

#4) CANPORT MINOR PARTITION, CONVERSION TO A FINAL PLAT - BOETTCHER AND CANPORT DEVELOPMENT

K. Hubbard gave the staff report recommending approval with the condition that the City Administrator not sign the Plat until all technical matters have been satisfactorily completed by the applicant.

Greg Specht, President of Canport Development spoke in explanation of his request, stating that the City would benefit from the improvements which would be required if approval was given of this Final Plat.

After some discussion S. Workman moved to approve the Final Plat of 2180 Nolan Lane, based upon the findings of fact as shown in the February 19, 1980 Staff Report. J. Nisenfeld seconded the motion, the vote was:

Geeson	Aye
Nisenfeld	"
Kuehn	"
Lindas	"
Workman	"

#5) MORROW'S SERV-U - 4480 CORNWALL - CHARLES MORROW

Charles Morrow presented a drawing of his current plot plan, adding that the curbing improvements required by the City of West Linn, would cause him to lose one-half (1/2) of his parking, leaving him with only six parking spaces.

After lengthy discussion with K. Hubbard regarding the plot plan, and the required curbing, K. Kuehn moved to defer the requested approval one month in order to give the City staff time to go out and actually look at the site and make a determination. J. Geeson seconded the motion.

Geeson	Nay	Kuehn	Aye
Nisenfeld	Nay	Lindas	Aye
		Workman	Aye

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#6) EASTMORELAND GENERAL HOSPITAL - CONDITIONAL USE - 4430 CORNWALL

K. Hubbard mentioned that per the City Attorney, Eastmoreland General Hospital should be held over until the matter on the Comprehensive Plan has been taken care of.

The meeting was adjourned at 9:00 P.M.

Diana J. Nicolay
Diana J. Nicolay, Secretary

March 17, 1980

Chairman Steinkamp opened the regular meeting at 7:30 P.M.. Members present were J. Geeson, J. Steinkamp, L. Lindas, K. Kuehn, and J. Nisenfeld, who arrived at 7:40 P.M.. Staff members present were J. Hammond, City Attorney, D. Richey, City Planner, and K. Hubbard, Engineer/Planner.

#1) FOWLER TRACTS - REVISED TENTATIVE SUBDIVISION PLAN - DALE FOWLER

A Subdivision located on Exeter Street, south of Sunset Avenue. Richey, City Planner gave a brief history of the Subdivision which was originally approved by the Planning Commission in April of 1974, and given time extensions until June of 1978. The City Planner reviewed the Staff Report which was originally written in November of 1979, recommending approval with fifteen (15) conditions. Mr. Richey also suggested a possible exchange of land between owners of Tax Lots number 301 and 800.

Lindas questioned whether or not this was an appropriate subdivision application, because of the moratorium on land divisions within the service area of the Bolton Sewage Treatment Plant.

Mr. Fowler had some questions regarding staffs suggested trade of ownership of small triangular portions of tax lots 301 and 800, and mentioned that at the time he had applied for a Building Permit on tax lot 301, the small triangular portion of the lot had been required in order to obtain the permit.

A lengthy discussion followed.

There being no other proponents or opponents, K. Kuehn asked how it had been determined that this subdivision should be classified as "Pre-existing", when in June of 1978 the applicants had requested an additional extension of time which was denied, and the moratorium was then initiated one month later. In Mr. Kuehns opinion this was a "new tentative subdivision plan" and in this regard, Mr. Kuehn moved to continue the matter until April, and refer the question of Commission jurisdiction because of the moratorium, to the City Council. The motion was seconded by L. Lindas.

Kuehn	Aye
Nisenfeld	"
Lindas	"
Geeson	"

#2) MORROW'S SERV-U MARKET - Deferred until April by request of the applicant.#3) CANPORT DEVELOPMENT - FINAL PLAT - 2180 NOLAN LANE

David Richey gave a brief up-date on the history of the small subdivision, which was followed by some discussion. Mergresz Stratton attended the meeting, as a representative of Canport Development.

L. Lindas moved to approve the Final Plat, subject to the signing of the Subdivision Agreement, Irrevocable Financial Commitment, and Construction Drawings approved by the City Engineer. J. Geeson seconded the motion. The vote was:

Kuehn	Aye
Nisenfeld	"
Lindas	"
Geeson	"

#4) IMPERIAL OAKS NO. 2 - FINAL PLAT - JOHN SCHENK (OFF SUNSET AVENUE)

Mr. Schenk reviewed the staffs report of March 17, 1980, and concurred with it, adding that it would be better to change the street name before approval of the plat, than after, Kuehn moved and Lindas seconded a motion to approve the Final Plat subject to the March 17, 1980 staff report.

The vote was:

Kuehn	Aye
Nisenfeld	"
Lindas	"
Geeson	"

There being no further business, the meeting was adjourned at 8:30 P.M.

Diana J. Nicolay
Diana J. Nicolay, Secretary

April 21, 1980

The regular meeting of the West Linn Planning Commission was called to order by Chairman Joseph Steinkamp at 7:35 p.m. on April 21, 1980. Commission members present: Judith Geeson; Jerry Junk; Lorene Lindas; Jay Nisenfeld; Steven Workman. Member absent: Kenneth Kuehn. Staff members present: City Planner Richey; Senior Engineering/Planning Technician Hubbard; City Attorney Hutchison.

City Planner Richey explained that item two on the agenda concerning amendments to the Comprehensive Plan of the City of West Linn would be heard last.

#1) MINUTES - MARCH 17, 1980 - PLANNING COMMISSION MEETING

It was moved by Lindas, seconded by Junk, to approve the minutes of the meeting of March 17, 1980, as written.

Ayes: Geeson; Junk; Lindas; Nisenfeld; Workman
Nays: None.

#2) PROPOSED SUBDIVISION - WOODHAVEN VIEW - GERALD PIXLEY

City Planner Richey gave a summary of his staff report dated March 10, 1980. The Planning Commission was to decide whether this plat has expired, or whether it can be kept in effect. It was noted that the applicant was not present at the meeting to make a presentation, and that the applicant had had ample time to complete his submission of necessary items to complete this matter.

It was moved by Nisenfeld, seconded by Lindas, that approval of the tentative subdivision plan for the Woodhaven View be considered expired.

Ayes: Junk; Lindas; Nisenfeld; Workman
Nays: Geeson.

#3) CONDITIONAL USE FOR EXPANDING STORE - MR. AND MRS. MORROW

City Planner Richey gave a brief summary of his staff report dated March 7, 1980. He stated that the staff recommended approval of this conditional use.

Mr. Charles Morrow addressed the Planning Commission members. He agreed with most of the items listed on the February 19, 1980 staff report, with the exception of the curb and gutter along the street frontages. He stated that these sidewalks would preclude large trucks from turning round at the store.

It was moved by Junk, seconded by Workman, to approve a conditional use for this proposed construction of 300 square feet at the back of the building, subject to the items listed in the February 19, 1980 staff report, minus items c., f., and g.

Ayes: Geeson; Junk; Lindas; Nisenfeld; Workman
Nays: None.

#4) FINAL PLAT OF BRIDGEVIEW ESTATES ANNEX No. 2 - JOHN SUMMERS

City Planner Richey gave a summary of his staff report dated April 10, 1980. The applicant requested a two-month extension of tentative plat approval. The subdivision design, drawn up before Mr. Summers took over, does not address itself well to the topography. In addition to the two-month time extension, the applicant would appreciate the Planning Commission giving some sign as to whether or not a further time extension would be granted if applicant wished to redesign and rework the subdivision design to address topography more closely. Mr. Summers mentioned looking over the area with City Administrator Sanders and other staff members, and stated that they all found that the subdivision plan does not fit the topography as is.

DDB873

April 21, 1980

Mr. Summers does not want to lose this subdivision to the moratorium; he does not want to lose the site to a lack of sanitary facilities.

Mr. Nisenfeld asked about completing the road system. Feels the applicant should talk to Mr. Hibbard again. Mr. Summers stated that he thought it might be worthwhile to talk to Mr. Hibbard again, but suggested that if Mr. Hibbard declined to sell, perhaps the City might consider condemning the property in order to complete the road system.

It was moved by Workman, no second, to approve a two-month extension of time and to base any further extensions on a revised plat, and if a revised plat is not forthcoming, it would be looked upon as terminated.

It was moved by Lindas, seconded by Junk, in light of testimony, that a 90-day extension be granted, and at the end of such time extension to consider whether it is feasible to grant a further extension.

Mr. Workman stated he considered the extension should be for only two months in order to encourage the applicant to expedite this matter.

Ayes: Geeson; Junk; Lindas; Nisenfeld

Nays: Workman.

#5) REPORTS ON DEFERRED FINALIZATION OF THREE PLATS

The Planning Commission members were presented reports on deferred finalization of three plats:

Robinwood No. 3
Hidden Springs Ranch No. 6
Willamette View Estates

#6) AMENDMENTS TO WEST LINN COMPREHENSIVE PLAN

Annotated Contents of Proposed Comprehensive Plan Amendments and Report of Action of the West Linn Comprehensive Plan Review Committee 1979-1980 were reviewed and some changes were agreed upon.

The final wording of certain sections was deferred to a future meeting. The following members of the public voiced opinions on various sections of the above-mentioned papers:

Mr. John Schenk; Mr. Charles Awalt; Mr. John Holt; Mr. E. A. West.

It was moved by Lindas, seconded by Workman, to hold a further meeting regarding the West Linn Comprehensive Plan at 7 p.m. on April 29, 1980, in the Council Chambers at City Hall. Ms. Geeson made an inquiry as to whether a moratorium could be put into effect on the issuance of building permits to prevent a rush to obtain such permits in areas where downzoning is being considered. It appeared that such a moratorium would not be legally feasible.

Ayes: Geeson; Junk; Lindas; Nisenfeld; Workman

Nays: None.

The meeting adjourned at 10:50 p.m.



Jeanne Hodge Secretary

April 29, 1980

Minutes of the Planning Commission special meeting of April 29, 1980, a continuation of the Planning Commissions April 21, 1980 review of the proposed changes to the Comprehensive Plan.

The regular meeting was opened by Chairman Steinkamp at 7:00 p.m.. Members present were J. Steinkamp, L. Lindas, J. Nisenfeld, J. Geeson, and S. Workman. Absent were K. Kuehn, and J. Junk. Staff members present were D. Richey, City Planner and Diana Nicolay, Secretary.

Item #35

(a) Preserve single family density in old town Willamette. The Planning Commission voted unanimously to approve 35(a) as written.

- (b) Expand Willamette area commercial land-use. After some discussion 35(b) was deferred until the May 12, 1980 meeting.
- (c) Designate old town Willamette an historical area. Charles Awalt spoke representing the Willamette Neighborhood Group. The Planning Commission agreed that an historical area is a good idea, however, they felt they would need more detailed input from the Willamette Neighborhood Group as far as the actual area.
- (d) Remove special economic study area from Comprehensive Plan Map.
- (e) A request to reduce the density of the area around Blankenship Road and DeBok Road. The West Willamette Neighborhood Group was represented by Nancy Fox, Bob Seefer, and Mr. Bob Holt who presented a flyer and a petition which had been circulated in the Willamette Area. It was recognized that 236 condo units had already received acceptance for the area between DeBok and 13th Streets. L. Lindas made a motion and J. Geeson seconded it, to down-zone all remaining A-2 property in the area, to R-5, including the area north of DeBok Road. Another motion was made to advertise for a hearing for a zone change and comprehensive plan at the May 19, 1980 meeting. The vote was unanimous.
- (f) Retain present depth of commercial and office land use along Highway 43. The Planning Commission voted unanimously to retain the existing plan.
- (g) Allow single-family homes to have a small apartment in them. The Comprehensive Plan Review Committee briefly considered this suggestion, but did not recommend it. The Planning Commission accepted the Comprehensive Review Committees discussion on 35(g).

Item #38

Consider density reduction on land between "A" Street and reservoir #1. J. Nisenfeld recommended the Planning Commission go along with the Comprehensive Plan Review Committee's discussion. S. Workman seconded the recommendation. The Commission agreed unanimously.

Item #39

A request by Mr. William Tripp to designate his eight (8) acre parcel of land between the High School and the Freeway as multi-family. Jeff Miller spoke representing the Camassia Natural Area. The Planning Commission wants to have a chance to take a better look at this area, so the item was deferred until the May 12, 1980 meeting.

Item #2

Adjustment of Urban Growth Boundary to match Clackamas County's Urban Growth Boundary. This item was accepted by the Planning Commission as written.

Item #22

Separation of Employment Centers from Industrial description. This item was accepted as revised by the Planning Commission.

Item #23

Establishing a 'mom and pop' convenience commercial land-use. The Planning Commission accepted this item as written.

The meeting adjourned at 10:45 p.m..

Diana J. Nicolay

 Diana J. Nicolay, Secretary

May 12, 1980

The regular work session scheduled for this day was set aside in order to give the Planning Commission time to continue their April 29, 1980 review of the proposed changes to the Comprehensive Plan.

The meeting was opened at 7:30 pm by Chairman J. Steinkamp. Members present were S. Workman, J. Nisenfeld, J. Steinkamp, L. Lindas, and J. Junk. Absent was K. Kuehn. Staff members present were D. Richey, City Planner, K. Hubbard Sr. Engineer/Planner.

Item #23

Establishing "Mom and Pop" convenience commercial land use. The Planning Commission agreed that this item was okay as written, and that additional questions will be answered in the ordinances.

Item #27

Consideration of aggregate removal in residential areas. After some discussion, the Commission voted unanimously to tentatively accept item #27 as written striking the last sentence which states "The Committee recommended that aggregate removal not be permitted in residential areas."

Item #36

Mobil home location and improvement requirements. The possibility of a special R-10 zone for mobil homes only, was discussed. Further discussion was delayed in an effort to have item #36 rewritten more specifically.

Item #37

Designate Cornwall and Lancaster Street location as convenience commercial. A 100' depth on the west side of Cornwall between Warwick and Lancaster being designated convenience commercial was discussed. The Planning Commission was unable to come to a decision. It was decided that they would come back to this item later in the meeting for further discussion.

Item #41

A revised Neighborhood Boundary Map showing (1) lot and block lines, so that census takers can distinguish accurately where one neighborhood ends and the next begins; (2) recognition that Interstate 205 is a dominating physical barrier that unavoidably forms a neighborhood boundary; (3) recognition that the high volume of traffic on Hwy. 43 creates a traffic hazard of such proportion that it forms a neighborhood barrier, was accepted unanimously by the Commission.

Item #35(b)

Expand Willamette Commercial land use area. S. Workman made a motion to designate all of the property between 13th Street on the West, 10th Street on the East, Interstate Hwy. 205 on the North, and 7th Avenue on the South as commercial. J. Nisenfeld seconded the motion. The vote was unanimous to approve.

Item #35(c)

Designate old town area of Willamette a historic area. D. Richey, City Planner, mentioned a letter from Kathy Albrecht, City Planner from Oregon City.

Charles Awalt, a homeowner in Willamette spoke as representative of the Willamette Neighborhood Group saying that a drive through visual survey of the area had been made, and they had pin-pointed such architectural styles as: Victorian, Turn of the Century, and Contemporary. Mr. Awalt presented the members of the Commission and the audience with a graphic display of the Willamette area, indicating the locations of the various types of housing, proposed boundaries, and further explained the nature of their request. Mr. Awalt pointed out that Ms. Clair Pouche, LCDC Director of Land Management, had indicated that what has been presented to date, is minimally acceptable. She also stated that we have to set up a committee to study the historic aspects of the City, and set a deadline that a report on the City must be in.

L. Lindas made a motion to accept exhibit "A", and the research that Mr. Awalt had done, and to preliminarily designate a Historical District described as follows: Both sides of the street on 12th through 14th Streets, from 7th down to the Willamette Park, and 6th Avenue, 5th Avenue, 15th Street, and 14th Street, to be refined and developed by whatever committees are appropriate. J. Junk seconded the motion, and the vote was unanimous.

Item #35(e)

Request to reduce density of area around Blankenship and DeBok Roads. It was decided to leave item 35(e) alone that evening and discuss it at the advertised May 19, 1980 Planning Commission meeting.

Item #39

Mr. William Tripp requested that the total of his eight (8) acre parcel between the West Linn High School and the Freeway be designated by the Comprehensive Plan as multi-family.

D. Richey, City Planner suggested that staff feels an R-5 zone would be most appropriate for Mr. Tripps property.

Mr. Jim J. Obsitnik of Maring and Associates spoke in favor of higher density representing Mr. Tripp.

Mr. John Hoffnagle of the Camassia Nature Conservancy would like to be notified when this item goes to Design Review.

Mr. Joe Hart, 1585 Garden Street, would like to see access maintained in the area.

S. Workman made a motion to designate the entire area eight (8) acres, A-2. There was no response, and the motion died for lack of a second.

L. Lindas re-worded her motion to state that the present $\frac{1}{4}$ zoned A-2, will remain zoned A-2, and the other $\frac{3}{4}$ will be changed to medium density R-5.

Some questions and discussion followed, and the motion died for lack of a second.

J. Nisenfeld moved that for purposes of the comprehensive plan, this area be zoned $\frac{1}{2}$ high density (front half) and the other $\frac{1}{2}$ medium density (back half).

J. Junk seconded the motion, the vote was unanimous.

Item #15

Civic Center Need - A motion was made by L. Lindas and seconded by S. Workman that the introductory paragraph of "Public Facilities and Services Element, Objective #11, Administrative Services" page 62, should remain as written in the existing Comprehensive Plan. The Commission also recommended the following policies :

- (1) Okay as originally written on page 62 of the existing Comprehensive Plan.
- (2) Re-written to read, "The City will consult it's citizens through the Ballot Box to determine when the purchase of civic center property is appropriate.
- (3) Re-write to say, "The City will consult the citizens to determine their desire to fund the upgrading of street and utility maintenance.

The vote was unanimous.

Item #30

Dedication of open space land. Jim Tandy of 4025 Elmran Drive, West Linn, was present representing the West Linn Parks and Recreation Board. After some discussion it was decided that this item would be continued until Friday, May 19, 1980 at 6:15pm.

The meeting was adjourned at 11:30 pm.

Diana J. Nicolay

 Diana J. Nicolay, Secretary

May 16, 1980

A special meeting of the Planning Commission to further discuss proposed revisions to the Comprehensive Plan.

The meeting was opened at 6:15 pm by the Planning Commission Vice Chariman J. Junk, in the absense of Chairman Steinkamp.

Members present were J. Geeson, J. Nisenfeld, S. Workman, and L. Lindas. Absent were Steinkamp and Kuehn. Staff present were David Richey, City Planner and J. Hammond, City Attorney.

Item #30

Dedication of open space lands - Mr. Jim Tandy of 4025 Elmran Drive spoke representing the West Linn Park and Recreation Board. Mr. Tandy presented the board's proposed revisions of the Comprehensive Plan.

David Richey, City Planner reminded the Commission that the Comprehensive Plan had to remain general. Ordinances are designed to be more specific. He said that Mr. Hammond, City Attorney, suggested that all policies be left out of the Comprehensive Plan, and used in the Ordinances. Mr. Richey also suggested that items A and B be rewritten in the same format as items C and D.

May 16, 1980

After some discussion the Planning Commission voted 3 to 1 to accept item 30 with the following changes: In the report of action from the Comprehensive Plan Review Committee, in the opening paragraph, the Planning Commission voted unanimously to delete "provided it not be implimented until that time when the City becomes committed to maintain this dedicated land in a clean and orderly condition!" In #6, strike "to benefit the future inhabitants of their development" and leave in the density credits. In the goal statement it was 3 to 1 to delete the word "residential" in both places, and the last line in the goal statement should read "Therefore, it is the intent of the City of West Linn, to insure that all future developments shall, in an equitable manner, provide for acquisition and/or development of open space lands!" In objective #1, items A-B-C & D be rewritten in the same format.

Item #16

Water Borne Transportation - The Planning Commission agreed unanimously to accept this item with the addition of one sentence. "The City also encourages exploration of water as a mean of mass transportation to downtown Portland."

Item #34

Amending the Bicycle and Pedestrian Master Plan - This item was approved unanimously as written.

Item #19

Low density development only along the Tualatin - The Commission recommended that lands adjacent to the Tualatin River be retained low density, with no greater density than single family dwellings units, and any lands adjacent to the Tualatin River that may be annexed in the future. "per 10,000 square feet of land area" was unanimously stricken from the first sentence in item #19.

Item #26

Setbacks along the Tualatin River and Tanner Creek. The Planning Commission voted unanimously to accept Item #26 as written in the CPRC report of action.

Item #22

Seperation of employment centers from industrial description. The Planning Commission accepted this item as written.

Item #36

Mobile home location and improvement requirements. The Planning Commission unanimously approved item #36 striking the last sentence which reads "A second recommendation is adviseable to allow mobile home parks and subdivisions to be a conditional use in the multi family calssification of the Zoning Ordinance."

Item #37

Designate Cornwall and Lancaster Street location as convenience commercial. J. Nisenfeld moved that the area on the north side of Cornwall for a 100 foot depth between Warwick and Lancaster Streets be recognized in the Comprehensive Plan as convenience commercial. The motion was seconded by S. Workman, and the vote was unanimous.

Item #40

Forested areas - The Planning Commission made a motion to accept #40 as written.

The meeting was adjourned at 8:30 p.m..

Diana J. Nicolay
Diana J. Nicolay, Secretary

May 19, 1980

Chairman Steinkamp opened the regular meeting at 7:30 pm. Members present were J. Junk, L. Lindas, J. Steinkamp, J. Nisenfeld, S. Workman, J. Geeson. K. Kuehn was present in the audience, but abstained from the first item.

#1) WEST LINN LUTHERAN CHURCH - ADDITION - Jolie Pointe and Highway 43

D. Richey presented pictures and gave a staff report recommending approval with five conditions.

Mr. Gary Olson Pastor of West Linn Lutheran Church presented his request for approval of the addition, stating that present capacity of the church was 120 people and an average Sunday worship attendance is 180 to 200 people, thus necessitating two services. Mr. Olson explained the following:

West Linn Lutheran Church offers their facilities to several different organizations. The existing facility does not permit them to grow. The park and ride lot will continue as in the past. He also addressed the drainage problem mentioned in the staff report, saying he didn't feel that existing drainage would need work, however, if the drainage was increased because of the addition the church would expect to make the necessary corrections.

Mr. Harold Long of Fisher, Wallin, and Long Architects presented the plans for the addition of a sanctuary, handicap ramp, turn around, and handicap toilets, expanded parking, and access into the building. Mr. Long also explained future plans for an educational wing to the north. He addressed the five conditions listed in the staff's report, mentioning that they would go along with: (1) the 30 foot strip along Jolie Pt. Rd., and (2) the 50 foot radius on the corner of Jolie Pt. Rd. and Highway 43, (3) storm drainage would be provided to the satisfaction of the City Engineer, (4) Mr. Long noted that item number four, the requirement of curbs and sidewalks that meet State and City standards, was the one condition they had problems with. He explained that the existing bike path would need to be removed in order to install curbs and sidewalks, and mentioned that the church would be willing to provide the City with a waiver of remonstrance against a local improvement district. (5) they would also agree to change or improve to State standards the exit driveway near the west edge of the property, at such time as curbs and sidewalks are installed.

Mr. K. Kuehn of 4950 S. Mapleton Drive, and chairman of the building committee for the addition explained the existing drainage and explained that it would take a great deal of fill to put in a sidewalk and the expense would be great. He feels that if curbs and sidewalks were required it would kill the project.

Mr. Tony White of 3270 Forest Ct. spoke regarding City Ordinance 959, and the requirement of curbs and sidewalks, stating that in his interpretation of the Ordinance, the church would not be classified as multi-family, commercial, or industrial, and the ordinance would not apply.

Jack Hammond, City Attorney, concurred with his interpretation of the Ordinance, but stated that if the Planning Commission felt it appropriate they could still impose the Ordinance as a condition.

Mr. Bob McEvers, a member of West Linn Lutheran Church, spoke against the requirement of curbs and sidewalks.

Mr. Stan Urbigkeit who lives just below the church on the east side asked for adequate screening on the east side of the parking lot, and the installation of adequate drainage.

Mr. Olson assured the Planning Commission that the necessary screening and drainage would be done.

A motion was made to close the public hearing, and it died for lack of a second. Legal counsel suggested that the church sign a waiver of remonstrance for sidewalk and curb construction.

After some discussion it was again moved and seconded to close the public hearing.

J. Junk moved and S. Workman seconded to approve the conditional use application for the West Linn Lutheran Church, per the five conditions listed in the staff report of May 19, 1980, with changes to condition #4 and #5 as shown: (#4) That the Lutheran Church provide the City with a waiver of remonstrance against a local improvement district for curbs and sidewalks along Jolie Point Road and Highway 43. This must be in a form approved by the City Attorney. (#5) That at such time as curbs and sidewalks are to be installed along Highway 43, the exit driveway near the west edge of the property shall be improved (changed) to meet State of Oregon Highway Division requirements. The vote was unanimous.

#2) MONTESSORI SCHOOL - 2284 LONG STREET - CONDITIONAL USE PERMIT

D. Richey, City Planner read the staff report dated May 19, 1980, recommending denial unless four conditions are met.

Mr. and Mrs. Nelson spoke as proponents expressing the need for a Montessori School in this area, and stating that the school would be for 3 to 6 year old children, the yard would be fenced, there would be a sandbox, adequate play area, and adequate parking.

D. Richey, City Planner, had questions for the applicant regarding parking and the play area.

May 19, 1980

Mrs. Susan Ritz, one of the owners of the proposed Montessori School, gave a brief description of what a Montessori School is, and how it operates. There was no opposition to the proposal.

Patricia Gwin, one of the owners of the proposed Montessori School, read a letter addressed to her, from J. Manskey of the Childrens Services Division.

J. Nisenfeld moved and J. Junk seconded to close the public hearing. The vote was unanimous.

After some discussion, L. Lindas made a motion to approve the conditional use permit for a Montessori School at 2284 Long Street, subject to staff recommendations 2,3, and 4, in the staff report dated May 19, 1980, and meet State regulations regarding the number of children. The motion was seconded by J. Geeson. The vote was unanimous.

#3) COMPREHENSIVE PLAN MAP CHANGE AND REZONE - WILLAMETTE AREA - NORTH OF I-205, BETWEEN 10th STREET AND DEBOK ROAD.

D. Richey, City Planner explained that the Willamette residents had expressed a strong desire to have that area down zoned at the Comprehensive Plan Review Committee meetings of April 21 and 29, 1980.

J. Hammond gave description of what constitutes a conditional use.

Mr. John Holt of 1372 Tamarisk Drive spoke in favor of downzoning, addressing the quality of life in a neighborhood versus someones profit.

Mr. Charles Awalt of 1847 S.E. 5th spoke in favor of downzoning, addressing the shortage of schools and shopping facilities in the Willamette Area.

Mr. Richard Thrush of 1430 Killarney Drive said that traffic access to Greenhills Estates would be directly through the high density area, and the removal of shrubbery and trees in the area would probably increase the freeway noise to Greenhills Estates homeowners.

Mr. Royce Daugherty of 1411 S.W. Farrvista Drive spoke in favor of downzoning from the aesthetic viewpoint.

Mrs. Brenda Daugherty spoke in favor of downzoning from the standpoint of the number of children that will be living in the apartments.

Mrs. Sherry Fortuna of 1190 Blankenship Road expressed concerns regarding the traffic safety of the children in the area, and questioned whether the schools could handle the additional children.

Mr. Steven Janik, attorney for Robert Randall Company and Allen Pynn, spoke against downzoning of Robert Randalls two projects in the area. Tax Lot 2100, Map No. 2-1E-35B and tax lot 1300, Map No. 2-1E-35B.

Lyle Parsons of 19328 S. Fischers Mill Road, and property owner along Virginia Lane, expressed his feeling that he has a vested right on his property because his plans for development have already been approved, and improvements are already in.

Mr. Charles Awalt, Mrs. Sherri Fortuna, Mr. Jon Holt, Mrs. Julie Cartwright, and Mrs. Carol Balleu asked questions of of Robert Randall Company.

After some discussion, a motion was made by J. Nisenfeld and seconded by S. Workman to close the public hearing. The vote was unanimous.

J. Nisenfeld made a motion that was seconded by J. Geeson to downzone from A-2 to R-5 medium density, on the Comprehensive Plan Map and in the Zoning Ordinance, everything in the legal notice that was mailed out except tax lot 1300 and 2100, Map 2-1E-35B, owned by Robert Randall Company, Parson's Addition, Randalls 76 unit apartments, Nedelisky's 42 unit apartments, and Village Park Place's 56 units, and subject to findings and staff recommendations found in the May 19, 1980 staff report. The vote was unanimous.

#4) COMPREHENSIVE PLAN PROPOSED AMMENDMENTS

A motion was made by J. Nisenfeld to approve the informal recommendations of the Comprehensive Plan Review as discussed in the April 21, 29, May 12, 16, and 19, 1980 meetings. L. Lindas seconded the motion and the vote was unanimous.

#5) WILLAMETTE VIEW ESTATES

L. Lindas made a motion and it was seconded by J. Junk to approve less cut and less fill for Willamette View Estates . The vote was unanimous.. Meeting adjourned at 11:00pm

Diana J. Nicolay
Diana J. Nicolay, Secretary

May 19, 1980 P/c mtg.

Name	Address
Royce Daugherty	1411 S.W. Fenwick Dr.
Brenda Daugherty	1411 SW Fenwick Dr.
Charles Awaft	1847 SE 5th Ave
DANE AWAFT	"
Tony White	3270 Forest Ct
Janet Roes	5629 NE Cascade
G. Mark Bacon	18530 S. Vista Court.
Ray R. Olson	5618 Cascade St.
Harold J. Fung	# 220 5331 SW. MACADAM PORTLAND.
KEN KUEHN	4950 S. Mapleton Pr.
LYLE PARSONS	19328 S. FISCHER MILL RD., ORL CITY,
JON NOLT	1372 TAMARISK DR. W. LINN
TERESA DUNAVAN	2660 MARIA CT W. LINN
Don Rits	4280 Chapman Way L.O.
SUSAN RITS	4280 CHAPMAN WAY L.O.
PATRICIA WOODWORTH GWIN	500 MILBURN COURT, L.O.
Martel E Nelson	4020 S. Calaroga Circle W.L.
Constance J. Nelson	" " "
Walter C Peterson	1727 SE 4th Ave W.L
Sam Hatfield	20035 White Cloud Circle W.L.
Cal G. Hatfield	20035 White Cloud Circle W.L
Joan Wallace	2885 Rosemont W.L.
Myron Wallace	2885 Rosemont W.L.
GREG HANCOCK	0690 S.W. Bancroft Portland
Lucy Haddock	18525 S. Trillium W.L.
STAN ULBIGKEIT	6948 Lowell Ave W.L.
ALLEN B. PYNN	25120 PETE'S MTN. Rd. WEST LINN, ORE. 97106
Karl Rimpf	2760 ROSEMONT RD WEST LINN ORE
Terry Bottenmiller	3204 S. Fairview Way West Linn
Shirley Oldenburg	2016 Willamette View Ct W.L.
Harris J. McEvers	16560 S. Glenwood Ct. Lake Oswego
Unita Olson	5618 Cascade W. Linn,
Symone Kuehn	4950 S. Mapleton St. West Linn
Robert P. Brass	2549 O'NEAL CT WEST LINN
Martha Baker	1492 S.E. 13th St. West Linn
JENNIFER J. SHER	1492 SE. 13th St. WEST LINN.
Laura Jo Holt	1372 Juniper Dr. West Linn
Harold Gross	1697 S E 6th Willamette
BOB E. McEVERS	16560 S. GLENWOOD CT. LAKE OSWEGO

NAME
Richard Thrush
Jim Workin

ADDRESS
1430 Killarney Dr
LO Review

Chairman Steinkamp opened the regular Planning Commission meeting at 7:30 p.m. Members present were J. Junck, L. Lindas, S. Steinkamp, J. Nisenfeld, S. Workman, J. Geeson. Staff members present were D. Richey, City Planner, and J. Hammond, City Attorney.

- #1) MINUTES from April 21, 1980
April 29, 1980
May 12, 1980

May 16, 1980 were unanimously approved as written.

- #2) SHELL OIL COMPANY - 18675 Pacific Hwy. - To allow remodeling on a Conditional Use Permit.

The staff report was read by David Richey, City Planner, recommending approval of the remodel.

Mr. Howard Smith of 17685 N.W. Santiam Drive was present representing the applicant. Smith explained Shell's desire to enhance and enclose the existing pergola to provide a third service bay, retaining the same roof line, colors, and brick.

Mr. Doug Jackson of 19764 View Drive expressed fears about emergency access to the rear of the station. He also wondered where they would put the milk machine, and old tires that were currently stored in that area. Mr. Jackson also expressed concern for children in the area jumping from the bank, onto the roof of the Shell Station.

Mr. Howard Smith addressed some of Mr. Jackson's concerns, saying that he had been told that the tires would be hauled away and the roof line would not be raised any higher than the existing roof line. He also added that a trash enclosure would be required.

There was some discussion regarding the height of the roof, the existing retaining wall, setbacks and the embankment.

J. Junk made a motion that was seconded by L. Lindas, to close the public hearing. The vote was unanimous.

J. Junk made a motion to approve the request for remodel of a conditional use subject to the June 16, 1980 staff report. L. Lindas seconded the motion and the vote was Aye: L. Lindas, J. Junk, Chairman Steinkamp
Nay: S. Workman, J. Nisenfeld

- #3) ENVIRO INVESTMENT - MINOR PARTITION - SW CORNER of 7th AVENUE and 19th STREET.

D. Richey, City Planner read the staff report not recommending approval or denial.

Mr. Dean Howard of Enviro Investment Corporation presented his request for the Minor Partition.

Mr. Sam Livingston and Mr. Randy Provine spoke in favor of the Minor Partition. There were no opponents.

S. Workman moved to close the public hearing and L. Lindas seconded the motion. The vote was unanimous.

After some discussion, S. Workman moved to approve the request for a Minor Partition at the SW corner of 7th Avenue and 19th Street, subject to the situations and facts as listed in the June 16, 1980 staff report. J. Junk seconded the motion, the vote was unanimous.

- #4) WILLAMETTE VIEW ESTATES - FINAL PLAT

L. Lindas moved, and J. Junk seconded the motion to approve the final plat of Willamette View Estates Replat. The vote was unanimous.

- #5) WOODHAVEN VIEW SUBDIVISION - reconsideration of decision made on April 21, 1980.

D. Richey, City Planner gave a brief introduction.

Mr. Jim Goodwin, attorney representing Mr. Pixley asked for reconsideration of the Planning Commission's decision of April 21, 1980, to allow this final plat to expire.

After lengthy discussion J. Nisenfeld made a motion that we accept the fact that the applicant had the necessary papers in by the deadline and we accept the final plat for signing. The motion was seconded by J. Junk.

Ayes: J. Junk, J. Nisenfeld, Chairman Steinkamp.

Nays: L. Lindas, S. Workman

Meeting adjourned at 10:00 pm

Shana J. Nicolay

DDB873

July 21, 1980

Chairman Steinkamp opened the regular meeting at 7:30 pm. Members present were J. Junk, L. Lindas, J. Steinkamp, S. Workman, J. Nisenfeld, J. Geeson. Staff members present were D. Richey, City Planner and K. Jolly, Secretary. J. Hammond, City Attorney, was also present.

#1) MAY 19, 1980 and JUNE 16, 1980 PLANNING COMMISSION MINUTES

L. Lindas made a motion to approve the minutes and the motion was seconded by S. Workman. The vote was unanimous.

#2) REZONE APPLICATION - BILL TRIPP - West "A" Street

The Staff Report was read by David Richey, City Planner, recommending approval of the rezoning.

Bill Tripp, 5290 West "A" Street, presented his proposal for rezoning from existing R-10 single family residential and A-2 apartment residential to R-5 duplex residential. He asked that a petition with signatures of neighbors in favor of his proposal be made a part of the record.

Margaret Steinberg, 5285 West "A" Street, asked if the traffic pattern had been studied on West "A" Street, and commented on the traffic problems during the school year. She also asked about possible dynamiting that might be done.

Mr. Tripp stated that he did not think his proposal would generate a great deal of traffic flow.

J. Steinkamp commented that right now there is no specific proposal, only a zone change request.

D. Richey stated that the zone change is in conformance with the Comprehensive Plan designation.

S. Workman moved that the public hearing be closed. J. Nisenfeld seconded the motion. The vote was unanimous.

S. Workman moved to approve the request from Bill Tripp as presented in the Staff Report. L. Lindas seconded the motion. The vote was unanimous.

#3) VARIANCE REQUEST - GILBERT and JAN MALLERY - 2605 Hillcrest Court

The Staff Report was read by David Richey, recommending denial of the variance.

Gilbert Mallery, 2605 Hillcrest Court, disputed the Staff Report findings of fact. He stated that the requested family room will be added in a location to save trees on the lot and only one end of the addition would be in the required 15 foot setback.

Clyde Ferris, 2524 Hillcrest Court, spoke in favor of the proposal.

Heather Shengal, 2535 Hillcrest Court, spoke in favor of the proposal.

J. Nisenfeld moved that the public hearing be closed. J. Geeson seconded the motion. The vote was unanimous.

Following discussion, J. Nisenfeld moved to approve the variance request subject to the following findings: 1. Exceptional circumstances exist by virtue of the shape of the lot, the original layout of the house to preserve as much of the natural flora as possible, and it is to the credit of the applicant that he wants to preserve the trees that are there; 2. The variance is necessary for preservation of the property rights since other people in the area did get similar kinds of variances, and at least one of Mr. Mallery's neighbors was given a variance where there were no topographic problems as staff specified; 3. The variance will not be detrimental to purposes of the City plan, if anything, this particular design benefits the City in that it keeps trees in a residential area and it does have approval of the neighbors; and 4. The variance requested is clearly the minimum variance which would alleviate the hardship. S. Workman seconded the motion. The vote was
Aye: L. Lindas, J. Nisenfeld, S. Workman Nay: J. Junk.

Agenda items were switched, as suggested by Dave Richey.

#4) SUBDIVISION REVISION - CHARLES GOTANDA - BRIDGEVIEW ESTATES (Item #5 on agenda)

A staff report was given by Dave Richey recommending approval of a time extension based on the revision of the subdivision, submitted by the applicant which divided the property into four parcels for cluster developments and provided for continuation and projection of needed streets.

PETITION
 IN SUPPORT
 OF ZONE CHANGE

WE, THE UNDERSIGNED, AS PROPERTY OWNERS ADJACENT TO, OR
 IN THE IMMEDIATE NEIGHBORHOOD OF, THE BILL AND JANET TRIPP
 PROPERTY, LOCATED AT 5290 WEST "A" STREET, WEST LINN, OREGON,
 HAVE NO OBJECTION TO, AND FURTHERMORE, WE SUPPORT THE PROPOSED
 ZONE CHANGE TO ALL MULTI-FAMILY WITH A MINIMUM DENSITY OF 92 UNITS.

OWNER'S NAME	PROPERTY ADDRESS	PHONE
<i>Mrs. Clara Lee</i>	⁵³²⁵ 5321-5331-5335 West A Street	
<i>Denham Patton</i>	5462 Broadway	656-7519
<i>Mella V. Patton</i>	5462 Broadway	West Linn
<i>Sam H. Nixon</i>	5436 Broadway	656-3468
<i>Margaret F. Nixon</i>	5426 Broadway	656-3468
<i>Ernest L. McKie</i>	1985 Buse	655-2448
<i>Norman D. McKie</i>	1985 Buse	655-2448
<i>Robert K. Mento</i>	5263 West A St. from	655-5071
<i>Howard Mento</i>	5263 West A St.	655-5071
<i>Bally Necker</i>	5273 West A St (5885 J. Wilson Cove, city)	632-7143
<i>Philip Jordan</i>	1931 BUSE, WEST LINN.	656-4693

(PHILIP ABRAMAM)

July 21, 1980

John Summers, 323 S.W. 3rd, Hillsboro, representing Mr. Gotanda, stated that with the plan as originally proposed, there would be tremendous cut and fill and that the new plan would better serve the City. He requested a time extension on getting the new plan approved after the adoption of the Comprehensive Plan. Developer is not requesting rezone or change in density.

L. Lindas moved that an extension of time be granted to the first regularly scheduled Planning Commission meeting beyond the adoption of the proposed Zoning Ordinance. Motion seconded by J. Geeson. The vote was unanimous.

#5) PHIL GENTEMANN - CORNWALL PROPERTY - 4430 Sunset (informal agenda item)

Dave Richey gave explanation of request by Phil Gentemann for office space. Zoned neighborhood commercial. Stated that there would be no signs or changes in outward appearance of property and its use would be low enough in intensity with no signs that it would not be noticed but would result in maintenance of the property.

Phil Gentemann, 19335 Suncrest, stated his need for office space, is presently using his residence and needs more room. He would use this building only on an interim basis and will maintain the residential landscaping. In addition to himself, one parttime person would also work at this office. He would add additional parking space as required by Staff.

(J. Junk left meeting at 9:15 pm.) (J. Geeson left meeting at 9:20 pm.)

After discussion, J. Nisenfeld moved to approve the intensity of use that Mr. Gentemann is presently using with the addition of parking spaces for a maximum time limit of two years. The motion died for lack of a second. L. Lindas moved to approve the intensity of use that Mr. Gentemann is presently using with the addition of parking spaces for a maximum time limit of 18 months. Discussion followed. L. Lindas rescinded her motion. J. Nisenfeld moved to approve the intensity of use that Mr. Gentemann is presently requesting with the addition of a parking space as recommended by Staff for a maximum of 24 months. Motion seconded by S. Workman. The vote was Aye: L. Lindas, S. Workman, J. Nisenfeld Nay: Chairman Steinkamp (the Chairman voted to make a quorum)

#6) SIGN ORDINANCE PUBLIC HEARING

Dave Richey explained that the Planning Commission was hearing the Sign Ordinance because by State law they were the principal advisory body to the elected officials, and since the Sign Ordinance dealt with land use and aesthetic issues, it should be the Planning Commission who makes the final recommendation. He said that it is basically a revision of the existing Sign Ordinance and has been in process since about March. Design Review approved it on June 23, 1980.

Val West, 4344 Cedaroak Drive, feels that the Sign Ordinance is quite restrictive and many people have not had an opportunity to see it. He was particularly concerned with reader board restrictions and special circumstances or hardships not covered in the Ordinance.

Discussion followed regarding definitions, restrictions, construction, temporary signs, etc.

L. Lindas moved that the Sign Ordinance public hearing be continued at the work session and public hearing in September. Motion was seconded by S. Workman. The vote was unanimous.

The meeting adjourned at 10:20 pm.

Karen Jolly

Karen Jolly, Secretary

September 15, 1980

Chairman Steinkamp opened the regular meeting at 7:30 p.m. Members present were J. Junk, L. Lindas, D. Wustrack, J. Steinkamp, S. Workman, J. Nisenfeld, J. Geeson. Staff members present were D. Richey, City Planner, and K. Jolly, Secretary. J. Hammond, City Attorney, was also present.

#1) JULY 21, 1980 PLANNING COMMISSION MINUTES

J. Nisenfeld requested a change in the minutes, Item #3, paragraph 6, line 6, the word "rate" should be "rights". L. Lindas made a motion to approve the minutes as corrected. The motion was seconded by J. Nisenfeld. The vote was unanimous.

Chairman Steinkamp welcomed new member, Diane Wustrack.

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#2) CONDITIONAL USE APPLICATION - PACIFIC NORTHWEST BELL (8th Street and I-205)

The staff report was read by D. Richey, recommending approval on the condition that there be no microwaves installed on the site.

Glenn Koshiyama, representing Pacific Northwest Bell, stated there would be no microwaves, that building will be used for equipment. Need is due to growth in the area. Building will house switching equipment and will have underground cable. Proposed building is 16' x 20' and approximately 12' high.

Patricia Templeton, 2284 S.W. 7th, asked how this will affect their property value. Their tax lot is 1701, and is 100' x 100'. She stated the corner is steep and questioned size of trucks and how often the building will be used. She was also concerned about overhead wires.

Mr. Koshiyama said it will be busy during construction, but after that, should be used only once or twice a month by van-type vehicles.

Georgia Coons, 2202 S.W. 7th, asked about the narrow strip of property behind her and asked about road or alley running next to 7th Avenue. She also said there is a problem in getting that road taken care of, that it is State road, but County or City supposedly has agreement to fix it.

Mr. Koshiyama said the Telephone Company will not use the narrow portion of their property. He said they will probably put in a gravel driveway, as it would be cheaper and considering the small amount of use it will get.

D. Richey pointed out that the Telephone Company would use only a very small part of the alley running adjacent to 7th Avenue.

Melvin Coons, 2202 S.W. 7th, stated that he was told this area was a problem area due to the drainage.

Paul Templeton, 2284 S.W. 7th, stated he was opposed to the telephone equipment building and wanted the Planning Commission to study the proposal further.

Discussion followed regarding road problems, building site restrictions, Design Review requirements, property values, etc.

J. Nisenfeld moved that the Public Hearing be closed. S. Workman seconded. The vote was unanimous.

L. Lindas moved to approve the Conditional Use Application for the 16' x 20' building subject to the staff findings and recommendations of staff, making particular mention that it does have underground wires and no microwave sending or receiving equipment is to be installed. Motion was seconded by J. Nisenfeld.

S. Workman suggested requiring Pacific Northwest Bell to pave roadway. J. Hammond noted that if addition is requested, they will have to come in for a new permit.

The vote was: AYE: Geeson, Nisenfeld, Lindas, Wustrack, Junk NAY: Workman

#3) FINAL PLAT APPROVAL - MEADOW VIEW SUBDIVISION Bill Morrow

D. Richey gave the staff report, recommended approval. He stated that all requirements have been met by the developer.

After discussion, J. Nisenfeld moved to approve the final plat of Meadow View Subdivision. L. Lindas seconded the motion. The vote was unanimous.

#4) FINAL PLAT TIME EXTENSION - WEST BANK SUBDIVISION Charles Gotanda

D. Richey gave the staff report, stated they had no bond and needed an extension to gain financing.

John Summers, 323 S.E. 3rd, Hillsboro, representing the applicant, briefly described the history of the proposal and said the developer had to switch engineer and contractor, had a problem with boundary survey, and found financing difficult to get now. The developer is asking for a six month time extension. There are no significant lot changes in the plan since original was submitted.

Sally McLarty, 7617 N.E. Portland Avenue, asked what was in original plan - 92 units? Also asked about the zoning buffer as stated in the Comprehensive Plan.

Discussion followed. It was noted that none of the requirements for the final plat (subdivision agreement, irrevocable financial commitment, hard board drawing and approved engineering drawings) had been submitted.

J. Nisenfeld made a motion to deny the time extension. Seconded by S. Workman. The vote was unanimous.

#5) FINAL PLAT TIME EXTENSION - FRITCHIE ESTATES Ben Fritchie

D. Richey gave the staff report recommending approval. The hardboard is in, but not financial guarantee.

Ben Fritchie, developer, asked for one years extension due to fill on left side which he would like to have settle over a year, has also had to get a new engineer. Sewer is in, water lines will be in the end of this week. Property is in Willamette, near Swift Shores Subdivision.

Discussion followed.

J. Nisenfeld made a motion to approve the time extension until the regular Planning Commission meeting of August, 1981, and noted that there have been good faith efforts and this is the first time extension. Motion seconded by J. Geeson. The vote was unanimous.

#6) ROAD VACATION - GREENE STREET (Lot 7, Block 4, Willamette View Estates) Sunrise Valley, Inc.

D. Richey gave the staff report recommending approval. Part of Greene Street had been included in part of the subdivision, Lot 7, Block 4. City Council needs Planning Commission recommendation for vacation. Area belongs to the City now, would go to Lot 7.

L. Lindas made a motion to approve the vacation of Greene Street, Lot 7, Block 4. J. Junk seconded the motion. The vote was unanimous.

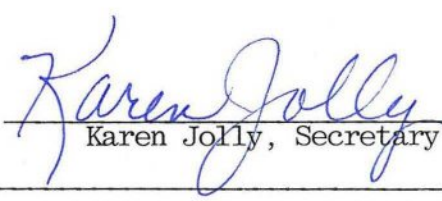
#7) SIGN ORDINANCE PUBLIC HEARING (Continued)

Revisions made from suggestions at last Planning Commission meeting were reviewed (pages 10 and 11). Reader boards were discussed, including electronic reader boards, church reader boards, time and temperature signs, highschool sign, etc. D. Richey said they were not mentioned in Ordinance now, however, there is a section on blinking and fluttering lights. General feeling was that these should be better defined.

S. Workman made a motion that electronic reader boards not be allowed in the City Limits. There was no second and Mr. Workman withdrew his motion.

S. Workman made a motion to defer this issue for one month and that staff find a definition for reader board. D. Wustrack seconded the motion. The vote was unanimous.

The meeting was adjourned at 9:25 p.m.


Karen Jolly, Secretary

October 20, 1980

Chairman Steinkamp opened the regular meeting at 7:30 p.m. Members present were L. Lindas, D. Wustrack, J. Steinkamp, S. Workman, J. Geeson. Staff members present were D. Richey, City Planner, and K. Jolly, Secretary. J. Hammond, City Attorney was also present.

#1) SEPTEMBER 15, 1980 PLANNING COMMISSION MINUTES

L. Lindas moved to approve the September 15, 1980 Planning Commission minutes. The motion was seconded by D. Wustrack. The motion passed unanimously.

#2) SIGN ORDINANCE PUBLIC HEARING (Continued)

D. Richey reported on the recent revisions for the draft Sign Ordinance.

Chairman Steinkamp asked for any participation from the audience, since the public hearing was still open.

DDB873

D. Richey said there had been no written correspondence received in the office regarding the Sign Ordinance.

J. Hammond gave out a copy of the City of Sandy's Sign Ordinance time provisions for phase out of non-conforming signs.

Discussion followed regarding the alteration or remodeling of a building as the time to eliminate non-conforming signs and the financial effect on the property owner. Chairman Steinkamp noted that signs that are illegal under the old Sign Ordinance will also be illegal under the new Sign Ordinance. The \$5,000 remodeling amount mentioned in Section 3-11.1 was discussed and general feeling was not to have a dollar amount on remodeling as the requirement for bringing a sign into compliance.

Harvey Haines, Cedaroak Drive, owner of the service station on the corner of Cedaroak and Hwy 43, asked if the white 7-11 sign near his station will remain under the new Sign Ordinance.

D. Richey told him the Sign Ordinance requires certain sizes, heights, and setbacks. The 7-11 sign is located on the ground and seems to conform to the proposed Sign Ordinance.

S. Workman moved to close the public hearing. L. Lindas seconded the motion. The motion passed unanimously.

Discussion followed. D. Richey noted that the revisions (Summary of Draft Sign Ordinance Changes) handed out at tonight's meeting (copy attached and made a part of these minutes) needed two more items added:

11. Page 18, Section 6-1.1(a) (second sentence)

The sign shall contain only the name of the center or park, except that a directory may be allowed with identification inserts not exceeding three (3) square feet in area each, provided that the total sign silhouette does not exceed the allowable maximum sign area.

12. Page 21, Section 7-1.1 (add the following)

... and may include a directory.

S. workman moved to adopt the revisions as outlined in the Summary of Draft Sign Ordinance Changes relative to the Draft Sign Ordinance of July 1, 1980. The motion was seconded by D. Wustrack. The motion passed unanimously.

D. Wustrack moved that Section 3-11.1 be removed from the revised Sign Ordinance Draft and be replaced, using the City of Sandy's Sign Ordinance conformance section as an example, as follows:

3-11 Non-conforming Signs:

3-11.1 Except as otherwise provided in this Section, signs in existence on _____, which do not conform to the provisions of this chapter but are constructed, erected, affixed or maintained in compliance with all previous regulations shall be continued from _____ for a period not to exceed five years for the purpose of amortization of investment. Compliance date: _____.

3-11.2 Existing signs located on property which is annexed to the City shall have five years to be brought into compliance with this chapter.

3-11.3 Sign Alteration. Any sign which is structurally altered, relocated or replaced shall immediately be brought into compliance with all the provisions of this chapter except the signs that are temporarily removed to allow remodeling of the premises shall be allowed to be relocated thereon upon the completion of remodeling.

The motion was seconded by S. Workman. The motion passed unanimously.

SUMMARY OF DRAFT SIGN ORDINANCE CHANGES

1. From Chapter 4 through the first part of Chapter 8, each paragraph is captioned with one or more words to provide an indication of its content.
2. The word "subdivision" has been changed to the broader term "land division".
3. Definitions, Page 2, new addition - Directory: A sign that provides standardized inserts in which the names of onsite businesses may be placed.
4. Definitions, Page 4, new addition - Reader Board: Signs which have no copy except that which is changeable and is manually placed on the sign. Signs which have copy that is changeable electronically are also considered to be reader boards provided the copy remains stationary and does not change with the single exception of signs that alternate time and temperature information.
5. Section 3-9, Page 10, new addition g': Signs not exceeding eight (8) square feet in area, non-illuminated and constructed of wood, bearing the name of a park or other public open space.
6. Section 4-4.6, Page 15, additional sentence: Signs that give changing time and temperature information only, are not deemed to conflict with this prohibition.
7. Section 5-1.8, Page 16, new: City Entryway Monuments - Entryway monuments for the City of West Linn near the City boundary line on highways and major streets containing no more than the City name, population, map, logo, motto and time and temperature.
8. Section 6-1.2(d), Page 18, new: Reader Boards - Wall mounted signs may have a reader board incorporated within them. Freestanding commercial (business) signs shall not have reader boards with the exception of automobile service stations for the single purpose of advertising the price of fuel.
9. Section 7-2.3, Page 21, new: Reader Boards - Same wording as proposed above for 6-1.2(d).
10. Section 8-1.1(j), page 24, additional phrase: ... or moving or changing copy such as can be done with electronic reader boards with the exception that changing time and temperature information is deemed to be an exception.

L. Lindas moved that the City of West Linn Sign Ordinance be adopted subject to the revisions stated previously. S. Workman seconded the motion. The motion passed unanimously.

The meeting was adjourned at 8:30 p.m.

Karen Jolly
Karen Jolly, Secretary

November 17, 1980

Chairman Steinkamp opened the regular meeting at 7:30 p.m. Members present were J. Junk, D. Wustrack, L. Lindas, J. Steinkamp, J. Nisenfeld, J. Geeson. Absent was S. Workman. Staff members present were D. Richey, City Planner, and K. Jolly, Secretary. J. Hammond, City Attorney, was also present.

#1) OCTOBER 20, 1980 PLANNING COMMISSION MINUTES

J. Junk moved to approve the minutes of the October 20, 1980 Planning Commission meeting. L. Lindas seconded the motion. The motion passed unanimously.

#2) MICHAEL GOLDMAN - CONDITIONAL USE APPLICATION - 5075 MAPLETON DRIVE

D. Richey gave the staff report. Plans are before the Planning Commission because proposed house is in Willamette River Greenway. House site appears to be above the flood plain level. Staff reports were sent to State Parks and State Greenway, and we have received no comments from them.

Applicant, Michael Goldman, 5065 Mapleton Drive, owner of lot, stated he wishes to preserve the natural habitat and will strive to keep the trees.

Property owner (neither proponent nor opponent), 18320 Nixon Avenue, Andy Gianopoulos, owns lot immediately north of Mr. Goldman, stated there is a drainage problem, and although Mr. Goldman's new house will not affect his property, he wanted to bring the problem to Commission's attention. He is opposed to further building in area until storm drainage is put in. He has called City and has received no help with storm drains.

Chairman Steinkamp stated that the Commission is addressing the Greenway aspect only, and the drainage problem will be brought up under Miscellaneous.

L. Lindas moved to close the public hearing. J. Junk seconded the motion. The motion passed unanimously and the public hearing was closed. Discussion followed.

J. Junk moved to approve the Conditional Use Application for Mr. Goldman according to the staff report dated November 3, 1980. The motion was seconded by D. Wustrack. The motion passed unanimously.

#3) NATHAN WRIGHT - MINOR PARTITION REQUEST - 23560 JOHNSON ROAD

D. Richey gave the staff report. Applicant is dividing property so existing house can be sold and the remainder of the land can be retained. The applicant has a carefully prepared drawing illustrating a potential subdivision that can be built when sewers are available. Recommends approval.

Applicant, Nathan Wright, 23560 Johnson Road, explained that property is too much to take care of and that the use will not be changed until sewer is available. This partition would enable him to receive some equity back from property.

No opponents or proponents.

D. Richey added that the required 6 foot utility easement as noted in the staff report has been added by the engineers. Approval for a septic tank will come from Clackamas County.

J. Nisenfeld moved to close the public hearing. D. Wustrack seconded the motion. The motion passed unanimously and the public hearing was closed.

J. Nisenfeld moved to approve the minor partition request of Nathan Wright as based upon the recommendations of the staff report dated November 3, 1980 and the findings of fact. The motion was seconded by J. Geeson. The motion passed unanimously.

DDB873

#4) DONALD MURRAY - ANNEXATION REQUEST - EAST OF DEBOK ROAD

D. Richey gave the staff report. Parcel is totally surrounded by City limits and is designated for medium density by the Comprehensive Plan. It will retain existing County zoning until changed by applicant or City. Because the property is an enclave, approval of adjacent property owners is not necessary. Recommends approval.

Planning Commission felt that nearby property owners should be apprised of annexation proceedings by City, even if Boundary Commission will do so before their hearing. Requested that a letter be sent to the neighborhood association informing them of annexation request.

Applicant, Donald Murray, stated he would request medium density zoning when the annexation is completed.

J. Nisenfeld moved to recommend to the City Council approval of the annexation of Tax Lot 2800, Assessor's Map 2-1E-35BC, based upon the findings of fact and the staff report of November 4, 1980. Motion was seconded by L. Lindas. The motion passed unanimously.

#5) MISCELLANEOUS

a) The Planning Commission discussed the drainage problem that was brought up by Mr. Gianopoulos in the Mapleton Drive area. J. Hammond said it was Public Works responsibility. Mr. Gianopoulos said he has lost several fir trees, has been promised help from City, but nothing has been done. Chairman Steinkamp said Planning Commission has no authority and asked D. Richey to look into problem.

b) D. Richey explained that the reason for providing a discussion draft on home occupation and cottage industries descriptions and requirements was to gain as much advance consideration of it as possible prior to incorporating it into future zoning ordinance amendments. He also mentioned that a rough draft of a land development ordinance will be out shortly to begin its review and refinement.

c) L. Lindas mentioned the Planning Commission's responsibility and obligations to neighborhood groups in keeping them informed.

The meeting was adjourned at 8:30 p.m.

Karen Jolly

Karen Jolly, Secretary

December 15, 1980

Chairman Steinkamp opened the regular meeting at 7:30 p.m. Members present were J. Junk, D. Wustrack, L. Lindas, J. Steinkamp, J. Nisenfeld, S. Workman, and J. Geeson. City Planner, D. Richey and Secretary, K. Jolly were present. City Attorney, J. Hammond was also present.

#1) NOVEMBER 17, 1980 PLANNING COMMISSION MINUTES

J. Nisenfeld moved to approve the minutes of the November 17, 1980 meeting as mailed. L. Lindas seconded the motion. The motion passed unanimously.

#2) ED & TERESA HANDRIS - CONDITIONAL USE APPLICATION - 1980 and 2008 S.W. 7TH AVENUE

D. Richey gave the staff report. Applicants seek approval of a conditional use of a residential structure which they have purchased to use as a real estate office. The house is next door to their present real estate office, which will be used as an accounting office when the real estate office moves. The use is compatible with adjoining property. There may be a parking problem concerning the required number of parking spaces presently available. Recommends approval subject to the condition that the parking area be enlarged to conform to the requirements of the Zoning Ordinance.

The applicant, Mr. Handris, 24710 S.W. Nodaway Lane, Wilsonville, explained his application and said that parking would not be a problem. He said he intends to use the front of the property for parking and would take up part of the lawn and put parking in its place. He also has 4-6 parking spaces in the next door building which he owns. He would like to occupy the house as soon as possible.

There were no opponents or other proponents.

J. Junk moved to close the public hearing. J. Nisenfeld seconded the motion. The motion passed unanimously, and the public hearing was closed.

J. Junk moved to approve the conditional use application for Tax Lot 800, 3-1E-2BA, as per the staff report dated November 28, 1980, to include the staff recommendations. The motion was seconded by S. Workman. The motion passed unanimously.

#3) ALAN KOEPPING - MINOR PARTITION REQUEST - 3444 ARBOR DRIVE

D. Richey gave the staff report. The parcel of property is large enough for partition into two large lots with sewer and water available. Recommends approval subject to the staff report and City Subdivision Ordinance requirements.

Applicant, Mr. Alan Koepping, 3444 Arbor Drive, explained his proposal to divide property and build a house on the proposed new parcel. The property slopes down in back to a creek.

There were no opponents or other proponents.

J. Nisenfeld moved to close the public hearing. J. Junk seconded the motion. The motion passed unanimously and the public hearing was closed.

D. Wustrack questioned the removal of any significant trees from the lot. The applicant said there were no important trees to disturb or remove near the front of the proposed lot where the house would be built.

J. Junk moved to approve the minor partition request at 3444 Arbor Drive as per the staff report dated November 28, 1980 and the situation and findings of fact of the staff report. The motion was seconded by S. Workman. The motion passed unanimously.

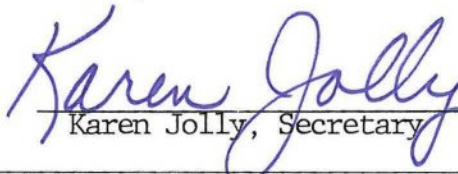
#4) CONSIDERATION TO EXPAND THE AREA OF A PROPOSED REZONE submitted by Ed and Teresa Handris, 1980 and 2008 S.W. 7th Avenue

D. Richey gave the staff report and noted that this item is on agenda for determination of the geographic area that should be taken under consideration as a part of the rezone request made by Ed and Teresa Handris for their property at 1980 and 2008 S.W. 7th Avenue. Recommends rezoning be considered for the land that is geographically contained in all of the Neighborhood Commercial district abutting the applicant's property. Hearing date for this rezone request of Mr. Handris will be January 19, 1981.

Discussion followed concerning rezoning specific lots and a larger area, and the relative effect of use on neighboring residential properties, and the fact that the applicant's request would be a spot zone if approved. Comprehensive Plan requirements for the area and the efforts of the Comp. Plan Review Committee in original zoning were also discussed.

S. Workman moved to consider all of the properties currently on the north side of 7th Avenue between 10th and 12th Streets that are within the Neighborhood Commercial zone for rezoning to the District Commercial classification (this comprises approximately four lots) which includes the request made by the Handris' for Tax Lots 800 and 900, Assessor's Map 3-1E-2BA, 1980 and 2008 S.W. 7th Avenue. The motion was seconded by J. Geeson. The motion passed unanimously.

The meeting was adjourned at 8:40 p.m.


Karen Jolly, Secretary

January 19, 1981

Chairman Steinkamp opened the regular meeting at 7:30 p.m. Members present were J. Junk, L. Lindas, J. Nisenfeld, S. Workman. Absent were D. Wustrack and J. Geeson. City Planner, D. Richey and Secretary, K. Jolly were present. City Attorney, J. Hammond was also present.

#1) DECEMBER 15, 1980 PLANNING COMMISSION MINUTES

J. Nisenfeld moved to approve the minutes of the December 15, 1980 meeting as mailed. L. Lindas seconded the motion. The motion passed unanimously.

DDB873

There were no opponents or other proponents.

J. Junk moved to close the public hearing. J. Nisenfeld seconded the motion. The motion passed unanimously, and the public hearing was closed.

J. Junk moved to approve the conditional use application for Tax Lot 800, 3-1E-2BA, as per the staff report dated November 28, 1980, to include the staff recommendations. The motion was seconded by S. Workman. The motion passed unanimously.

#3) ALAN KOEPPING - MINOR PARTITION REQUEST - 3444 ARBOR DRIVE

D. Richey gave the staff report. The parcel of property is large enough for partition into two large lots with sewer and water available. Recommends approval subject to the staff report and City Subdivision Ordinance requirements.

Applicant, Mr. Alan Koepping, 3444 Arbor Drive, explained his proposal to divide property and build a house on the proposed new parcel. The property slopes down in back to a creek.

There were no opponents or other proponents.

J. Nisenfeld moved to close the public hearing. J. Junk seconded the motion. The motion passed unanimously and the public hearing was closed.

D. Wustrack questioned the removal of any significant trees from the lot. The applicant said there were no important trees to disturb or remove near the front of the proposed lot where the house would be built.

J. Junk moved to approve the minor partition request at 3444 Arbor Drive as per the staff report dated November 28, 1980 and the situation and findings of fact of the staff report. The motion was seconded by S. Workman. The motion passed unanimously.

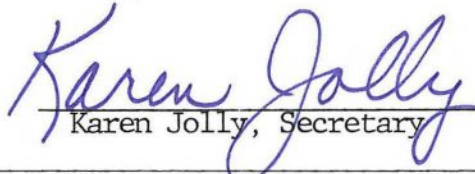
#4) CONSIDERATION TO EXPAND THE AREA OF A PROPOSED REZONE submitted by Ed and Teresa Handris, 1980 and 2008 S.W. 7th Avenue

D. Richey gave the staff report and noted that this item is on agenda for determination of the geographic area that should be taken under consideration as a part of the rezone request made by Ed and Teresa Handris for their property at 1980 and 2008 S.W. 7th Avenue. Recommends rezoning be considered for the land that is geographically contained in all of the Neighborhood Commercial district abutting the applicant's property. Hearing date for this rezone request of Mr. Handris will be January 19, 1981.

Discussion followed concerning rezoning specific lots and a larger area, and the relative effect of use on neighboring residential properties, and the fact that the applicant's request would be a spot zone if approved. Comprehensive Plan requirements for the area and the efforts of the Comp. Plan Review Committee in original zoning were also discussed.

S. Workman moved to consider all of the properties currently on the north side of 7th Avenue between 10th and 12th Streets that are within the Neighborhood Commercial zone for rezoning to the District Commercial classification (this comprises approximately four lots) which includes the request made by the Handris' for Tax Lots 800 and 900, Assessor's Map 3-1E-2BA, 1980 and 2008 S.W. 7th Avenue. The motion was seconded by J. Geeson. The motion passed unanimously.

The meeting was adjourned at 8:40 p.m.


Karen Jolly, Secretary

January 19, 1981

Chairman Steinkamp opened the regular meeting at 7:30 p.m. Members present were J. Junk, L. Lindas, J. Nisenfeld, S. Workman. Absent were D. Wustrack and J. Geeson. City Planner, D. Richey and Secretary, K. Jolly were present. City Attorney, J. Hammond was also present.

#1) DECEMBER 15, 1980 PLANNING COMMISSION MINUTES

J. Nisenfeld moved to approve the minutes of the December 15, 1980 meeting as mailed. L. Lindas seconded the motion. The motion passed unanimously.

DDB873

#2) JACK McISAAC - CONDITIONAL USE APPLICATION - 5551 RIVER STREET

D. Richey gave the staff report. The proposed dwelling is located in the Willamette River Greenway. The State Greenway people made no comments on the proposal. Staff recommended approval with the condition that all existing trees on the site with 6 inch or larger caliper be preserved except those located on the building or driveway locations.

William Fletcher, Architect, 208 S.W. First Avenue, Portland, representing the applicant, explained proposal. Present location will save more trees. He stated that the elevation of the basement is one foot above flood plain level.

John Crockatt, 5555 River Street, spoke in favor of proposal.

There were no opponents.

J. Nisenfeld moved to close the public hearing. S. Workman seconded the motion. The motion passed unanimously, and the public hearing was closed.

Brief discussion followed.

L. Lindas moved to approve the conditional use application for Tax Lot 501, Assessor's Map 2-2E-30DB subject to the staff report findings and recommendations dated December 24, 1980. The motion was seconded by S. Workman. The motion passed unanimously.

#3) LOIS MILLER, CHERYL LEWELLING, DR. EARL M. MILLER - CONDITIONAL USE APPLICATION - 6710 PORTLAND AVENUE

D. Richey gave the staff report. He explained the proposal to use a residence as a private school, and read the findings of fact and recommendations of the staff report dated January 6, 1981. The report recommended approval, conditional upon several requirements.

Applicant, Dr. Earl M. Miller, representing Lois Miller and Cheryl Lewelling, 15525 S. Spangler Road, Oregon City, explained proposal. They would like to have the school in operation by next fall. He said they could meet the requirements of the staff report.

Sally Gray, of Lake Realty, said she checked with the State on private school requirements. The Fire Marshall gave them a list of requirements after going through the house with the applicants.

Gary Hagar, 2320 Appaloosa Way, said his daughter has been taught by Mrs. Miller and he would like to enroll her in this school. He said the best closest school is in Lake Oswego. He will attest to Mrs. Miller's teaching skills.

Opponent, Jim Lewis, 6720 Portland Avenue, spoke and presented the Commission with a memo for the record in opposition to the proposal. He also gave Commission pictures of residence and traffic conditions.

Opponent, Vern Bettendorf, 2303 Appaloosa Way, stated that traffic conditions in area are very bad, and gave Commission copy of Police Department traffic reports. He requested a "no" vote by the Commission.

Opponent, Tom Taylor, 6697 N.E. Portland Avenue, stated there is quite a traffic problem and extra congestion without traffic signals will constitute extra risk. He requested a "no" vote on the proposed location of the school.

Opponent, Jeannie Tyler, 6698 Portland Avenue, stated she was concerned with maintaining the residential integrity of the area.

Opponent, Gary Tyler, 6698 Portland Avenue, submitted a petition of residents within 600 feet of proposal who are opposed. Opposition was not against the school or teachers, only the location. He felt there will be adverse effect on surrounding property because of additional traffic, and any substantial changes will destroy the residential integrity of the neighborhood.

Letter from James H. Pickus, 6721 Portland Avenue, in opposition, was read into the record.

Opponent, Pam Lewis, 6720 Portland Avenue, said changes to the residence would ruin the old home.

Discussion followed regarding expansion, transportation, landscaping, parking, etc.

Proponent Rebuttal: Lois Miller and Cheryl Lewelling, applicants, answered questions of opponents: They do not wish to change the outside appearance of the house; no outside activity is planned for the children in front; no interior changes are proposed; safety is main concern; carpools will be formed and students can use the public school buses; would need one fire escape in back; would plan school hours to coincide with traffic off-peak hours. Dr. Miller explained that school will meet State Department of Education requirements. He stated that they have about one-third of the enrollment signed up now.

J. Nisenfeld moved to close the public hearing. J. Junk seconded the motion. The motion passed unanimously and the public hearing was closed.

Discussion followed.

J. Nisenfeld moved to deny the conditional use application based on the following findings: it would impose a serious traffic hazard in an already hazardous area, it is inconsistent with the residential designation of the Comprehensive Plan, and meeting the parking requirements would detract from the residential area. The motion was seconded by S. Workman. The motion passed and the vote was: AYE - S. Workman, J. Junk, J. Nisenfeld; NAY - L. Lindas.

#4) MIKE SIMCOE - SEA GARDEN RESTAURANT - CONDITIONAL USE APPLICATION -
5635 PORTLAND AVENUE

Chairman Steinkamp asked to abstain from voting due to a conflict of interest.

D. Richey gave the staff report which recommended approval of a provisional lifting of the time limit conditions set by the Planning Commission in April, 1978. There have been no known difficulties and their record has been good.

Applicant, Mike Simcoe, one of the owners of the Sea Garden Restaurant, explained request for lifting of the time limits. He said that the Oregon Liquor Control Commission reviews annually their license application and during this review, any problems or disturbances would be considered. The Police Department or Planning Commission can go to the O.L.C.C. with any problems that might arise.

Opponent - D. Richey read into the record a letter from Mrs. W.H. Foster, 1770 N.W. Easy Street, in opposition to increasing the hours of the restaurant-bar.

Discussion followed regarding parking, addition of live entertainment, etc.

J. Junk moved to close the public hearing. J. Nisenfeld seconded the motion. The motion passed unanimously and the public hearing was closed.

J. Nisenfeld moved to approve the provisional lifting of the hour restrictions and the Sunday closure that were on the original conditional use approval dated April 17, 1978 with the understanding that they may be reimposed by the Planning Commission any time deemed necessary. The motion was seconded by J. Junk. The motion passed and the vote was: AYE - J. Nisenfeld, J. Junk, L. Lindas; NAY - S. Workman.

#5) THOMAS GOODWIN - MINOR PARTITION REQUEST - HWY 43 and LAZY RIVER ROAD

D. Richey gave the staff report, which recommended approval subject to granting utility easements, and curb and sidewalk improvements be required. He explained that curbs and sidewalks will be required when a building permit is requested for the corner lot even without making it a requirement in this action.

Applicant, Thomas Goodwin, 18500 Pacific Hwy, explained proposal. He said he has no plans presently for developing or selling the lots. He said the proposal is in compliance with the Comprehensive Plan.

There were no opponents.

J. Junk moved to close the public hearing. J. Nisenfeld seconded the motion. The motion passed unanimously and the public hearing was closed.

J. Junk moved to approve the minor partition request for Mr. Goodwin at the corner of Lazy River Road and Hwy 43, Tax Lot 4000, Assessor's Map 2-1E-14DD, as per the situation and findings of fact of the staff report dated December 29, 1980 requiring recording of the easements and deeds and the installation of curbs and sidewalk on the corner lot at the time a building permit is taken out for a structure on the corner lot. The motion was seconded by L. Lindas. The motion passed unanimously.

#6) ED & TERESA HANDRIS - REZONE REQUEST - 1912, 1974, 1980 and 2008 S.W. 7TH AVENUE

D. Richey gave the staff report. He stated that the applicant's original request would have left spot zone, so the Planning Commission included all of the CN zoned land in that block for consideration for a change in zone to CD. The Neighborhood Commercial zone in effect serves as a buffer and transition area between the intensive commercial area and the adjacent neighborhood, and therefore, the recommendation is to deny the rezone request.

Ed Druback, attorney representing Ed & Teresa Handris, explained he was representing only the two parcels owned by the Handris' for the rezone request. He stated that in CN zone, there are no uses permitted outright and this causes a hardship on the applicants, as they have to apply to the Planning Commission for conditional use every time a different use for the building is proposed. He said they have no plans for any new building or changes. He also felt there is a need for additional office space in the Willamette area. Any vacant property in the CN zone would be very difficult to build upon with the conditional use restriction.

Opponent, Irene Anderson, 1693 S.W. 12th Street, questioned zone designations. She is against the proposed change, and said the Comprehensive Plan designated this as a buffer zone and the people should have the right to question and know what is going on.


Proponent Rebuttal: Ed Druback, said the Handris' are asking the City to change the zone from CN to CD so that they do not need to apply for a conditional use each time. No immediate changes are planned.

S. Workman moved to close the public hearing. L. Lindas seconded the motion. The motion passed unanimously and the public hearing was closed.

Discussion followed.

S. Workman moved to deny the application for rezone of Ed and Teresa Handris on the north side of 7th Avenue, Tax Lots 600, 700, 800 and 900, Assessor's Map 3-1E-2BA, based upon the situation and findings of fact and the recommendations of the staff report dated December 29, 1980. The motion was seconded by L. Lindas. The motion passed unanimously.

The meeting was adjourned at 10:30 p.m.


Karen Jolly, Secretary

February 17, 1981

Acting Chairman L. Lindas opened the regular meeting at 7:30 p.m. Members present were D. Wustrack, J. Nisenfeld and S. Workman. Absent were J. Steinkamp, J. Junk, J. Geeson. City Planner, D. Richey and Secretary, K. Jolly were present. City Attorney, J. Hammond was also present.

#1) JANUARY 19, 1981 PLANNING COMMISSION MINUTES

S. Workman moved to approve the minutes of the January 19, 1981 meeting as mailed. D. Wustrack seconded the motion. The motion passed unanimously.

#2) WEST LINN CHURCH OF THE NAZARENE - CONDITIONAL USE APPLICATION 7TH AVENUE AND OSTMAN ROAD

D. Richey gave the staff report. The ZARCO Building is located on 7th Avenue in Willamette. It is an existing, non-conforming building. The proposal includes an addition to the building to be used for restrooms and classroom space. There is very little off-street parking available and this could be a problem; however, the church, with parking being required only on Sundays and week day evenings, may help the overall parking problem as compared with more offices that would make the 8 a.m. to 5 p.m. parking problem worse. The staff report recommended approval.

Proponent, Scott Nay, Executive Director of the Clackamas County Youth Commission, explained the proposal and expansion. He said the building owners will pay for the expansion. If the church moves out later, the Youth Commission will be able to use the addition.

Applicant, Gary Lewellen, West Linn Church of the Nazarene, explained that they do not have a permanent meeting place at present. He talked about the needs, functions and goals of the church. He said there will be room for about 50 to 75 people. Operation will be on Sunday during the day starting at 9:00 a.m. and on weekdays there will be meetings in the evenings probably beginning no earlier than 7:00 - 7:30 p.m. Regarding parking, there are about 11 parking spaces with the building parking and including an easement on Mr. Fritchie's property. Additional parking will be on the street.

Paul Wolf, 1013 7th Avenue, asked if, after church moves out of the building, will there be a public hearing for every change of use. The response was yes for uses other than a church.

Gary Lewellen stated that existing space will serve the church's purpose if the addition cannot be approved. Parking is needed and being looked for by the building owner.

S. Workman moved to close the public hearing. The motion was seconded by J. Nisenfeld. The motion passed unanimously and the public hearing was closed.

Discussion followed. S. Workman questioned the parking problem. Also the addition to a non-conforming building was discussed. D. Wustrack mentioned that the use is a good one for the building and felt that the conditional use request and building addition request should be separate.

J. Nisenfeld moved to approve the conditional use application of the West Linn Church of the Nazarene within the existing portion of the ZARCO Building at 7th Avenue and Ostman Road based on the situation and findings of fact in the staff report dated February 5, 1981. D. Wustrack seconded the motion. The motion passed unanimously.

#3) MISCELLANEOUS

D. Richey reported on a proposed minor partition request for Richard Pelke on Arbor Drive. Mr. Pelke has not made formal application, however, he wanted assurance that there was no predetermined reason such as a moratorium that would stop consideration of a proposal if it were formally submitted. Without committal, the Commission members said the proposal would be given consideration and that other minor partition requests had been granted in the area just recently.

The meeting was adjourned at 8:20 p.m.


Karen Jolly, Secretary

March 16, 1981

Chairman Steinkamp opened the regular meeting at 7:30 p.m. Members present were J. Junk, D. Wustrack, L. Lindas, S. Workman, J. Geeson. Absent was J. Nisenfeld. City Planner, D. Richey and Secretary, K. Jolly were present. City Attorney, J. Hammond was also present.

#1) FEBRUARY 17, 1981 PLANNING COMMISSION MINUTES

L. Lindas moved to approve the minutes of the February 17, 1981 meeting as presented. J. Junk seconded the motion. The motion passed unanimously.

#2) BRIDGE VIEW ESTATES SUBDIVISION REPLAT - RAY DRIESEL (FIRWOOD PLACE AND SKYLINE DRIVE)

D. Richey gave the staff report. (Mr. Driesel telephoned earlier to say that he was out of town and would not be able to attend the meeting.) The proposal is to replat three large lots into five new lots. The new lots are equally as buildable as the other lots in Bridge View Estates. All subdivision requirements have been met and improvements are completed. For these new lots, the hardboard and reproducible drawings need to be completed, and the same need to be filed and recorded. The staff recommends approval of the proposal.

DDB873

There were no proponents or opponents.

S. Workman moved to close the public hearing. J. Junk seconded the motion. The motion passed unanimously and the public hearing was closed.

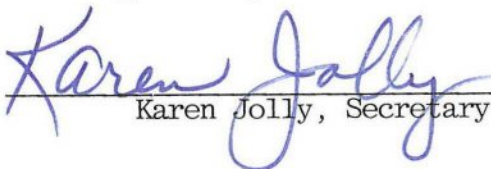
Brief discussion followed. S. Workman moved to approve the tentative and final subdivision replat of Bridge View Estates subdivision as per the situation and findings of fact of the Staff Report dated February 25, 1981. The motion was seconded by L. Lindas. The motion passed unanimously.

#3) MISCELLANEOUS ITEMS

D. Richey asked about holding a worksession on the draft Land Development Ordinance after the meeting.

Also, Chairman Steinkamp mentioned Bob Briggs' Hillhouse subdivision and that some of the conditions placed by the Planning Commission have not been met. Discussion followed. J. Hammond said that there is a lawsuit on this matter between Mr. Briggs and the James' because this bank is a part of the James' property.

There was no further business and the meeting was adjourned at 8:00 p.m.



 Karen Jolly, Secretary

April 20, 1981

Chairman Steinkamp opened the regular meeting at 7:30 p.m. Members present were D. Wustrack, L. Lindas, J. Nisenfeld, J. Geeson. Absent were J. Junk and S. Workman. City Planner, D. Richey and Secretary, K. Jolly were present. City Attorney, J. Hammond was also present.

#1) MARCH 16, 1981 PLANNING COMMISSION MINUTES

L. Lindas moved to approve the minutes of the March 16, 1981 meeting as written. J. Geeson seconded the motion. The motion passed unanimously.

#2) LYNN & MARY BEERMAN - MINOR PARTITION REQUEST - 2797 ROSEMONT ROAD

D. Richey gave the staff report. The property is west of the intersection of Summit and Rosemont Road. Staff recommends approval subject to easement documents being submitted and approved.

Proponent, Terry Banta, representing the applicant, stated that the proposal was to divide the property into two parcels. The small shop that was on the property has been removed.

There were no opponents.

J. Nisenfeld moved to close the public hearing. The motion was seconded by L. Lindas. The motion passed unanimously and the public hearing was closed.

Discussion followed.

L. Lindas moved to approve the minor partition for Tax Lot 800, Map 2-1E-25DB, as per the staff report dated March 26, 1981 and subject to the findings and recommendations of that report. J. Geeson seconded the motion. The motion passed unanimously.

#3) BEN & NELLIE MAY WILCOX - MINOR PARTITION REQUEST - 3951 MAPLETON DRIVE

D. Richey gave the staff report. The property will be split into two parcels, one being a pan-handled lot. The staff recommends approval.

Proponent, Ben Wilcox, 3951 Mapleton Drive, stated his proposal to divide the property to either build on or sell. He said the taxes are high for the large parcel. He understands about the sewer situation and that approval of the minor partition request does not guarantee a building permit.

CITY OF WEST LINN
NOTICE OF PUBLIC HEARING

Pursuant to the provisions of Section 10.060 of Zoning Ordinance No. 845, notice is hereby given that at its regular meeting of April 20, 1981, starting at 7:30 p.m., in the Council Chambers of City Hall, the West Linn Planning Commission will hold a public hearing on the request of Bob Briggs for a conditional use permit to operate a temporary real estate office within the R-10 single family zone. The subject property is 1940 16th Street, more specifically known as Tax Lot 2906, Assessor's Map 2-1E-35CC.

This hearing will be conducted in accordance with the provisions of Resolution No. 882 as amended by Resolution No. 1016.

WAYNE L. PATERSON
City Recorder

(Publish - April 10, 1981)

West Linn, 4-20-1981

To: The PLANNING COMMISSION - WEST LINN.

Ref: Notice of Public Hearing - ABOVE

Due to recent surgery, I am unable to attend today's hearing. I have, therefore, asked Mr and Mrs Dan Huitt of 1990 SW-16th West Linn to convey to the Commission my strong opposition to the requested extension of Mr. Briggs conditional, commercial use permit. This activity during the past two years has already adversely affected the permanent residents of our area due to frequent change of tenants in adjacent single family units utilized as rental properties. The corresponding instability and lack of concern about implementing even minimum landscaping and maintenance is detrimental to the neighborhood and contaminates our gardens. I urge you to demonstrate your concerns

(over)

2.

regarding further deterioration of our properties by disallowing continuation of this negative influence on the neighborhood. I thank you in advance for giving serious consideration to this matter

Cordially

Lud P. Nielsen
1965 HILLHOUSE DR.
WEST LINN, OR 97068

687-0562

April 17, 1981

Planning Commission
West Linn City Hall
West Linn, Oregon 97068

Gentlemen:

O'Neal Development, Inc., supports the partitioning of Tax Lot 1500, T. 2 S., R. 2 E., Section 30 BD. As owner of the adjacent Tax Lot 1600, O'Neal Development, Inc. herewith acknowledges its willingness to grant or to give the necessary square footage of real property to complete an acceptable cul de sac at the end of N. E. Perrin Street in the city of West Linn.

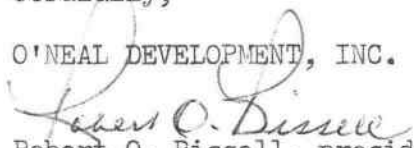
Such a cul de sac will benefit both the private and public sectors. Not only will it create access to additional sites for modest and affordable homes, a cul de sac will eliminate existing congestion for drivers now using private driveways on Perrin Street in turning around. A cul de sac would be advantageous for public use in serving the citizens with police and fire protection.

This small pocket in West Linn is a natural for development for the good of all people.

Your favorable action will be appreciated.

Cordially,

O'NEAL DEVELOPMENT, INC.


Robert O. Bissell, president

r:RB

April 20, 1981

Planning Commission
City Hall
City of West Linn
West Linn, Oregon 97068

To Whom It May Concern:

RE: Partitioning of Tax Lot 1500
T.2S., R.2E., Sec. 30BD.

This is to inform you that the undersigned is in support of the partitioning the above captioned real property, as well as the construction of a turn around cul de sac at the end of Perrin Street.

Thank you for your consideration.

Sincerely,



Leona R. Rothe
5770 N.E. Perrin Street
West Linn, Oregon
97068

original

January 19, 1981

TO: THE WEST LINN PLANNING COMMISSION
FROM: Jim Lewis, Pam Lewis
Gary Tyler, Jeannie Tyler
RE: OPPOSITION TO NON-RESIDENTIAL USE OF 6710 PORTLAND AVE.

- The density of private schools is adequate for the area. One located one block south. One located 2 blocks north.
- Will school room additions to the house be done in a manner consistent with the early American architecture of the existing house?
- Will proper yard maintenance occur in the summer months when the school is not in use?
- Route 43 traffic concerns:
 - Driveway directly across from Dillow. Will 30-40 cars additional at rush hour, entering and exiting at that point, cause a higher number of traffic accidents?
 - Driveway is about 250 feet from Pimlico. Entrance from Pimlico to Route 43, and left turns from Route 43 to Pimlico currently constitute a form of "Russian Roulette". Will the 30-40 cars entering and exiting Route 43 at 6710 Portland Ave. lower the odds?
- If Pimlico needs a traffic light will Dillow and 6710 Portland Ave. need a flashing amber light and crosswalk? This is very expensive.
- Isn't it logical that added traffic at this already busy point will increase the accident rate? Won't some of the accidents involve cars with school children from 6710 Portland Ave? The chance of this occurring can only be eliminated by locating the proposed school at a safer location.
- Will the added congestion pose safety hazards for the bikers and pedestrians on the bike path? Yes it will! Drivers persist in making illegal right side passes in the bike lanes when cars are backed up for a left turn on Portland Ave.
- Isn't the usage of 6710 Portland Ave. inconsistent with the residential zoning of the area?

- According to the comprehensive plan the non-residential traffic added by church or school usage should be channeled to "common access points" which ".....minimize traffic hazards."
- There is no opposition to private schools, only the location of this one. It should be located in an area where traffic and pedestrian safety is not greatly jeopardized.

Jim Lewis
Coby Tiller
Sam Leekers
Janice A. Tyler

JAN. 7, 1981

JAMES H. PICKUS
6721 PORTLAND AVE.
WEST LINN, OR. 97068

CITY OF WEST LINN
PLANNING COMMISSION MEMBERS.

I WILL NOT BE ABLE TO ATTEND THIS MEETING
CONCERNING - TAX LOT 8800 - 6710 PORTLAND AVE.
BUT I WOULD LIKE TO EXPRESS MY FEELING IN THIS
AREA..

(1) WHAT TYPE OF SCHOOL - ? PRIVATE WHAT?

(2) (A) TRAFFIC {A VERY VERY HEAVY AREA. - TO DANGEROUS

(B) CARS PASSING ON BIKE LANES HERE VERY MUCH
BECAUSE OF THE BACKUP OF CARS DUE TO HIDDEN SPRINGS
CARS TURNING UP OR DOWN.

(C) IF THIS IS FOR YOUNGSTERS I WOULD FEEL FOR
THEIR SAFETY, ~~AND~~ ALSO TRAFFIC GOING IN & OUT OF THE SCHOOL.

I HAVE SEEN SO MANY CLOSE CALLS DAILY HERE
LOOK AT THE BLACK SKID MARKS -

I FEEL THE POLICE DEPT SHOULD LOOK INTO
THIS DECISION BEFORE ANY SCHOOL IS GRANTED.

(D) WILL OR IS THE LOT FENCED - CHILDRENS SAFETY.

OVER.

AT THIS TIME I ~~will~~ be AGAINST THE
NEW PRIVATE SCHOOL, REASON STATED ABOVE.

If at possible I would like to have some
of my questions ^{answered} and returned to me.

Thank you

James H. Peckus
6721 Portland ave
West Linn, Or. 97068

①

43 - PIMLICO

02-18-78	5:30P	Sat	Auto-Auto	Injury	78-1174
05-24-78	6:10P	Wed	Auto-Auto	Non-Injury	78-1507
06-27-78	12:03P	Tues	Auto	Injury	78-1618
10-03-78	6:16A	Tues	Auto-Auto	Non-Injury	78-2004
10-05-78	4:30P	Thurs	Auto-Auto	Non-Injury	78-2010
07-12-79	6:21P	Thurs	Auto-Auto	Non-Injury	79-1937
10-18-79	2:47P	Thurs	Auto-Auto	Non-Injury	79-2427
11-26-79	7:40A	Mon	Auto-Auto	Injury	79-2606
09-29-80	3:48P	Mon	Auto-Auto	Non-Injury	80-2192
12-31-80	2:04P	Wed	Auto-Auto	Non-Injury	80-2640

1/16/80

Approx 6 pm

Fri

Auto Auto

?

Rear end on left tur

43 - DILLOW

11-04-78	6:31P	Sat	Auto-Auto	Non-Injury	78-2212
06-30-79	5:28P	Sat	Auto-Auto-Auto	Non-Injury	79-1889
12-24-79	2:43P	Mon	Auto-Auto	Non-Injury	79-2740

43 - HUGHES

10-31-78	2:27P	Tues	Auto-Auto	Injury	78-2180
05-04-79	7:51A	Fri	Auto-Auto-Auto	Injury	79-1608

- PETITION -

TO: THE WEST LINN PLANNING COMMISSION AND CITY COUNCIL

FROM: Certain citizens over 21 years of age who live within 600 feet of 6710 Portland Avenue, and are opposed to the use of this residence as a private school.

- SUBJECT MATTER -

We, the undersigned:

1. Desire that the residential integrity of the area be maintained.
2. Are concerned that serious traffic congestion near this address will be compounded by the addition of 30 to 40 turns at this address during morning and evening rush hour.
3. Are opposed to the use of this residence in any way that will increase the traffic congestion in the near vicinity.

Name	Address	
James W. Lewis	6720 Portland Ave	655-4835
Camela J. Lewis	" " "	" "
James A. Tyler	6698 Portland Ave	657-9224
DARY L. TEFER	6698 Portland Ave	"
Johle M. Korman	4742 Riverview Ave	655-9472
Don Perkins	2598 Dillow Dr	656-1349
Marjorie Perkins	2598 Dillow Dr.	656-1349
Ulysses W. Allison	2615 N.E. Dillow Dr	656-5129
Sylvia E. Allison	2615 N.E. Drive	656-5129
Kathy Sparrow	2622 Dillow Drive	655-4924
Eleanor Rupp	2820 Julie Pl.	655-7288
Catherine J. Stapp	2655 NE Dillow Drive	656-8645
John A. Stapp	2655 NE Dillow Dr	656-8645
James H. Puckus	6721 Portland Ave	656-7378
Richard J. Mantel	6715 N.E. Portland Ave.	655-5213
Sally J. McLarty	6717 N.E. Portland Ave.	656-3629

April 20, 1981

Re: Minor Partition Application by Elaine Mueller and
Linda Bogart.

I, Laura Dollar, was born on December 2, 1886, in Willamette (West Linn) and have lived in West Linn all of my life. I currently reside at 1891 S.E. 5th; My parents came to West Linn in 1881.

I am familiar with the property owned by Elaine Mueller and Linda Bogart. In all of my years in Willamette, I have never known the existing house to be flooded. Nor have I known the proposed building site to be flooded.

As a citizen of West Linn, I urge you to approve their request for a minor partition. Thank You.

Laura B. Dollar

Laura B. Dollar

Opponent, John Cox, owns the vacant acre next to Mr. Wilcox, said that the lot is low and has a high water problem. He is opposed to flag lots. He said Mr. Wilcox has animals which have been a nuisance and he wanted to know what Mr. Wilcox will do with these animals and what will be done with the old buildings on the lot.

Dave Peterson, 3963 Mapleton Drive, lives on the east side of the property, said he was not opposed to the proposal or to the flag lot, but he is concerned about the animals and the existing buildings. He said he wants the proper restrictions if the proposal is approved. He agreed with Mr. Cox that there is high water there.

Muriel Rowning, 4025 Mapleton Drive, said the property has a duplex on it now, and she is opposed to splitting lots. Most of the houses in the area are on one acre lots. She feels the increase in housing will increase the traffic problems, and she likes the present rural-type atmosphere. She stated that the back of the lot is very wet.

John Cox, said the new house will need a pump for the sewer.

Proponent Rebuttal, Mrs. Nellie Wilcox, applicant, said that Dave Rood, West Linn Building Official, and Dave Richey, Planner, looked at the property and said it was buildable. They have had the property surveyed, and want to sell the partitioned lot for their retirement. They have an apartment in their house, and an old lady lives there now and does not drive and causes no problems. She said she was aware of the sewer situation.

Ben Wilcox, applicant, said they have spent nearly a thousand dollars with the survey and Planning Commission hearing fees. He was under the impression that there would be no problem in getting a partition. The horses will be moved and the two chickens are pets. He said he would put in culverts if water in the creek is a problem.

D. Richey said that the creek seemed to be reasonably well contained and believed there is a good building site.

J. Nisenfeld moved to close the public hearing. The motion was seconded by D. Wustrack. The motion passed unanimously and the public hearing was closed.

Discussion followed.

J. Nisenfeld moved to approve the minor partition request as submitted for Tax Lot 300, Map 2-1E-24BC, as per the staff report dated March 25, 1981, and subject to the possible unavailability of a sewer hook-up. J. Geeson seconded the motion. The motion passed and the vote was: AYE: J. Nisenfeld, J. Geeson, L. Lindas; NAY: D. Wustrack.

#4) ELAINE MUELLER - LINDA BOGART - MINOR PARTITION REQUEST - 1415 S.E. 19TH STREET

D. Richey gave the staff report. The proposal is to divide the lot in two parcels both of which meet the size requirements. The property is located within the 100 year flood plain. If the partition is approved, he recommended that the alignment of the common lot line of the two proposed parcels be changed. He could not, however, recommend approval principally because of concern about the flood plain.

Proponent, Paul Schultz, 710 Center Street, Oregon City, attorney representing the applicants, stated the requirements of Ordinance #996 regarding the flood plain. It does not say that houses cannot be built, it only gives specific requirements for building construction. He said the applicants are aware of these requirements and will adhere to them. In regards to the lot line, he said it would be impossible to make it at right angles with the street, which is what the Subdivision Ordinance requires, however, the line can be changed to meet approval requirements. He read a letter from Laura Dollar, 1891 S.E. 5th, into the record stating that she had not seen the property flooded in the 80+ years she has lived in Willamette.

Clem Dollar, 1891 S.E. 5th Avenue, is in favor the proposal. He has never known the river to come up as far as the house. In 1964 during the flood, there was no problem here.

Francis Bobillot, 1740 S.E. 6th Avenue, is in favor of the proposal, and has never seen any flooding problem.

DDB873

Linda Bogart, applicant, said they were willing to work with the City, and they will straighten the lot line if required.

There were no opponents.

Discussion followed regarding the lot line. L. Lindas moved to continue the public hearing on Tax Lot 1202, Map 3-1E-3AD until the last item on the agenda. The motion was seconded by J. Geeson. The motion passed unanimously.

#5) BRYAN S. DEAR AND LEONA ROTHE - MAJOR PARTITION REQUEST - SOUTHEAST END OF PERRIN STREET

D. Richey gave the staff report. The proposal is to divide the property into three parcels, and create a partial cul-de-sac at the end of Perrin Street. The only requirement staff recommends is to provide 35 feet of frontage for each lot on the cul-de-sac. The other conditions are standard, including the fact that there was no guarantee that sewer hook-ons would be available, and he recommended approval.

Proponent, Bryan Dear, lives on the property and is buying it on contract. He read two letters into the record supporting the proposal. He has no objections to staff requirements.

Bob Bissell, 6105 Portland Avenue, representing O'Neil Development, adjacent property owner, and helping Mr. Dear, said that the lot frontage can be changed to 35 feet with no problems.

There were no opponents.

L. Lindas moved to close the public hearing. D. Wustrack seconded the motion. The motion passed unanimously and the public hearing was closed.

Discussion followed.

L. Lindas moved to approve the major partition request subject to the staff report dated March 24, 1981 for Tax Lot 1500, Map 2-2E-30BD. D. Wustrack seconded the motion. The motion passed unanimously.

#6) LEONARD ASHBY - CONDITIONAL USE APPLICATION - 1980 S.W. 7TH AVENUE

D. Richey read a letter from Mr. Ashby withdrawing his proposal.

#7) BOB BRIGGS - CONDITIONAL USE APPLICATION - 1940 16TH STREET

D. Richey gave the staff report. The Zoning Ordinance allows use of a residence for a temporary real estate office in a residence. Mr. Briggs is using a residence in the Hill House Subdivision as a real estate office and most of the houses in this subdivision have now been sold. Staff recommends that the office should be relocated within six months, prior to October 20, 1981. He read a letter from Mr. Briggs and the comments typed on the Conditional Use Application.

Proponent, Bob Briggs, 1940 16th Street, spoke for his proposal. He said that other developers are using houses in their subdivisions as real estate office. He has four houses yet to sell - one yet to be built, two under construction, and one completed. Also, he said the office house will need to be sold. He said there were no signs on the house except the word "OFFICE" and the street number in large figures. He would like to continue using the house for an office until the houses are sold. He asked for two years until he can build a new office. He said people in the office are working on other subdivisions.

Opponent, Dan Minzies, 1700 Jamie Circle, feels the use is obtrusive, the traffic situation is bad, there has been no landscaping for two years, so the lot is not totally residential in appearance.

Jim Mooney, 1753 Jamie Circle, said he was not too upset at the proposal, but he does not want an office there forever. He feels that a six month recommendation should be upheld. He agreed that there is a traffic problem.

Tony Betschowa, 1954 Hill House, said there are many contractors, trucks, etc. that come and go, and he feels the house is being used as a construction office as well as a real estate office, also several houses for sale are being rented. He feels it is unsafe for children because of the traffic problem, and the streets are not kept clean. He does not want an office there forever.

Lorraine Huitt, 1990 S.W. 16th, said the subdivision is basically completed, and she agrees there is a traffic problem. There are many cars parked on the roadway and she feels this is dangerous to the children. She read a letter from Knute Neilson who could not appear because of illness, into the record in opposition to the proposal. She also said there is no landscaping.

Renee Cole, 2020 16th Street, requested that the application be denied. She agreed with other reasons stated and said she does not like living next to a real estate business. She feels there is no need to continue the office.

Dr. Ronald Powell, 1348 Dollar Street, said his backyard looks up to the development, and he has seen no change in a three to four month period on house under construction. He feels there is an erosion problem. He questioned the use of the office for other areas Mr. Briggs is developing. He said the driveway at the office is very steep and feels there is a dangerous traffic situation.

Dr. James Barless, 1945 Hill House Drive, lives adjacent to the construction office and said there is no upkeep of the house and the backyard is full of weeds. He also feels that continued rental of unsold houses may preclude final sales. He feels that the six month time limit is generous.

Bob Bissell, 6105 Portland Avenue, real estate sales, questioned what ordinance allows a construction office in a residential area. He said that Mr. Briggs lists his properties with other real estate firms. He said other developers in the City do not have their construction office in areas not zoned for it.

Jean James, 1928 Hill House Drive, said she was opposed to the proposal and that Mr. Briggs is not allowed to sell real estate as a licensed broker.

Proponent Rebuttal, Bob Briggs, said he respects the neighbor's attitude in wanting to maintain the residential neighborhood. He said that since the houses are his, he does not need to be a licensed broker, and regarding the landscaping, he has done some landscaping. He asked for approval only until the subdivision is completed. He said that less than 50% of the sales are through his office. He owns four other houses in the subdivision and is renting them out. He thought their rental should be considered the same as a sale.

J. Nisenfeld moved to close the public hearing. D. Wustrack seconded the motion. The motion passed unanimously and the public hearing was closed.

Discussion followed.

J. Nisenfeld moved to deny the conditional use application of Bob Briggs at 1940 16th Street based on the following findings:

- 1. It is used for purposes other than a temporary real estate office;
- 2. It does not meet the requirements of a temporary real estate office; and
- 3. It does not appear that a genuine sales effort is going on.

And, that Mr. Briggs be required to close this office within ninety (90) days. J. Geeson seconded the motion. The motion passed unanimously.

#4) CONTINUED PUBLIC HEARING FOR ELAINE MUELLER AND LINDA BOGART MINOR PARTITION REQUEST - 1415 19TH STREET

Paul Schultz, attorney representing the applicants, presented a new lot line proposal. Rather than an exaggerated dog-leg alignment, the common lot line of the two proposed parcels would run from 19th Street toward the rear corner of the existing house. He read the legal description into the record that he believed made this change.

J. Nisenfeld moved to close the public hearing. L. Lindas seconded the motion. The motion passed unanimously and the public hearing was closed.

Discussion followed.

DDB873

D. Wustrack moved to approve the minor partition request for Tax Lot 1202, Map 3-1E-3AD with the lot line adjustment as read into the record, with the understanding that sewer hook-ups may not be available as per the hand-written amendment to the staff report dated March 24, 1981. L. Lindas seconded the motion. The motion passed unanimously.

#8) WEST LINN LAND DEVELOPMENT ORDINANCE DRAFT

D. Richey gave a staff report on the first draft of the new Ordinance. Copies have been given out to developers, builders, real estate offices, and other government agencies. He has received a letter from METRO and a letter from the Homebuilder's Association. There has been an effort to encourage use of solar application where possible. He presented a list of changes dated April 15, 1981, and suggested the Planning Commission review and approve changes before considering the Ordinance itself.

Discussion followed regarding the list of changes.

Bob Briggs, 1940 16th Street, asked that the Chamber of Commerce get a chance to review this Ordinance before any approvals.

Val West, 4344 Cedaroak Drive, said he felt that since he had not seen the changes before, the meeting should be deferred to a later date.

Bob Bissell, 6105 Portland Avenue, felt the same and said the changes and the Ordinance effects so many people that there should be more people involved in the hearing process. He would like to see the meeting held over.

Dave Edwards, Edwards Industries of Beaverton, said there needed to be a grandfather clause for previous approvals on densities. The new Ordinance would change the total densities approved previously for Hidden Springs Ranch.

Discussion followed.

J. Nisenfeld moved to continue the public hearing for the West Linn Land Development Ordinance to Monday, April 27, 1981 at 7:30 p.m. L. Lindas seconded the motion. The motion passed unanimously.

The meeting was adjourned at 12:05 a.m.


Karen Jolly, Secretary

April 27, 1981

A special meeting of the Planning Commission to continue the public hearing of the draft West Linn Land Development Ordinance.

Chairman Steinkamp opened the meeting at 7:30 p.m. Members present were J. Nisenfeld, L. Lindas, and J. Junk. Absent were D. Wustrack, J. Geeson, and S. Workman. City Planner, D. Richey and Secretary, K. Jolly were present.

D. Richey said he had no further staff report. Chairman Steinkamp then opened the meeting to public testimony.

Robert Ball, Attorney, 555 Benjamin Plaza, Portland, representing Edwards Industries, discussed the particular problem with the draft Ordinance and the density previously requested for the Hidden Springs Ranch subdivision. He handed out the 1973 proposal for the subdivision and gave a background and history of the project. He said that many of the higher density phases are yet to be built and have not been built because of market trends. He said the new Ordinance will not give them the same bonus called for in the preliminary development plan presented to the City Council and Planning Commission in 1973. He is asking for a grandfather clause in the new Ordinance and also feels a density bonus is needed in the new Ordinance.

D. Richey said he has been checking through the Hidden Springs files and still has more files to look at, to find what was originally approved.

L. Lindas said she felt that discussion on Hidden Springs was not applicable to the Land Development Ordinance discussion.

Jerry Palmer, 7637 S.E. 39th, from Wilsey & Ham Engineers, representing Edwards Industries, discussed various pages and sections of the Ordinance as follows:

Page 39, Section 4-4(a), he felt this disallows certain types of housing and he questioned how this affects hillside development.

Page 89, Section 7-2.1, he felt the description of the natural topographic features to be retained made it almost impossible to build a house anywhere.

Page 42, Chapter 4, he felt that the current Zoning Ordinance density requirements should be added to this chapter, as well as an incentive clause.

Page 60, Chapter 6, 1-3, he felt the 10,000 square foot area amount should be deleted.

Dave Edwards, Edwards Industries, Beaverton, discussed the system development fees on Page 124, in Chapter 11. He asked if there was a change from what is in effect presently. He said Mr. Hanway from the Home Builder's Association could not attend the meeting and had asked him to ask that question.

D. Richey said the fee schedule was verbatim from the existing Ordinance #952.

The Chairman asked Dave for a sample computation on building permit fees for houses in various price ranges.

Val West, 4344 Cedaroak Drive, questioned various sections of the Ordinance as follows:

Page 14, regarding mobile homes, he asked if modular homes were included here.

D. Richey said they were not included, since they were considered the same as a regular home.

Page 26, item (j), he asked what were the four elements.

D. Richey pointed out that the four elements were listed on page 25.

Page 39, Section 4-4(a), said he felt the City should not control the design on the townhouse concept, and he believes multi-family, one story over the other, should be allowed. He felt it is discrimination and the City should not put requirements on the inside architecture.

Page 72, Section 5-7 on street grades, he said there were many streets in excess of 15% grade and he wanted to know if the Ordinance gives any options here. He felt there was nothing wrong with the steeper streets in the City.

D. Richey said the section on hillside development addresses this concern.

Page 82, Section 8.2 regarding reimbursement for oversize water mains, he asked if this applied only to water mains, not sewers.

D. Richey said yes, it only applies to water main oversizing, as written.

Mr. West also said he hoped there would be an index on the Ordinance.

Phil Gentemann, 19335 Suncrest Avenue, questioned the street slope requirement as mentioned previously, and said he would like to get together with his associates and would have more input at the next meeting.

L. Lindas asked Dave to rewrite some of the portions they had discussed, and she moved to continue the public hearing until Monday, May 4, 1981. The motion died for lack of a second.

J. Nisenfeld moved to continue the public hearing for the West Linn Land Development Ordinance draft at the next regular meeting of the Planning Commission, May 18, 1981. The motion was seconded by L. Lindas. The motion passed unanimously.

The meeting was adjourned at 9:45 p.m.


Karen Jolly, Secretary

DDB873

May 18, 1981

Chairman Steinkamp opened the regular meeting at 7:30 p.m. Members present were J. Junk, D. Wustrack, L. Lindas, J. Nisenfeld, S. Workman, J. Geeson. City Planner, D. Richey and Secretary, K. Jolly were present. J. Hammond, City Attorney, was also present.

#1) APRIL 20, 1981 REGULAR MEETING MINUTES AND APRIL 27, 1981 SPECIAL MEETING MINUTES

J. Junk moved to approve the April 20, 1981 and April 27, 1981 Planning Commission minutes as written. L. Lindas seconded the motion. The motion passed unanimously.

#2) DONALD & FRANCES PUDEBBAUGH - MINOR PARTITION REQUEST - 1935 S.W. 16TH

D. Richey gave the staff report. The proposal is to split the property in two parcels. The applicant needs the easement dedication and new deeds to be recorded, and was made aware of the City's sewer situation. The staff recommended approval.

Applicant, Don Puderbaugh, 4155 Upper Drive, Lake Oswego, stated his proposal. He said he plans to live in the existing house and build a small passive solar house on the other parcel. He said he was aware of the sewer situation. He also said he did not intend to remove any trees.

There were no opponents.

L. Lindas moved to close the public hearing. D. Wustrack seconded the motion. The motion passed unanimously and the public hearing was closed.

Discussion followed.

L. Lindas moved to approve the minor partition request for Tax Lot 3200, Assessor's Map 2-1E-35CC as per the findings of fact and recommendations of the staff report dated May 5, 1981. The motion was seconded by S. Workman. The motion passed unanimously.

#3) EVALOIS A. KING - MINOR PARTITION REQUEST - 4257 S. KENTHORPE WAY

D. Richey gave the staff report. The applicant is splitting a lot and adjusting lot lines of two other parcels to end up with four lots. The applicant needs to prepare deeds and easement documents and have them recorded, and was made aware of the sewer situation. The staff recommended approval.

Applicant, Lamont King, son of Mrs. King, explained proposal. He said they will be building a house on one of the lots.

There were no opponents.

J. Junk moved to close the public hearing. S. Workman seconded the motion. The motion passed unanimously and the public hearing was closed.

Discussion followed.

S. Workman moved to approve the minor partition request for Tax Lots 3900, 4000 and 4100, Assessor's Map 2-1E-24BA based upon the situation and finding of facts of the staff report dated May 5, 1981. The motion was seconded by L. Lindas. The motion passed unanimously.

#4) ADOPTION OF PROPOSED WEST LINN LAND DEVELOPMENT ORDINANCE - PUBLIC HEARING CONTINUED

D. Richey gave a staff update and reviewed pages 3 through 8 of the corrections. He also explained Appendix A regarding solar access requirements. Discussion followed regarding solar application. Dave said the appendix was intended to be used as a guide. S. Workman mentioned the costs that might be involved to the developer if solar access requirements are mandatory. Dave said that not all lots would be good solar sites, but there would be cost added, but it would be worthwhile in the long run. He said the lots would be reviewed for solar application by the Technical Committee. L. Lindas said that if there is to be a commitment



Home Builders Association of Metropolitan Portland

3140 N. E.
Broadway /
Portland, Oregon
97232 /
Telephone
288-0121

May 18, 1981

OFFICERS
PAT M. BRIDGES
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National Director
JAMES R. IRVINE
1st Vice President
National Director
STEVE SMELSER
Vice President-Treasurer
National Director
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City of West Linn
David Richey, City Planner
4900 Portland Avenue
West Linn, Oregon 97068

Dear Mr. Richey:

The Home Builders Association of Metropolitan Portland submitted comments to the city in February on the proposed Land Development Ordinance. We are submitting additional comments at this time to explain our objections more fully and to make some suggestions on how the ordinance could be improved.

Our objections generally fall into three categories:

1. The ordinance imposes excessive costs on developers and homebuyers;
2. Standards are often too vague to give clear guidance on what is expected; and
3. Low-cost housing and especially apartments are excluded from the city.

Following are more specific comments.

Section 1-3. Subsections (a), (b), (c), (d), and (e) should be eliminated. The purpose of the development ordinance is to establish the objective standards a development must meet. Approval then is simply a matter of checking items off the list. Sub (a) is too vague. Sub(b) is simply not a matter of city concern; lot costs will skyrocket if new subdivisions can't be approved until all old lots are developed. Subs (c) - (e) provide no standards.

Only sub (g) is really needed in this section.

Section 1-7. This should provide that the more restrictive section of the zoning ordinance applies where ordinance provisions conflict. The zoning ordinance may not be more restrictive than the comprehensive plan.

Section 3-2(c). This section should be eliminated. Notice is either required or not required. Leaving this vague wording in gives opponents who weren't notified a political, though not a legal, argument for reopening a hearing. Section 3-3 (d) should also clarify the reference to posting.

Section 3-2(d). This should be changed to "The Committee may with the applicant's consent defer taking final action until the next scheduled hearing...."

Section 3-3(c), (e) -- Sub (c) should impose a deadline of no more than 30 days on the issuance of the Technical Committee report. The application should be checked immediately for completeness. If the application is complete, 30 days should be more than adequate for staff review. If the application is not complete, the 30 days would not begin to run until completed.

Likewise, the last sentence of sub (e) should be stricken. Delays are very costly due to financing costs. This ordinance treats the issue of delay too casually.

Section 3-3 (g). We agree that the Planning Commission action should be final. The language of the exception should be improved to provide that the City Council may call for a public hearing on the commission's action on its own initiative. The 65 day limit for final Council action is laudable.

Section 3-3(h) (3). This subsection should list all required submittals, not simply state "etc."

Section 3-3(j). This section is not understandable.

Section 3-5. We agree that partitions should be approved administratively. The ordinance should provide a 30 or 45 day deadline for final action by the committee. In sub (c), the word "may" should not appear in the portion concerning treatment as a land division or large development. (There are no provisions for "large developments") When will such data be required?

For consistency, sub (f) should refer to tentative plat, not short plat.

Section 3-6 (d), (f). The comments on Section 3-3 (c) and (e) concerning deadlines also apply here.

Section 3-6 (i). This should provide that "If the proposed plat meets the standards of this ordinance and the comprehensive plan, the plat is given approval."

Section 3-8 (d),(f). Notice procedures should be standard.

Section 4-4. The listing of uses permitted in PUD's limits multi-family housing to attached townhouses or garden apartments. We do not have a zoning map for the city so we don't know what provisions have been made for standard apartments outside of PUD's. Goal 10 certainly requires that a variety of rent levels be provided for in the city. Garden apartments are unlikely to meet that need because the reduced density will significantly increase the cost of land per unit. It is strange that the PUD provisions would exclude apartments since PUD's are normally viewed as a means of making residential developments more attractive, and it is generally the appearance of apartment developments which creates most objections.

Section 4-5. The development standards for PUD's listed in subs (a)-(c) give no direction as to what is desired by the city. If the city wants new developments to go in as PUD's, it should make the PUD approval process more definite than the regular land division process so developers will be encouraged to use it. The possibility of the city requiring oversized lines or facilities without reimbursement do not give that certainty. The city of Portland adopted a PUD ordinance (attached) which gives the developer an incentive to go with a PUD. It provides a good guide.

Subs (f) and (g) prevent clustering, a major advantage of PUD's. The result is that the only innovation permitted in a PUD is building attached rowhouses. What's the point? The requirement of a 600 square foot garden plot also raises the cost of a PUD significantly, especially when combined with the open space requirements. The ordinance should also establish open space standards more definite than "adequate for recreational and leisure needs."

The density bonus provided for in sub (j) is appreciated, although hardly adequate in the multifamily zone to provide any real incentive to take advantage of them unless other density bonuses can also be earned.

Section 4-6(e). Why not just refer to the Conditional Use procedures?

Section 4-8. The requirement that the proposal be reasonable should be eliminated. What does reasonable mean?

Section 5-2.2. The duties of the Technical Committee are stated in negative terms and imply that development of the land will destroy the city. Isn't it really the duty of this committee to evaluate the application for compliance with the development standards, to assure that hazards have been investigated and avoided, and to make a decision on or recommendation to the Planning Commission on the application? Why not say that?

Section 5-2.3. The requirement that the Committee review the submission within 15 days is insufficient since Chapter 3 permits them an indefinite time for making a final decision.

Chapter 6 Design Standards

Section 6-1.2. Once again, why have the PUD provisions if its only benefit is clustering, and clustering may be required anyway?

Section 6-4.1 is extraneous and should be eliminated.

Section 6-4.2. We don't believe that current state law permits the city to require solar easements.

Chapter 8 Special Planned Unit Standards

Section 8-4. Once again, this discourages the use of PUD's. Also will this area count toward open space?

Section 8-5. When will extra parking be required?

Chapter 10 - Design Review

Section 1-1.3 (e). The city has no interest in reviewing floor plans of individual units. The city's interest ends with the building's exterior.

General Comments

The City Council recently took action supporting the adoption of portions of the Housing Action Plan prepared by Diag Associates. The purpose of the plan is to assure compliance with Goal 10 by assuring that local ordinances encourage the provision of affordable housing. It does not appear that any of those proposals have found their way into this development ordinance. As a matter of fact, it appears that low-cost rental housing will be discouraged. That causes us concern.

We would like to suggest that the city review and consider the attached Salem ordinance permitting increased residential density subdivisions. The ordinance permits up to 8 units per acre in single family zones and up to 20 per acre in multiple family. A perimeter around the development is required but otherwise development standards within the project are greatly reduced. Processing of approvals is also expedited. It is estimated this will reduce costs by \$5,000 on minimum-sized homes. We believe these kinds of steps are essential in reducing costs and still will not detract from the livability of the city.

We appreciate the opportunity to comment.

Sincerely,


Kevin L. Hanway
Senior Staff Attorney

KLH/djgb

to solar, it should be now, as it may be too late in the future. S. Workman felt the appendix should only be used as a guide, not incorporated into the Ordinance and forced on developers.

Chairman Steinkamp opened the hearing to further public testimony.

Kathy Thomas, 4025 Elmran Drive, representing the Park and Recreation Board, recommended that the changes concerning Section 6-12.4, Payment in Lieu of Land, page 87, be approved. She said that the payment would be used for additional park land. Regarding Section 6-12.5 (b) and (c), page 4 of the corrections, the word "original" should be stricken.

Discussion followed. S. Workman questioned the City's ability to maintain more park lands. J. Geeson concurred and said this was the feeling during Comprehensive Plan discussion that there would be difficulty maintaining more new parks.

Kevin Hanway, legal counsel for the Home Builder's Association, discussed a list of changes he felt should be made in the draft. He said that general feeling about the Ordinance was that it imposed excessive costs on developers and homebuilders, it needed to be more specific in certain areas, and it should be written to include low cost housing and apartments. He then handed out the letter explaining the changes in detail as he went over them. This letter is dated May 18, 1981, and is incorporated as part of the public record. He said the Technical Committee assignment should not be negative, but more cooperative in tone. He also said that the solar requirements may be illegal to impose as part of the Ordinance.

Val West, 4344 Cedaroak Drive, asked about Section 3-7, Ordinance Amendment, on page 33. He questioned the note that a proposal not conforming to the Comprehensive Plan cannot be accepted or processed. Brief discussion followed on the Comprehensive Plan. Mr. West also mentioned Section 4-5(c) Special Improvements, and the City's requirement for oversizing water and sewer lines. He said that the solar access requirements would make it difficult to plot a piece of ground.

S. Workman left the meeting at 9:50 p.m.

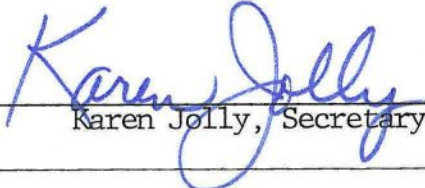
Jeff Miller, 5660 Portland Avenue, said he agrees with Section 6-4.2 regarding solar orientation and hopes to see the City get involved with solar. He questioned the last sentence of this Section, and Dave explained it to him.

There was no further public testimony, and J. Nisenfeld moved to close the public hearing portion on the proposed West Linn Land Development Ordinance. J. Junk seconded the motion. The motion passed unanimously and the public hearing was closed.

Discussion followed regarding solar application, and Mr. Hanway's comments. Chairman Steinkamp asked Dave to go over Mr. Hanway's letter.

L. Lindas moved to continue the discussion on the draft West Linn Land Development Ordinance at the June 8, 1981 work session. D. Wustrack seconded the motion. The motion passed unanimously.

The meeting was adjourned at 10:35 p.m.


Karen Jolly, Secretary

June 8, 1981

Acting Chairman J. Junk opened the special meeting at 7:45 P.M. for the continuation of the public hearing on the draft West Linn Land Development Ordinance. Members present were J. Geeson, S. Workman, J. Nisenfeld, L. Lindas, D. Wustrack. Absent was J. Steinkamp. City Planner D. Richey and Secretary, K. Jolly were present.

D. Richey reviewed changes to the Ordinance dated May 26, 1981. The Planning Commission then went through the Ordinance page by page adding or deleting as per the changes recommended by public testimony, letters, and their discussion. Following are the most significant changes the Commission discussed.

Page 2, Section 1-3.1, agreed to leave (a) and eliminate (b). They disagreed with the letter from the Homebuilders Association regarding this section.

Page 6, add new Section 1-9, Fees, and all other section numbers will be changed accordingly.

Page 6, Section 1-10, the words "shall" and "may" were questioned. Dave is to ask the attorney about the definitions as used in the ordinance.

Page 21, add the term "Working Days" to the list of definitions as meaning: "Those days of the week, month and year in which the Planning Department and Engineering Department offices of the City of West Linn are open for public business."

Page 22, title Chapter 3 "Procedures and Inspections".

Page 22, Section 3-1, add to the last sentence, "Such preliminary review shall not be construed as approval of the proposed project."

Page 22, Section 3-2(c) change to read, "Public notice shall be posted on the subject property and in the City Hall Development Services offices one week in advance of the Design Review meeting at which the application is to be considered."

Page 22, Section 3-2(d) change second sentence to read, "The Committee may defer taking final action up to thirty-five (35) days when more information is needed from the applicant or City departments."

Page 22, Section 3-2 add (e) as follows, "Design Review approvals shall be diligently pursued to completion by the applicant within one year of approval or the approval is void."

Page 26, Section 3-3(j) change to read, "The four elements of the proposed development plan identified in Section 3-3(h)(1-4) shall be reviewed by the appropriate City departments. If everything is satisfactory, the Technical Committee is empowered to issue occupancy permits for residential units as each structure and a proportionate share of the site is completed.

Page 27, Section 3-4, add (e) and (f) as follows: "(e) Lot line adjustments shall not create a new lot or be used to reduce any lot beneath the required ordinance standards or increase the degree of non-conformity of an existing substandard lot. (f) After City approval, lot line adjustments shall be diligently pursued to completion by the applicant within one (1) year of approval or the approval is void."

Page 30, Section 3-6 change heading to read, "Land Divisions Creating Four or More Dwelling Units or Parcels."

Page 37, Section 3-9, add to last paragraph, first sentence, "Planning Commission or Design Review" before "committee".

Page 41, change Chapter 5 to become Chapter 4, change heading to read, "Technical Committee" and change numbers of the subsections.

Page 43, change Chapter 6 to become Chapter 5 and change numbers of the subsections.

Solar application was discussed. L. Lindas felt it should be addressed now or it may not be an option in the future. J. Nisenfeld moved that the Planning Commission insert Page 60, Section 6-1.4 modified to be changed as designated on the correction sheet dated April 18, 1981, including the insertion of the City of Eugene Planning Department Solar Access Check List. The motion was seconded by D. Wustrack. The motion passed. The vote was AYE: Lindas, Nisenfeld, Geeson, Wustrack. NAY: Workman.

Page 64, Section 3.2, change time period from two hours to four hours. Also, J. Nisenfeld asked Dave to rewrite this paragraph and change the "...rear upon the sun..." wording.

J. Nisenfeld moved to approve the Land Development Ordinance up to and including page 64 as discussed and revised. The motion was seconded by J. Geeson. The motion passed unanimously.

J. Nisenfeld moved to continue the Public Hearing on the Land Development Ordinance at the next regular Planning Commission meeting on June 15, 1981. The motion was seconded by S. Workman. The motion passed unanimously.

The meeting was adjourned at 10:30 P.M.

Karen Jolly
Karen Jolly, Secretary

June 15, 1981

Acting Chairman Jerry Junk opened the regular meeting at 7:30 P.M. Members present were D. Wustrack, L. Lindas, J. Nisenfeld, S. Workman, J. Geeson. Absent was J. Steinkamp. City Planner, D. Richey and Secretary, K. Jolly were present. J. Hammond, City Attorney, was also present.

#1) MAY 18, 1981 PLANNING COMMISSION MINUTES

L. Lindas moved to approve the minutes of the May 18, 1981 Planning Commission meeting as written. D. Wustrack seconded the motion. The motion passed unanimously.

#2) DAVID MINER - VARIANCE REQUEST - 5420 GROVE STREET

D. Richey gave the staff report. The proposal is to add a carport. The carport would occupy the entire sideyard setback. Dave read the findings of the staff report and recommended denial of the proposal, indicating that it was difficult to make a recommendation but that it was based upon the literal meaning of the variance criteria.

Proponent, David Miner, 5420 Grove Street, gave pictures to the Planning Commission. He said the present patio is 6 inches lower than the driveway and it is quite small to serve the purpose of a carport. Seven out of fifteen houses on the street have non-conforming garages. He said the carport would be 20 feet from the neighbor's house, and there will be no combustible material in the garage. He said the neighbors are not against the project.

There were no opponents.

J. Geeson moved to close the public hearing. The motion was seconded by L. Lindas. The motion passed unanimously and the public hearing was closed.

Discussion followed.

J. Geeson moved to approve the variance request of David Miner, 5420 Grove Street, subject to the condition that the carport and fence be constructed of non-combustible materials, and made the following findings: 1. That not ordinary circumstances apply to this property which were not included in the grandfather clause; 2. That the variance is necessary for the preservation of the property right of Mr. Miner; 3. That the carport is the minimum variance that would alleviate the problem. S. Workman seconded the motion. The motion passed. The vote was: AYE: Geeson, Workman, Nisenfeld. NAY: Lindas, Wustrack.

#3) DONALD & GERALDINE MURRAY - REZONE REQUEST - OFF DEBOK ROAD

D. Richey gave the staff report. This property has just been annexed to the City and needs to be rezoned to meet the City Comprehensive Plan. The request is for medium density residential which is the R-5 Duplex zone. Dave said the state-wide planning goals have been addressed and there are no conflicts, so the staff recommends approval.

Proponent, Don Murray, P.O. Box 245, Wheeler, Oregon, stated his proposal to get City zoning to this property. He said there is a 25 foot road leading into the property.

There were no opponents.

S. Workman moved to close the public hearing. J. Geeson seconded the motion. The motion passed unanimously, and the public hearing was closed.

Discussion followed.

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S. Workman moved to approve the rezone request of Donald Murray for Tax Lot 2800, Assessor's Map 2-1E-35BC, for an R-5 zone based upon the situation and findings of fact and the recommendations of the staff report dated June 4, 1981. L. Lindas seconded the motion. The motion passed unanimously.

#4) SHARON STRICKLER - MINOR PARTITION REQUEST - 3577 S. ARBOR DRIVE

D. Richey gave the staff report. The proposal is to create two 10,000 square foot lots, leaving a 2½ acre parcel. Dave recommended that the rear lot be widened to have an approximate 50 foot width at the rear. Staff recommended approval of the minor partition provided 5 feet is dedicated for widening of Arbor Drive plus certain easement and recording requirements. The applicant was made aware of the sewer situation and possible unavailability of sewer permits.

Proponent, Sharon Strickler, 3577 S. Arbor Drive, stated her proposal to divide lot. She said she understood the sewer situation.

There were no opponents.

S. Workman moved to close the public hearing. The motion was seconded by J. Geeson. The motion passed unanimously and the public hearing was closed.

Discussion followed.

L. Lindas moved to approve the minor partition request of Sharon Strickler for Tax Lot 1300, Assessor's Map 2-1E-14DA, subject to the findings and facts and the recommendations of the staff report dated June 3, 1981. S. Workman seconded the motion. The motion passed unanimously.

#5) WILLIAM & ALMA COSTON - MINOR PARTITION REQUEST - 1535 BURNS STREET

D. Richey gave the staff report. Dave said curb and paving improvements should be provided to the new lots, as well as the necessary easements. The applicant was made aware of the sewer situation. The staff recommends approval.

Proponent, William Coston, 1535 Burns Street, asked about the requirements for the road improvements. He said the pavement stopped to save a large dogwood tree, and that the continuance of street would run into the creek. He said it was very steep. He asked that the paving not be required. He said they only need a driveway to the ends of the two lots.

D. Richey said that the requirement for the road improvements could be modified to avoid the tree, but that there would need to be better access than just driveways for emergency vehicle turnaround. The fact that sewer permits may not be available in the future was explained.

There were no opponents.

J. Geeson moved to close the public hearing. S. Workman seconded the motion. The motion passed unanimously and the public hearing was closed.

Discussion followed.

S. Workman moved to approve the minor partition request of William and Alma Coston for Tax Lot 2500, Assessor's Map 2-2E-30, based on the situation and findings of fact and the recommendations of the staff report dated June 3, 1981 with the revision to Item 4 that in lieu of full street improvements to be placed along the Hood Street frontage of this partition, that the street improvements be made to the satisfaction of both the City and the developer such that a hammer-head or like street ending would be facilitated and that the dogwood tree could be saved. L. Lindas seconded the motion. The motion passed unanimously.

#6) GEORGE BOYER - MINOR PARTITION REQUEST - PACIFIC HWY NEAR DILLOW ROAD

D. Richey gave the staff report. The proposal is for two lots fronting on Hwy 43. Utility easements, deeds and a revised survey are necessary and the applicant was made aware of the sewer situation and the possibility that sewer permits may not be available in the future. The staff recommends approval of this request.

Proponent, George Boyer, 6109 S.E. Belmont, Portland, stated his proposal to build a new home on one of the lots. He said he has had the survey done. In the future, he will build on the other lot or sell it. He said there is a driveway easement there now for three other houses.

There were no opponents.

Discussion followed.

J. Geeson moved to close the public hearing. The motion was seconded by S. Workman. The motion did not pass. The vote was: AYE: Geeson, Workman. NAY: Wustrack, Lindas, Nisenfeld.

J. Nisenfeld moved to continue the public hearing until more information is obtained for the existing access situation, particularly in regard to existing easements. D. Wustrack seconded the motion. The motion passed. The vote was: AYE: Wustrack, Lindas, Nisenfeld. NAY: Geeson, Workman.

Discussion followed. Mr. Boyer stated that he would like to build as soon as possible and that his State loan was based on the lot being split. Dave Richey asked that if the easement in discussion is, in fact, a part of his property, would it make a difference in the Planning Commission's decision. He said there would only be one driveway opening onto Hwy 43.

J. Nisenfeld moved to reopen the public hearing on the minor partition request of Mr. George Boyer for Tax Lot 8900 and 9000, Map 2-1E-24CD. The motion was seconded by J. Geeson. The motion passed unanimously.

J. Nisenfeld moved that all the discussion that took place between the continuance and reopening of the public hearing be included in the record. J. Geeson seconded the motion. The motion passed unanimously.

L. Lindas moved to close the public hearing. The motion was seconded by J. Nisenfeld. The motion passed unanimously and the public hearing was closed.

J. Nisenfeld moved to approve the minor partition request of Mr. Boyer for Tax Lots 8900 and 9000, Map 2-1E-24CD, subject to the situation and findings of fact and the recommendations of the staff report dated June 3, 1981, with the stipulation that the front lot be granted an easement to the 20 foot panhandle of the rear lot for access to Hwy 43 and that the end result be one driveway onto Hwy 43. L. Lindas seconded the motion. D. Wustrack went on record stating that it was her opinion that there should be as few new entrances on Hwy 43 as possible. The motion passed unanimously.

#7) DAVID & LYNETTE PETERSON - MINOR PARTITION REQUEST - 3963 MAPLETON DRIVE

D. Richey gave the staff report. He said that the minimum standards have been met for the partition, but he would suggest that the rear yard of the front lot be enlarged in area. The parcels need surveys and easements prepared, and the applicant was made aware of the sewer situation. Staff recommends approval based upon the front lot being at least 13,300 square feet in area. The problem with the sewer system and the possibility that permits may not be available in the future was mentioned.

Proponent, Larry Sweeney, a friend of Mr. Peterson, is representing Mr. Peterson because he is out of state. Mr. Sweeney stated the proposal and said that Mr. Peterson would like to build a house on the back lot. He said there is a creek through the rear portion of the lot.

Opponent, Bob Rowning, 4025 Mapleton, asked questions about the sewer location and wondered about his trees if they are damaged by the sewer. He asked if the driveway could go on the other side the the property rather than as proposed.

Opponent, Brian Rowning, 4025 Mapleton, said he feels dividing the lots will reduce the value of his parent's home. He said he was concerned about the density and feels this partition will disrupt their privacy. He said his parents have one acre.

Proponent Rebuttal, Mr. Sweeney said they could not put the driveway on the other side of the property. He said there is a laurel hedge 6-8 feet high between the property of the applicant and the Rowning's.

Discussion followed.

S. Workman moved to close the public hearing. J. Nisenfeld seconded the motion. The motion passed unanimously and the public hearing was closed.

J. Nisenfeld moved to approve the minor partition request of Mr. Peterson for Tax Lot 200, Map 2-1E-24BC, subject to the situation and findings of fact and the recommendations of the staff report dated June 3, 1981. The motion was seconded by D. Wustrack. The motion passed. The vote was AYE: Lindas, Wustrack, Nisenfeld. NAY: Geeson, Workman.

J. Nisenfeld left the meeting at 9:40 P.M.

#8) CONTINUED PUBLIC HEARING ON DRAFT WEST LINN LAND DEVELOPMENT ORDINANCE

Acting Chairman Junk stated that they had approved the ordinance draft up to page 65. The Planning Commission then continued with their discussion. Following are the most significant changes the Commission discussed.

J. Geeson left the meeting at 9:50 P.M.

Page 72, Section 5.7, regarding street grades, change 3/10 to 5/10 percent.

Page 82, Section 8.2, regarding reimbursement, add sewer mains to the first sentence, and add this sentence at the end of the section: "Reimbursement shall not apply to future main line extensions of either utility service."

Page 89, Section 2.2, add to the last sentence in this section, "that are chosen as most aesthetically beneficial for the development and particularly the City."

Chapter 8, page 100 to 103, delete this chapter and combine with Chapter 4.

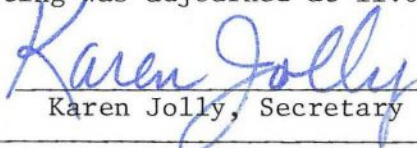
Page 117, Section 1.3(e), remove all of (e).

Page 121, Chapter 11, change title to read: "System Development Charge and Miscellaneous Provisions".

L. Lindas moved to close the public hearing on the draft West Linn Land Development Ordinance. S. Workman seconded the motion. The motion passed unanimously and the public hearing was closed.

S. Workman moved to approve the draft of the West Linn Land Development Ordinance from page 65 through 131 and Appendix A as amended with the one revision to be made by City staff on the open space criteria versus the game area spacing. D. Wustrack seconded the motion. The motion passed unanimously.

There being no further business, the meeting was adjourned at 11:00 P.M.



Karen Jolly, Secretary

August 17, 1981

Chairman Steinkamp opened the regular meeting at 7:30 P.M. Members present were: J. Junk, L. Lindas, J. Geeson. Absent were: D. Wustrack, S. Workman, and J. Nisenfeld. City Planner, D. Richey and Secretary, K. Jolly were present. Also J. Hammond, City Attorney, was present.

#1) JUNE 8, 1981 SPECIAL MEETING AND JUNE 15, 1981 REGULAR MEETING MINUTES

L. Lindas moved to approve the minutes of the June 8, 1981 special meeting and June 15, 1981 regular meeting as written. J. Geeson seconded the motion. The motion passed unanimously.

#2) JOSEPH & JEANETTE HAMEL - MINOR PARTITION REQUEST - 19260 VIEW DRIVE

D. Richey gave the staff report. There are 3 lots proposed. He said there would need to be some adjustments made in the proposed lot lines to accommodate the driveway for the pan-handled parcel, and that he would need to work with the surveyor on these items. The applicant was made aware of the sewer situation and the possible unavailability of sewer permits.

Proponent, Bob Bissell, 2515 O'Neal Court, representing Jeanette and Joseph Hamel, stated the proposal. He agreed to the need for surveying and further planning. He gave photographs to the Planning Commission.

There were no opponents.

J. Junk moved to close the public hearing. L. Lindas seconded the motion. The motion passed unanimously and the public hearing was closed.

Discussion followed.

L. Lindas moved to approve the minor partition request for Tax Lot 400, Assessor's Map 2-1E-23AB, subject to the situation and findings of fact of the staff report dated July 28, 1981, allowing the driveway to be placed where it was proposed by the applicant, providing that adequate square footage can be maintained. The motion was seconded by J. Junk. The motion passed unanimously.

#3) O'NEAL DEVELOPMENT - MAJOR PARTITION REQUEST - SOUTHEAST END OF PERRIN STREET

D. Richey gave the staff report. There are 3 lots proposed which will make up half of a cul-de-sac previously approved as a part of a major partition on the other side of Perrin Street. He said that street improvements to City standards will be required for the cul-de-sac, and that the English Walnut tree can be saved. He said easements, surveys, and deeds are needed for the parcels, and he mentioned the sewer situation and the possible unavailability of sewer permits.

Proponent, Bob Bissell, 2515 O'Neal Court, a principal in O'Neal Development, presented the proposal and said he concurs with staff. He said the survey work is underway.

There were no opponents.

J. Junk moved to close the public hearing. L. Lindas seconded the motion. The motion passed unanimously and the public hearing was closed.

Discussion followed.

J. Junk moved to approve the major partition request for O'Neal Development subject to the situation and findings of fact of the staff report dated July 27, 1981. The motion passed unanimously.

#4) RICHARD PELKE - MINOR PARTITION REQUEST - 3414 ARBOR DRIVE

D. Richey gave the staff report. There are 2 lots proposed. He said the surveys, easements, and deeds are required and that the common property line of the proposed lots should be placed in a straight line. He mentioned that until the surveyor begins work on the parcel, it will not be known whether minimum lot dimensions can be met on this proposal. He also mentioned the sewer situation and the possible unavailability of sewer permits.

Proponent, Richard Pelke, 3414 Arbor Drive, stated the proposal and said the reason for the proposed property line was to keep some of the trees on his lot. He said it could be worked out and he does not object to a straight line.

There were no opponents.

L. Lindas moved to close the public hearing. J. Junk seconded the motion. The motion passed unanimously and the public hearing was closed.

Discussion followed.

DDB873

J. Geeson moved to approve the minor partition request for Tax Lot 2400, Assessor's Map 2-1E-14DA, subject to the situation and findings of fact of the staff report dated July 27, 1981. L. Lindas seconded the motion. The motion passed unanimously.

#5) TIME EXTENSION REQUEST - EDWARDS INDUSTRIES - HIDDEN SPRINGS RANCH #6

#6) STREET REALIGNMENT PROPOSAL - VAL WEST - ROBINWOOD #3

D. Richey recommended combining agenda items #5 and #6. Mr. Edwards and Mr. West agreed to this.

D. Richey gave a staff report. He said that since Hidden Springs Ranch #6 is not able to be completed at this time, that staff would like to use this time as an opportunity to realign proposed streets in Hidden Springs Ranch #6 and Robinwood #3 and thereby eliminate a section of proposed street in Hidden Springs Ranch #6 that is very steep. These two proposed streets were originally named Rawhide and Crestwood, respectively.

Proponent of the Time Extension for Hidden Springs Ranch #6, Dave Edwards, Edwards Industries, P.O. Box 549, Beaverton, requested a two year time extension due to the high mortgage rates and slow economy. He said they have completed a portion of the road, and would accept the name "Wildwood" in place of the name "Rawhide" as a condition of approval. He hopes that this two year time extension will be adequate.

Dave Gould, Engineer of David Evans & Associates, representing Val West, addressed the street realignment. He said he felt their concerns had been resolved by staff's recommendations. He requested a change in lot lines to add another lot.

D. Richey said staff had no objections to changing the lot lines.

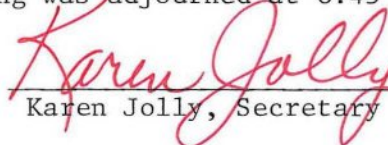
Val West, 4344 Cedaroak Drive, said he would like to retain the name "Crestwood" somewhere in Robinwood #3, and that the name "Wildwood" is okay as proposed by the staff. It was then pointed out that "Crestwood Court" could retain that name rather than to be renamed "Wildwood Court".

Jerry Palmer, of Wilsey & Ham, Engineers, representing Dave Edwards, said renaming is okay and that they will need to replat the subdivision.

Discussion followed.

L. Lindas moved to approve the two year time extension request for Hidden Springs Ranch #6 subject to the staff report of July 28, 1981, the Edwards Industries letter of August 10, 1981 to Wayne Daigle, and the report to Mr. Edwards from Mr. Richey of August 12, 1981, including the street realignment proposal that would allow Val West's Robinwood #3 an additional lot and that would allow an additional lot for Edwards Industries by the realignment, and renaming those portions that are applicable of "Rawhide Drive" and "Crestwood Drive" to now be "Wildwood Drive". The motion was seconded by J. Junk. The motion passed unanimously.

There was no further business and the meeting was adjourned at 8:45 P.M.


Karen Jolly, Secretary

September 21, 1981

Chairman Steinkamp opened the regular meeting at 7:35 P.M.. Members present were Geeson, Workman, Nisenfeld, Steinkamp, Lindas, Wustrack, and Junk. Staff members present were Richey, Nicolay, Hammond.

#1.) The minutes of the August 17, 1981 regular Planning Commission meeting were approved as submitted, by a motion from Lindas, seconded by Junk.
Ayes: Geeson, Workman, Nisenfeld, Lindas, Wustrack, and Junk.
Nays: None.

#2.) Bradstreet Minor Partition - 3708 Kenthorpe Way

David Richey, City Planner, summarized his September 9, 1981 Staff Report recommending approval with five conditions, one of those conditions having a possible typographical error. The rear portion of the lot should be enlarged to 116 feet as opposed to 136 feet.

The applicants, Mr. and Mrs. Bradstreet, were present to state that they had

no problems with the conditions as listed in the staff report.

Junk made a motion to close the Public Hearing, seconded by Geeson.

Ayes: Geeson, Workman, Nisenfeld, Lindas, Wustrack, Junk.

Nays: None.

Junk moved that the Minor Partition request by Mr. Steven Bradstreet, 3708 S.E. Kenthorpe Way, TL 4400, be approved as to the Staff Report dated September 9, 1981 with acknowledgement to the typographical error that should be 116 feet instead of 136 feet. Lindas seconded the motion.

Ayes: Geeson, Workman, Nisenfeld, Lindas, Wustrack, Junk.

Nays: None.

#3.) Casey Minor Partition - 2117 S.E. 5th Avenue

Dave Richey, City Planner, summarized his staff report dated September 9, 1981, recommending approval of the request, with six conditions.

Ed Druback, attorney for the applicant, stated that the applicant had no problem with the staff's recommendations.

There being no further questions, or comments, Junk made a motion to close the Public Hearing, seconded by Wustrack.

Ayes: Geeson, Workman, Nisenfeld, Lindas, Wustrack, Junk.

Nays: None.

Workman moved that we approve the Minor Partition request of Gene and Jessie Casey, 2117 S.E. 5th Avenue, TL 6000, based upon the situation and findings of fact and the recommendations of the City staff report dated September 9, 1981. Seconded by Lindas.

Ayes: Geeson, Workman, Nisenfeld, Lindas, Wustrack, Junk.

Nays: None.

#4.) Policy Paper on Street and Utility Improvement Requirements for Building Permits.

Hammond presented an Ordinance which would be presented to the City Council for adoption if the Commission so desired.

Richey explained that the Ordinance would be adopted as a Special Ordinance instead of the requirements being made as a part of the land development Ordinance, and would be combined with any current requirements.

#5.) Miscellaneous Items:

- (a) Richey mentioned proposed Senate Bill 419 giving the city 30 days to review applications for Subdivisions, Major and Minor Partition, and notify the applicant if he is complete or not complete. Then the City would have 180 days to give a final answer, yes or no. The bill encourages the applicant to contact the city prior to submittal of their formal application to iron out problems before submittal.
- (b) Richey also mentioned House Bill 2552 (he wasn't sure of the number) regarding post acknowledgement period for L.C.D.C.

Junk made a motion ^{to} adjourn the meeting at 8:30 P.M.. The motion was seconded by Workman. Unanimous.

Diana J. Nicolay
Diana J. Nicolay, City Recorder

October 19, 1981

Chairman Steinkamp opened the regular meeting at 7:30 P.M. Members present were J. Junk, S. Workman, and J. Geeson. Absent were D. Wustrack, L. Lindas, and J. Nisenfeld. City Planner, D. Richey and Secretary, K. Jolly were present. Also present was J. Hammond, City Attorney.

1. SEPTEMBER 21, 1981 MEETING MINUTES

S. Workman moved to approve the minutes as presented. J. Geeson seconded the motion. The motion passed unanimously.

DDB873

2. VINCE PAVLICEK AND NETTIE HODGSON - MINOR PARTITION REQUEST
2265 S.E. 5TH AVENUE

D. Richey summarized the Staff Report of October 2, 1981, recommending conditional approval of the request. He reminded the applicants of the sewer situation and the possible unavailability of sewer permits.

Applicant, Vince Pavlicek, 2335 Madrona Lane, Canby, said that they had no problems with the staff report and understood all the conditions.

There were no opponents.

J. Junk moved to close the public hearing. S. Workman seconded the motion. The motion passed unanimously and the public hearing was closed.

J. Junk moved to approve the minor partition request for Tax Lot 6500, Map 3-1E-2AB as per the recommendations and conditions of the Staff Report dated October 2, 1981. S. Workman seconded the motion. The motion passed unanimously.

3. ROBERT BOCCI AND RICHARD AANDERUD - CONDITIONAL USE REQUEST - 1672 S.W. 7TH

4. ROBERT BOCCI AND RICHARD AANDERUD - VARIANCE REQUEST - 1672 S.W. 7TH AVENUE

The Planning Commission decided to combine agenda items 3 and 4.

D. Richey summarized the Staff Reports of October 2, 1981. He has received 2 calls from Ben Fritchie and William Acker, both in favor of commercial uses for the property. The Staff Report for the conditional use recommended denial of the request for a retail food store because there are sufficient food stores in the area. Dave read a letter from Lois Van Winkle, 1600 S.W. 14th Street, requesting that the variance be granted to protect her privacy. The Staff Report for the variance recommended denial since there are no hardships; however, after considering Mrs. Van Winkle's letter, Dave said that if the conditional use is approved, Staff would reconsider the denial recommendation on the variance.

Applicant's attorney, Roger Krage, addressed the conditional use request and stated that the Comprehensive Plan designation allows the use requested and the use cannot be denied simply because there are other similar uses in the area. He said a market study has been done, and he feels that the store would provide a vital service to the community. He said the present dwelling will be torn down. He presented a memorandum to be part of the record.

Richard Aanderud, architect for the applicant, addressed the variance request and said that putting the door on the side as requested by staff would create a hardship.

Roger Krage, attorney, spoke to the variance and said that it meets the four criteria for a variance. He said traffic requirements will be complied with, and the variance is necessary for convenience and security. He presented a memorandum to be part of the record.

Opponent, Ed Druback, 1790 S.W. Britton, asked if the applicant had to show a need for the conditional use.

Discussion followed.

Bob Bocci, the applicant, said he bought the house 11 years ago, when it was zoned commercial. He has sold it for a convenience store.

Opponent, Charles Awalt, 1847 5th Avenue, said he was opposed because he does not feel there is a need in the area. He asked that the neighborhood group be given a chance to discuss this matter as a group. He said the house that is there now is 60 to 70 years old and would be considered a significant historical structure.

Proponent rebuttal, Roger Krage said they felt the house is only old and dilapidated. He asked that there be no deferral of a decision, as there was sufficient public notice.

FOR THE WEST LINN PLANNING COMMISSION

MEMORANDUM IN SUPPORT OF CONDITIONAL USE PERMIT

TYPE: CONDITIONAL USE REQUEST
APPLICANT: ROBERT BOCCI and RICHARD AANDERUD
LOCATION: 1672 S.W. 7th Avenue

The undersigned, Roger L. Krage, Attorney at Law, of O'CONNELL, GOYAK & BALL, P.C., One Southwest Columbia, Room 555, Portland, Oregon 97258, on behalf of the applicants Robert Bocci and Richard Aanderud, hereby requests that the West Linn Planning Commission grant a conditional use permit allowing the applicants to construct on the subject property a commercial building for the purposes of a convenience type food store. This request should be approved for the following reasons:

1. Applicable Comprehensive Plan designation and Zoning Ordinance allows requested use. The subject property is within the District Commercial Center and Historic District designation of the West Linn Comprehensive Plan and is within the Neighborhood Commercial Zone.

The commercial land use planning concepts under the West Linn Comprehensive Plan are set forth at page 28. One of the concepts set forth is that "the role of commercial uses in West Linn is primarily to provide for the daily and weekly shopping needs of the people that live in the city." Also, the final concept set forth at page 28 of the Comprehensive Plan "that is particularly important is that convenient commercial uses requiring small acreages and operating during irregular hours will be integrated within the larger commercial centers." The policy for the District Commercial Center designation as established at page 29 of the West Linn Comprehensive Plan allows "convenient commercial uses such as quick stop grocery . . . with extended or odd operating hours."

The proposed use of the property as a convenience store is designed to fulfill the two concepts set forth at page 28 and the policy set forth at page 29 of the Plan.

The planning concepts for the Willamette Historic District designation under the West Linn Comprehensive Plan recognizes that "presently there are vacant lots within this district. New construction will be permitted, provided in the design review committee's judgment, the architectural appearance is in keeping with the architectural period the historical buildings represent." [Emphasis added] Nothing in the Historic Designation policy prohibits the construction of a convenience store use.

Finally, Section 3.070(2)(b) of the Neighborhood Commercial Zone Ordinance in West Linn lists a retail food store as a permitted use.

In summary, both the Comprehensive Plan and the Zoning Ordinance specifically allow the proposed use of the property as a convenience store and, in fact, encourage such use. The applicants could find nothing in the Ordinance which would prohibit the proposed use.

2. Use cannot be denied solely on basis of similar uses within zoning district. The West Linn Planning Staff has recommended to the Planning Commission that a conditional use permit not be granted for a convenience food store use. The Staff's findings of fact for recommending denial seem to be based solely on the fact that there are other large and medium size grocery stores within the immediate vicinity of the applicants' property. The staff has stated "the fact that it is located in the immediate vicinity of two other food stores results in a complete overlap of service areas and amounts to an "overkill" situation."

The proposed use will not be an "overkill" of similar services within the vicinity. A market analysis of the subject property has been conducted and a convenience store is a use for which the public in the immediate vicinity has shown a need. The proposed use will provide offstreet parking which the similar type small grocery store in the immediate area does not. The proposed convenience store is located on the "going home side of the street" which allows residents of West Linn to make convenient stops on their way home after work to pick up their necessities. Finally, and most importantly, there is no other convenience store within the immediate vicinity which will provide a 24 hour service to the residents of West Linn. The West Linn Comprehensive Plan provides that the "city encourages business people to develop facilities that they feel will meet the needs of the residents of West Linn" (Comp. Plan p. 28). The applicants respectfully submit that the economic feasibility and marketing analysis of a proposed commercial use

should be left to the discretion of the property owner rather than the Planning Staff.

If the reason for the denial of the conditional use permit application is based solely on similar uses within the zoning ordinance, such a denial would be illegal. 6 Rohan, Zoning and Land Use Controls, Section 44.03(5) citing the cases listed and briefly discussed on the attached Appendix.

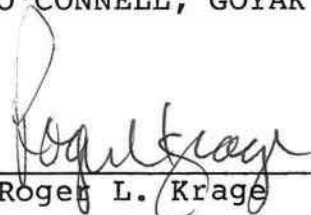
Finally, the applicants could find nothing in the policies of the West Linn Comprehensive Plan on District Commercial Centers or within the Neighborhood Commercial Zoning Ordinances which allows the commission to deny a requested use based solely on the extent of other similar uses within the property locale.

3. Conclusion. Since the proposed use of the property as a convenience grocery store meets the objectives of the West Linn Comprehensive Plan and is a permitted use within the Comprehensive Plan and the applicable zoning ordinance, the applicants submit that there is no basis whatsoever for the Commission to deny its conditional use permit application.

Respectfully submitted,

O'CONNELL, GOYAK & BALL, P.C.

By:



Roger L. Krage

Appendix

(1) Metro 500, Inc. v. City of Brooklyn Park, 211 NW2d 358 (1973), holding that a limitation of similar uses in a particular area does not bear sufficient relationship to the public health, safety or welfare of the community and denial of the special use permit for such a reason alone is therefore arbitrary;

(2) West Whiteland Twp. v. Sun Oil Company, 316 A2d 92 (1974);

(3) Lucky Stores, Inc. v. Board of Appeals, 312 A2d 758, 766 (1973), the prevention of competition is not a proper element of zoning;

(4) Pearce v. Village of Edina, 118 NW2d, 659, 670 (1962), municipal ordinances affecting interests in real property cannot rest upon an intent to protect enterprises from competition in some particular district or to create monopolies therein;

(5) Fowler v. City of Hattiesburg, 196 So.2d 358, 361 (1967), the purpose of zoning is not to limit or restrict competition;

(6) Bar Harbour Shopping, Inc. v. Andrews, 196 NYS2d 856 (1959), enabling act and ordinance did not authorize Village board to take into consideration the number of existing stations in deciding on application for special permit to operate a gasoline station;

(7) State ex rel Killeen Realty Co. v. East Cleveland, 153 NE2d 177, 186 (1958), zoning laws cannot be the basis of limiting competition;

(8) Soble Construction Co. v. Zoning Hearing Board, 329 A2d 912, 917 (1974), where the court held that it's unlawful for a municipality to zone or to refuse zone land for the purposes of limiting competition with existing commercial facilities;

(9) Board of County Supervisors v. Davis, 106 SE2d 152 (1958), it is not a proper function of zoning ordinances to restrict competition or protect an enterprise.

October 16, 1981

West Linn Planning Commission
City Hall
West Linn, Oregon 97068

Gentlemen:

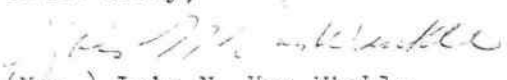
In the interest of protecting my residential property and my privacy, if the conditional use permit requested by Mr. Robert Bocci and Mr. Richard Aanderud for a retail food store on tax lot 6300 is granted, I request you to give favorable consideration to their request for a 7 foot variance allowing a rear yard set back of 13 feet.

If the 7 foot variance rear yard set back is allowed the building will face on 7th Avenue which is a main street. The cars would park off 7th Avenue in front of the building, which would serve as a buffer between the cars and my home which is located at 1600 S. W. 14th Street. Also, there would be approximately 60 feet between the parked cars and my home.

It is my understanding that if this variance is not granted, the building will face on 14th Street, which would require only a 7½ foot side yard set back from my property. This would put the building, the traffic noise and the parked cars practically under the bedroom windows of my home.

Any consideration you can give to help protect my property and preserve my peace of mind will be gratefully appreciated.

Yours truly,


(Mrs.) Lois N. Van Winkle
1600 S. W. 14th St.
West Linn, Oregon 97068

BEFORE THE WEST LINN PLANNING COMMISSION

MEMORANDUM IN SUPPORT OF VARIANCE REQUEST

TYPE: VARIANCE REQUEST
APPLICANT: ROBERT BOCCI and RICHARD AANDERUD
LOCATION: 1672 S.W. 7th Avenue

The undersigned, Roger L. Krage, of O'CONNELL, GOYAK & BALL, P.C., Attorneys at Law, One Southwest Columbia, Room 555, Portland, Oregon 97258, on behalf of applicants Robert Bocci and Richard Aanderud, request that a 7 foot variance to the 20 foot rear yard setback be allowed for the following reasons:

1. Four criteria for variance are met.

(a) Exceptional conditions. Exceptional conditions apply to this property that do not apply to other properties in the area as a result of lot size and the proposed use. Specifically, because all vehicular circulation must be conducted within the property boundaries, the required parking area, exits, sidewalks and curbs take up a large portion of the property surface. Because of the lot size, very little room is left for the construction of the commercial facility. 40 feet is the absolute minimum width in which a convenience grocery store can be constructed to adequately provide convenience in the merchandising of products to its customers and most importantly to provide counter location for the security of the store's employees and to deter shoplifting.

(b) Preservation of property rights enjoyed by other surrounding property owners. The surrounding property owners have been allowed to construct their uses without the necessity of containing all vehicular circulation within the confines of their property boundaries. Specifically, the customers and tenants of these property owners may back their cars out of the parking spaces located on the property onto and within the public right of ways. If the applicants' customers were allowed to use part of the public thoroughways for circulation purposes, the necessity for the construction of the large parking lot would be alleviated thus allowing the construction of the commercial building within the setback envelope.

(c) The variance will not be materially detrimental to any city plan, policy or to other properties. If the variance is granted, it will allow the applicant to orient the use of the building, its parking and access to 7th Avenue, which is a commercially oriented thoroughfare. Applicants may design and locate a 60x40 building within the setback envelope if the building is oriented to 14th Street, a residentially oriented street. The West Linn Comprehensive Plan at page 30 adopted policies to apply to Convenience Commercial Centers. Two of these policies are:

"b. Traffic moving to and from the site will be the primary design consideration."

"c. Convenience commercial centers will be designed to minimize the impacts on adjacent properties through visual screening, lighting controls, etc."

If the variance is granted, the applicants will be allowed to orient the traffic to and from the proposed use to the commercially oriented 7th Avenue. Further, by orienting the proposed use to 7th Avenue, the commercial nature of the use will be turned away from the residential uses to the rear and side of the building. Since all activities will take place in the front of the proposed building, the orientation will add as visual screening of the use from the residential neighborhood to the rear. Consequently, the variance will not be a detriment to the City Plan but will be in fact enhance the objectives and policies of the Convenience Commercial Center designation. Further, the variance will allow an orientation of the proposed commercial use away from the surrounding residential property which will be a benefit rather than a detriment to the surrounding properties.

(d) The variance is a minimum which will alleviate hardship. The requested 7 foot variance to the rear yard setback is the minimum with which the applicants can get by for the proposed use. As stated above, a 40 foot width is the minimum necessary to provide not only convenience and safety to the customers of the store, but also security and crime prevention.

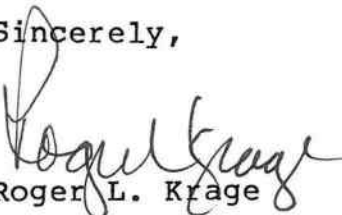
2. Practicalities. The West Linn Planning Staff has stated in its report to the Commission that all applicants have to do is redesign the door location to facilitate compliance with the setback envelope. That is by locating the door on the 14th Street side of the property, applicants could build the

proposed building on the proposed "footprint." For public safety purposes and for the protection of the residential nature of the property owners to the rear and side of the proposed store, this would be an unwise decision. The front doors of the convenience food centers are located directly in front of the cash register counters. The doors must remain unobstructed so that passing policemen can easily see the cashier and make sure that he is not being robbed or assaulted. Further, the location of the door directly in front of the parking lot allows the store employees to control the activities in the parking lot and observe any disorderly conduct. To prevent shoplifting, it is imperative that the cashier counter be located immediately adjacent to the exit. If the cashier counter must be located in a spot which is not centrally located, the potential for shoplifting is increased since it is harder for the attendant to observe all the locations in the store. Finally, the location of the door on the 14th Street side would bring the commercial activity closer to the residentially oriented side of the store. This obviously is contra to the policies of the Comprehensive Plan and the Neighborhood Commercial zoning district.

Finally, and most importantly, Mrs. Van Winkle, the property owner to the rear of the proposed store (the person who would be most effected by the variance request) has not only consented to the proposed variance but is also very much opposed to having the building oriented to 14th Street. In her mind, the best layout of the building is as proposed by the applicant with the front door located on the 7th Avenue side.

Conclusion. In conclusion, the proposed variance request meets the criteria set forth in the variance ordinance and further, as a pragmatic matter, the proposed variance best serve the policies of the West Linn Comprehensive Plan and best protects the property rights and values of the surrounding neighborhood.

Sincerely,



Roger L. Krage

Opponent, Larry Rutledge, 1783 S.W. Ostman Road, vice-president of the Willamette Neighborhood Association, said the present store owners are only making wages and asked that the decision be postponed. He also asked that, if approved, the building should meet historical architecture requirements.

J. Geeson moved to close the public hearing. S. Workman seconded the motion. The motion passed unanimously and the public hearing was closed.

Discussion followed regarding consideration of economic conditions, the aesthetic and historic aspects. J. Geeson said, for the record, that she has a real concern about the historical area.

J. Geeson moved to reopen the public hearing to continue the conditional use application and the variance request so that neighborhood and staff can look at these concerns. The motion died for lack of a second.

S. Workman moved to approve the conditional use application for Tax Lot 6300, Map 3-1E-2BB for the specific use of a medium size grocery store and that be the only purpose approved for this lot. J. Junk asked if hours of operation could be addressed in the motion. The motion died for lack of a second.

S. Workman moved to approve the conditional use application for Tax Lot 6300, Map 3-1E-2BB, for the grocery store and that the hours that it be open be restricted from 6:00 A.M. to 1:00 A.M. and that it not be allowed to be open during the 5 hours in between. J. Junk seconded the motion. The motion passed and the vote was: AYE: J. Junk, S. Workman NAY: J. Geeson

J. Geeson asked that before the Design Review meeting for this application, that the neighborhood group be given notice.

The Planning Commission discussed the need to block the proposed driveway entrance onto 14th Street because of its close proximity to the intersection. It was decided that rather than to close it now, that the City Staff may close it when traffic use shows it to be a problem.

S. Workman moved to approve the setback variance application for Robert Bocci and Richard Aanderud for Tax Lot 6300, Map 3-1E-2BB, based upon the Memorandum in Support of the Variance Request except that the building will be placed on the property as per code based on the assumption that the front door face 14th Street but, in fact, the front door will be permitted on the side of the building facing 7th Avenue. The differential yard area between the applicant's proposal and the variance decision of the Commission shall be used for landscaping along 7th Avenue. J. Geeson seconded the motion. The motion passed unanimously.

Agenda item 6 was heard next due to the late hour.

6. LARRY R. BOECKMAN, RAYMOND E. BOECKMAN, ALLEN PYNN, BRENDA RILEY, JOHN STEVENS - ANNEXATION REQUEST - WEST WILLAMETTE AREA

D. Richey summarized the Staff Report of October 7, 1981. He cited a certification of property owners from the County Assessor's Office, stating that a majority of the property owners support the annexation request. He also read a letter from the Willamette Neighborhood Association against the proposal. Staff recommended adding a portion in the area that would include the entire 70 acre area in that portion of the Urban Growth Boundary. Dave said the Boundary Commission has the final authority and that the Planning Commission and the City Council only make a recommendation.

Ed Druback, attorney for the applicants, presented the proposal and projected on a screen the transparencies of the area proposed for annexation. He pointed out City services in the area.

Ray Bartell, 2515 Harrison Street, Milwaukie, representing Steve and Cindy Leitz of 65 S. Dollar Street, said the Leitz's are not included in the annexation requested by the property owners because they have some questions and concerns regarding their greenhouse activity. They would ask that their vested interests be recognized. They presently have greenhouses, an office for business, parking, and 4 full-time employees. All these activities are currently allowed under County zoning.

Opponent, Larry Rutledge, vice-president of the Willamette Neighborhood Association, pointed out shortcoming of City services and shortage of fire and police protection. He said the streets need work and that service standards should be upgraded. He said the neighborhood group was generally against the proposal.

Opponent, Charles Awalt, 1847 5th Avenue, said he was also concerned about City services and that he feels Dollar Street and 8th Avenue are not set up as main arterials to carry increased traffic.

Dave Richey said that the sewer and water service in the Willamette area are in relatively good shape and that the roads would be taken care of by the developers when the property is developed. Regarding the Leitz's property, Jack Hammond said the present agricultural use conforms to the single family residential zone and would be allowed, the retail sales is not permitted outright, but could continue as a non-conforming use, however, any expansion in the retail area may not be allowed.

Proponent rebuttal, Ed Druback, attorney, said that not all applicants are considering development of their property. He feels that the completion of the Tualatin interceptor sewer is in the best interests of the City since it would be part of the Tri-City Sewer District. He said a high volume of cars, houses and people will not take place immediately.

Ray Bartell, for the Leitz's, said Mr. Leitz wants to continue to sell the things that he grows, as well as expand to other garden shop sales. If they cannot deal with land use in the annexation proceedings, they would at least like acknowledgement of their existing use.

D. Richey said rezoning of the area would occur after the annexation process is completed.

S. Workman moved to close the public hearing. J. Geeson seconded the motion. The motion passed unanimously and the public hearing was closed.

Discussion followed.

S. Workman moved to recommend denial of the annexation request for any part of the 70 acres of the proposal. The motion died for lack of a second.

J. Geeson moved to reopen the public hearing. The motion died for lack of a second.

J. Junk moved to recommend approval to the City Council of the annexation of the total 70 acre area as outlined in the Staff Report dated October 7, 1981.

J. Geeson seconded the motion. The motion passed and the vote was: AYE: J. Geeson and J. Junk NAY: S. Workman


5. ZONING ORDINANCE NO. 845 AMENDMENT TO SECTION 3.070 - LIMITED SPECIAL OVERLAY ZONE S-L

D. Richey briefly summarized the Staff Report dated October 12, 1981. He said an overlay zone would function like a conditional use, but would become a permanent zone designation. He said the draft of the amendment had been sent to several neighborhood groups. He said there was still much discussion between Staff and the City Attorney and the neighborhood groups on the amendment yet to take place.

J. Geeson left the meeting at 10:45 P.M.

J. Junk moved to continue the public hearing for future discussion on the overlay zoning amendment to the November 16, 1981 Planning Commission meeting. S. Workman seconded the motion. The motion passed unanimously.

There was no further business and the meeting was adjourned at 10:50 P.M.


 Karen Jolly, Secretary

November 16, 1981

Chairman Steinkamp opened the regular meeting at 7:30 P.M. Members present were D. Wustrack, L. Lindas, S. Workman, J. Nisenfeld and J. Geeson. Absent was J. Junk. City Planner, Dave Richey and Secretary, Karen Jolly were present. City Attorney, Jack Hammond was also present.

1. OCTOBER 19, 1981 REGULAR MEETING MINUTES

S. Workman moved to approve the minutes of the October 19, 1981 meeting as submitted. J. Geeson seconded the motion. The motion passed unanimously.

J. Nisenfeld stated that he had to leave at 10:30 P.M. and suggested that presentations be held to five minutes.

2. VICTORIA PRIEST - MINOR PARTITION REQUEST - 5184 LINN LANE

D. Richey summarized the staff report of November 4, 1981 recommending conditional approval of the request to partition the site into two lots. Regarding the condition of the second dwelling in the existing house, Dave said the applicant has agreed to remove the kitchen and post a \$2,000 bond to insure the kitchen removal. Dave reminded the applicant of the sewer situation and the possible unavailability of sewer permits.

Applicant, Ernest Cassella, 5184 Linn Lane, said he was aware of the conditions for approval, and said he would post a bond and remove the kitchen from the second dwelling in the existing house.

There were no opponents.

S. Workman moved to close the public hearing. D. Wustrack seconded the motion. The motion passed unanimously and the public hearing was closed.

J. Nisenfeld moved to approve the minor partition request of Victoria Priest for Tax Lots 400 and 1600, Map 2-1E-25BD, subject to the recommendations of the staff report of November 4, 1981. L. Lindas seconded the motion. The motion passed unanimously.

Dave Richey handed out a proposed rule from LCDC regarding Goal 10 - Housing Rule, and briefly summarized the contents. He said it would require West Linn to have an average density of 8 dwelling units per acre.

3. BRYAN S. DEAR - CONDITIONAL USE PERMIT - 5755 PERRIN STREET

D. Richey summarized the staff report of November 3, 1981 recommending conditional approval of the request for a home occupation of making and bagging ice for sale at stores.

Applicant, Bryan Dear, 5755 Perrin Street, handed out to the Planning Commission a petition signed by the neighbors stating they have no objections to the request, and a petition from the neighbors who live near the area where the use is being done now stating they have had no complaints with the use. Mr. Dear stated his proposal to make ice cubes and said he would abide by the stipulations in the staff report.

There were no opponents.

S. Workman moved to close the public hearing. J. Geeson seconded the motion. The motion passed unanimously and the public hearing was closed.

S. Workman moved to approve the conditional use application for Bryan S. Dear for Tax Lot 1500, Map 2-2E-30BD, subject to the recommendations of the staff report dated November 3, 1981. The motion was seconded by D. Wustrack. J. Nisenfeld stated that he felt the use requested was not appropriate as a household occupation, but he noted that neighbors had no objections. The motion passed unanimously.

4. WEST LINN CARE CENTER - CONDITIONAL USE PERMIT - 2330 DeBOK ROAD

D. Richey summarized the staff report of November 4, 1981 recommending approval of the proposed improvements to the West Linn Care Center.

Applicant, Don Halbrook, 1109 E. Sierra Vista Drive, Newberg, the designer and builder, stated the proposal to add a new administration and business office and a new day room. He said the proposal had been approved by the Design Review Committee. The long range plans are to add a new wing on the north side of the building.

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There were no opponents.

L. Lindas moved to close the public hearing. D. Wustrack seconded the motion. The motion passed unanimously and the public hearing was closed.

J. Nisenfeld moved to approve the conditional use request for the West Linn Care Center based on the recommendations of the staff report dated November 4, 1981. L. Lindas seconded the motion. The motion passed unanimously.

Agenda Item #6 was heard before Item #5 because of the number of persons in the audience concerned about this item.

6. THE ROBERT RANDALL COMPANY - REZONE REQUEST - 10 STREET & I-205 INTERCHANGE

D. Richey summarized the staff report of November 4, 1981 recommending denial since uses in the zone requested, Central Commercial, do not comply with the limited uses called for in the Comprehensive Plan for this location, which is presently zoned R-5, Duplex Residential.

Applicant, Doug Seely, 1780 S.W. Advance Road, representing The Robert Randall Company, stated the proposal, and said they would only ask for the specific use as requested. He said they felt they had met the land use objectives of the Comp Plan and that they had met LCDC's goals.

Proponent, Gary Johnson, 18525 Columbia Avenue, Gladstone, said he was in real estate, representing the Greene's, who own the surrounding tax lots. He said they have tried to sell their property, which is in the Design District, but it has been difficult since specific uses are not outlined under present zoning.

Opponent, Ed Druback, 1790 S.W. Britton, representing the Willamette Neighborhood Association, said the neighborhood association feels this property should be zoned for commercial uses, but they feel the area is unique and that the zoning uses should be more specifically spelled out. He said they are not in favor of this specific proposal for rezoning because of the total square footage on the property and they cannot be sure of what the final buildings will look like from only sketches. Also, they are concerned about fire protection for the proposed three-story building. He said they would like to continue discussion with the staff on the special overlay zoning and the specific uses for this area to retain the uniqueness of it.

J. Geeson suggested that the neighborhood group submit a proposal for uses and zoning that they would like to see for this area.

Applicant Rebuttal, Doug Seely said they felt the Comp Plan outlines specifically what is required for the area and that if a new ordinance were instituted for rezoning, it could not be different than what is now in the Comp Plan, and that their proposal would end up being compatible with the new zone. He said one building is two-story with a daylight basement, not three stories.

Discussion followed regarding fire protection for the area and appropriate zoning uses for the total developable design district area, not just the applicant's property. Chairman Steinkamp said he felt the highest and best use should be applied.

J. Nisenfeld moved to close the public hearing. D. Wustrack seconded the motion. The motion passed unanimously and the public hearing was closed.

L. Lindas moved that the rezone request for District Commercial be denied at this time subject to the situation and facts and recommendation of staff and the findings that the Planning Commission has not addressed what the best use of that area is, and until they do so, the Planning Commission was not in a position to determine whether District Commercial or any other zone is appropriate, and to waive the fee if the applicant makes a future application for a zone change.

J. Nisenfeld seconded the motion. The motion passed unanimously.

Mr. Druback stated that the Willamette Neighborhood Association meets the first Wednesday in December and invited the applicants to attend the meeting.

5. JOE STEINKAMP AND RON BURREN - CONDITIONAL USE REQUEST AND VARIANCE REQUEST
4745 WILLAMETTE FALLS DRIVE

Chairman Steinkamp stated that due to a conflict of interest, he would step down and he appointed L. Lindas as acting chairman.

D. Richey summarized the two staff reports of November 4, 1981. Regarding the conditional use, he said the office complex is an approvable use here and staff, with reservation, recommended approval. Regarding the variance on the setbacks, he said he was concerned about the lot size and the steepness of the lot, and staff recommended denial of the variance. Dave had phone calls from David Frederickson of P.G.E., who said he was concerned about the proximity of any building on the property to their transmission lines. Also, there was a call from Howard Mellors of C.Z., who is concerned about C.Z. property, which is just below Mr. Steinkamp's property.

Applicant, Joe Steinkamp, 1594 N.E. Bland Street, stated proposal for putting an office building on the lot. He said he does not feel that the property is too small. He proposes a building of 2500 - 2800 square feet, with a small basement, depending on the soil conditions. He said they would like to save some oak trees on the property.

Ron Burren, 9997 S.W. Alcee, Tualatin, said they were proposing probably three offices. He said there is more danger there now of cars going over the embankment than with the proposed office there. He said they plan to place a cement barrier across the back of the building.

Opponent, Howard Mellors, representing Crown Zellerbach, said he was not in opposition, but had some questions. He asked if there was a setback requirement from the 57,000 volt power line for offices or residences. He also asked about LCDC's Greenway boundary line. He said it is in Willamette Falls Drive, which would require that the applicant's property should be addressed under the Greenway requirements. He said he feels light industrial would be a better transitional zoning in this area. He also feels the amount of traffic on Willamette Falls Drive may conflict with the bike lanes. He is in favor of the proposed development, but he is not sure that this is the right place for it.

Proponent Rebuttal, Mr. Burren, said he feels light industrial zoning would not provide as attractive buildings in the area as an office building. He said there will be enough separation from the 57,000 volt power line.

S. Workman moved to close the public hearing. The motion was seconded by J. Geeson. The motion passed and the vote was: AYE: Wustrack, Workman, Geeson NAY: Nisenfeld
The public hearing was closed.

Discussion followed. J. Geeson moved to deny the variance request of Joe Steinkamp for the proposal located at 4745 Willamette Falls Drive, Tax Lot 1500, Map 2-2E-31BA, as per the findings and facts and recommendations of the staff report of November 4, 1981. S. Workman seconded the motion. The motion passed unanimously.

J. Geeson moved to approve the conditional use application for Joe Steinkamp at 4745 Willamette Falls Drive, Tax Lot 1500, Map 2-2E-31BA, subject to the findings and facts and recommendations of the staff report of November 4, 1981, and subject to the future approval of Greenway hearings which must be held. J. Nisenfeld seconded the motion. The motion failed. The vote was: AYE: Geeson NAY: Wustrack, Workman, Nisenfeld.

J. Nisenfeld moved to deny the application for a conditional use for Joe Steinkamp for Tax Lot 1500, Map 2-2E-31BA subject to the staff report of November 4, 1981. D. Wustrack seconded the motion. The motion passed. The vote was: AYE: Wustrack, Nisenfeld, Workman NAY: Geeson

Acting Chairman Lindas returned the chair to Chairman Steinkamp.

7. PHIL GENTEMANN - REZONE AND PLANNED DEVELOPMENT SUBDIVISION - MARYLHURST
HEIGHTS AREA

D. Richey summarized the staff report of November 5, 1981. He said the 60.6 acres has been annexed to the City and needs to be rezoned from County zoning to City zoning. He said since surrounding area is zoned R-15, the proposed rezoning for this property is also R-15. He said the applicant is also applying for a planned development on the 60 acres of hillside and is proposing 152 dwelling units. He indicated that using a standard subdivision design, this land would contain 103 to 120 lots. He

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also said that staff feels the design of the proposal is well worked out. The Park Department has requested that more than 2-1/2 acres be dedicated for parks. Dave said that right-of-way should be dedicated between College Hills Estates and this proposed development, connecting to Scenic Drive. It was also pointed out that staff was recommending the upper access street occupy a small corner of the City water tower site in order to make a connection to Marylhurst Drive.

Applicant, Phil Gentemann, 19335 Suncrest Avenue, president of Centurion Homes, Inc., presented his proposal. He said the maximum allowable dwelling units would be 176 with full bonus. He said the property was annexed 10 months ago and he has a sewer agreement with Lake Oswego if West Linn has a shortage of connections. He has formulated the development with staff and the Marylhurst Heights Neighborhood Association. He explained the phase development of the plan.

David Evans, 200 S.W. Market Street, Portland, engineer for the project, pointed out the proposal on a map. He said there was a 2-1/2 acre park proposed, and with other open space, there would be over 30% of the proposal in open space, or 13 acres. He handed out a list of proposal changes to the Planning Commission.

Ralph Olson, Olson-Argo Architect, 2045 Hillcrest Drive, outlined construction techniques. He stated there would be single family and townhouse type housing. He said there would be a size minimum of 1400 square feet and a mix of traditional, colonial and contemporary styles with cedar siding and shake or tile roofs, natural earth tone colors, and landscaped entries. He said he feels the high quality of housing will be an asset to the community.

J. Nisenfeld left the meeting at 10:35 P.M.

Phil Gentemann, applicant spoke to the conditions of the staff report. He said the development is proposed in six phases due to economics. He handed out to the Planning Commission a copy of his recommendations to the staff report requirements. He asked for approval of the entire project, not just one phase, but that the required bonding of proposed improvements be on a phase-by-phase basis.

Bob Briggs, 2635 LaFave Street, owner of College Hills Estates subdivision, requested a road right-of-way be dedicated between the proposed subdivision and College Hills Estates at the east end of Scenic Drive instead of the location recommended by staff. He said the design could be done by the City staff or Mr. Gentemann's engineer and that the road could be developed later, but the potential should be there.

Proponent, Lynn Massie, 1223 Marylhurst, president of the Neighborhood Association, said the group is in favor of the proposal, but they are concerned about the park. They want it to stay a neighborhood park and not attract people out of the neighborhood. She said the homeowners should have approval of what equipment goes into the park. She said they were in favor of the R-15 zoning.

Proponent, Theresa Kao, 18410 S.W. Mt. View Court, representing the Homeowner's Park Association, said they want a minimum of equipment in the park and that there is no other land in the area available for a park and that the neighborhood needed park land.

Proponent, John Baxter, 18040 S. Skylands Circle, from the Skylands Homeowner's Association, said they were not contacted regarding development and asked about roof height restrictions which could be a problem to the view of the homeowners in Skylands Circle. He said the lots in Skylands were nearly an acre in size.

Opponent, Larry Clark, 750 Marylhurst Drive, said he was concerned about increased traffic, water supply and the displacement of wildlife, and he would like to see a large area for the park, and each lot actually contain 15,000 square feet.

Opponent, John Boden, 18034 S. Skylands Circle, said he was concerned about traffic problems and road conditions.

Brian Steenson, 595 Marylhurst Drive, requested that the park be completed in the early stages of the development.

Applicant Rebuttal, Dave Evans, engineer, asked for conditional approval of the subdivision and planned development overlay and rezoning. He said he felt that Mr. Gentemann had been generous to include the 2-1/2 acre park for which he gave up several lots.

Applicant, Phil Gentemann said they have spent a lot of time on the proposal. He said the park will include the water tower property when the tower is taken down by the City in the future. He requested approval of the subdivision plan and rezone.

S. Workman moved to close the public hearing. The motion was seconded by J. Geeson. The motion passed. The vote was: AYE: J. Geeson, S. Workman NAY: Lindas Abstain: Wustrack The public hearing was closed.

Discussion followed regarding the staff report requirements.

L. Lindas moved to approve the R-15 zone, the planned development and the subdivision tentative plan subject to City Council approval of the planned development proposal and zone change subject to the following conditions:

1. The park area shall consist of 3-1/2 acres including the water tower property.
2. That \$5,000 be furnished by the developer for park improvement, the City is to seek neighborhood input on the use of this \$5,000.
3. That the developer provide the unused clean soil from road excavations for park fill and leveling work.
4. That the maximum number of dwelling units to be provided is 150.
5. That the street standards of the Land Development Ordinance be used plus the northwesterly-most 500 feet improvement of Skye Parkway may be narrowed from 28 feet to 24 feet in width.
6. That the street gradient, base material, paving and all other design aspects of construction shall be approved in detail by the City Engineer prior to construction.
7. That the water system improvements, sanitary sewer system improvements and storm drainage system improvements shall be approved in detail by the City Engineer.
8. That the phasing of the project be such that the three development access points, Marylhurst at the water tank, Merry Way, and the Lake Oswego or College Hills access, be interconnected within the first two phases and the park site be provided not later than the third phase.
9. That there be a connection of Reese Drive and Stonehaven Drive eliminating those two cul-de-sacs.
10. That the selection of street names be approved by the Fire Chief and Police Chief.
11. That the bond or irrevocable financial commitment be supplied to the City as per Ordinance No. 893, and that the standard subdivision agreement be completed and submitted to the City with the stipulation that 120% of the estimated cost of construction be provided on a phase-by-phase basis.
12. That the building and design of townhouses or commonwall residences remain as submitted in the application book dated September 21, 1981.
13. That the driveway portions of the panhandled lots shall have a minimum 20 foot width.
14. That a street right-of-way be dedicated within the open space between the proposed Skye Parkway and the existing Scenic Drive right-of-way in order to provide a connection when necessary down to College Hills Estates.

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15. That a street right-of-way 25 feet in width attached to the southeasterly end of Scenic Drive right-of-way and extended an approximate distance of 150 feet to the east property line be provided.

The motion was seconded by S. Workman. The motion passed unanimously.

10. ZONING ORDINANCE NO. 845 - AMENDMENT TO SECTION 3.070 LIMITED SPECIAL OVERLAY ZONE S-L - CONTINUED PUBLIC HEARING

L. Lindas moved to continue the public hearing on the Zoning Ordinance Amendment to Section 3.070 on the Limited Special Overlay zone to the December 21, 1981 meeting. D. Wustrack seconded the motion. The motion passed unanimously.

8. APPOINTMENT OF PLANNING COMMISSION REPRESENTATIVE TO PARK BOARD

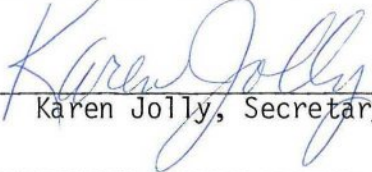
L. Lindas moved to appoint Judith Geeson as the Planning Commission representative to the Park Board and Diane Wustrack as the alternative. D. Wustrack seconded the motion. The motion passed unanimously.

9. RECOMMENDATIONS TO CITY COUNCIL ON THE LAND DEVELOPMENT ORDINANCE

D. Richey explained the changes in the ordinance inserted because of new legislation regarding time limits on review and approval of subdivisions (Senate Bill 419).

L. Lindas moved to approve the changes in the Land Development Ordinance that had been made since the Planning Commission last approved it. D. Wustrack seconded the motion. The motion passed unanimously.

There was no further business and the meeting was adjourned at 1:10 A.M.



 Karen Jolly, Secretary

December 21, 1981

Chairman Steinkamp opened the regular meeting at 7:40 p.m. Members present were D. Wustrack, L. Lindas, J. Geeson. Absent were J. Junk, S. Workman. City Planner, Dave Richey and Secretary, Karen Jolly were present. City Attorney, Jack Hammond was also present.

1. NOVEMBER 16, 1981 REGULAR MEETING MINUTES

L. Lindas moved to approve the minutes as submitted. D. Wustrack seconded the motion. The motion passed unanimously.

2. ROBERT TOMAN - MINOR PARTITION REQUEST - 2606 GLORIA DRIVE

D. Richey summarized the staff report of December 10, 1981, recommending conditional approval of the request to partition the property into two lots. The lot has 28,000 square feet. The partition will make a flag lot. The applicant is buying property for the panhandle which will be the access onto Prospect Street. Dave reminded the applicant of the sewer situation and the possible unavailability of sewer permits.

Applicant, Robert Toman, Clackamas, presented the proposal, and said when he bought Tax Lot 2100, he assumed the lots were separate. He said he will purchase the amount of property needed for street frontage to make the panhandle.

There were no opponents.

L. Lindas moved to close the public hearing. D. Wustrack seconded the motion. The motion passed unanimously and the public hearing was closed.

L. Lindas moved to approve the minor partition request for Tax Lots 301 and 2100, Map 21E25DB subject to the recommendations of the Staff Report of December 10, 1981. J. Geeson seconded the motion. The motion passed unanimously.

3. WESTERN PACIFIC CONSTRUCTION MATERIALS COMPANY - CONDITIONAL USE REQUEST (GREENWAY) - CEDAR ISLAND

D. Richey summarized the staff report of December 10, 1981, recommending conditional approval of the proposal to dredge material from Cedar Island. He said permits have been granted from the Corps. of Engineers and the Division of State Lands, and Statewide Planning Goals 5 and 6 have been met.

Applicant, Bill Cox, representing Western Pacific Construction Materials Company, presented the proposal. He said the island has been mined since 1959 and is assessed at \$140,000 for taxes. He disagreed with some points in the staff report, saying that the outside edge of the island is a material source and should not be sloped for recreational use. They would like a slope of 1:3, not 1:5 as requested in the staff report. He said there would be a difference of 40,000 yards of material if the 1:5 slope was required. He said the dredging operation would be in the winter, during high water, and that they would not be allowed to work on weekends or holidays.

J. Hammond said the State Permit conditions prevail and would override any City conditions.

Proponent, Burt Smith, 19090 Nixon, said he feels the proposal will make a very good recreational area. He said most residents in the area are in favor of the proposal. He felt the 1:3 slope would be helpful for boating.

Chairman Steinkamp asked that the petition signed in 1979 by the neighbors on Nixon Avenue be made a part of the record.

Robert Stowell, 2606 Maria Court, also from the Greater Robinwood Neighborhood Association, said he was not in opposition, but feels the only access for persons on foot to a sandy beach will be lost.

Mel Cooper, 19010 Nixon, said that they wanted to stop the traffic on the island beach, especially during the summer. He said it is disturbing, as it is right behind their houses.

Proponent Rebuttal, Mr. Cox said that in the future the top portion of the island may be built up for public use. He said the channel would probably be dredged first, and the total dredging may take three years or so. He feels the dredging will improve the recreational facilities in the area.

D. Wustrack moved to close the public hearing. L. Lindas seconded the motion. The motion passed unanimously and the public hearing was closed.

Discussion followed.

L. Lindas moved to approve the Greenway Conditional Use request subject to the situation and facts and recommendations of the Staff Report dated December 10, 1981 with the amendments to the four conditions as follows:

1. That the minimum conditions imposed by the Division of State Lands for the width of the remaining island strip be maintained or exceeded as reflected by the permits granted.
2. That the cut slope of the dredging along the interior edges of the island be not greater than one foot of drop for each five or more feet of run, and the 5:1 slope would relate to the inside of the island with encouragement to bring it around to the northern point of the island for the safety of swimmers.

3. That the root systems of existing trees be amply protected by holding the dredging activities a suitable distance away. Twenty feet minimum distance from the tree trunk should be adequate.
4. That an equal or greater amount of sand be returned where dredging through the swimming and wading areas will be conducted to facilitate movement of barges. This is not intended to mean complete refilling of any channel that may be dug, but is for the purpose of reinstating sandy, shallow sloping wading areas so that waders do not unexpectedly find themselves in water over their heads, with encouragement that any excess sand be placed near the beach at the boat dock.

J. Geeson seconded the motion. The motion passed unanimously.

4. WILLAMETTE CHRISTIAN CHURCH - CONDITIONAL USE REQUEST - 13TH AND GREENE ST.

D. Richey summarized the staff report of December 10, 1981 which recommended limited approval of the request to be able to build a church on this property in the future. Dave said there were no plans submitted, and requested that they be submitted within the effective period of the permit, which would only be for a year.

Applicant, Dan Fowler, representing the Willamette Christian Church, stated the proposal to build a church on the property in the future. He said the ordinance said plans may be required. He said the access would be 13th Street and Blankenship Road and is adequate. He feels the surrounding property would benefit from a church in the area. He said they understood that they may have to get approval again if this permit expires before they can start building.

Chairman Steinkamp pointed out that the permit is only good for six months, with a six month extension, and that even an approval from this Planning Commission would not guarantee another approval later.

Mr. Fowler said he would like to request the six month extension at this time.

There were no opponents.

L. Lindas moved to close the public hearing. D. Wustrack seconded the motion. The motion passed unanimously and the public hearing was closed.

J. Geeson moved to approve the conditional use request for Tax Lot 800, Map 21E35C, subject to the recommendations of the Staff Report dated December 10, 1981, for a period of 12 months, including the six month extension as requested. L. Lindas seconded the motion. The motion passed. The vote was: AYE: Lindas, Geeson NAY: Wustrack

5. WILLAMETTE CHRISTIAN CHURCH - VARIANCE REQUEST - 2014 7TH AVENUE

D. Richey summarized the staff report of December 11, 1981 recommending denial of the request for an oversize sign for the church. He said the sign is much larger than permitted by the Sign Ordinance and he feels the request does not meet the four criteria for granting a variance to the ordinance. He mentioned architectural alternatives such as building a steeple, or erecting a cross which would make the building easily identifiable as a church, while remaining within the ordinance.

Applicant, Don Johnson, Pastor of the Willamette Christian Church, presented the proposal and showed a larger drawing of the sign requested. He also showed the Commission pictures of other churches and pointed out that church structures have changed and are not always recognizable as churches, therefore, the need for signs and advertising. He said they have contacted nearby property owners and have a petition from them. He feels it will benefit the community. The sign and identification is for new people in the area. He showed slides of the church from different areas. He said the sign is 66 square feet.

Dan Fowler, representing the Church, said he took the petition to the homeowners around the church and they had no objections to the proposal. He presented the petition to be included as part of the record. He spoke to the four criteria and said the sign would not be detrimental to the City plan, and he feels the location makes a hardship for them. He said the existing sign meets the requirements, but that it is not enough for identification. He said the proposed sign is neon and would be lit for evening functions, but would not be lit during the day.

L. Lindas said she felt the variance requested is too much of a variance, and that during the Sign Ordinance public hearings, no input was received from churches.

There were no opponents.

Proponent Rebuttal, Don Johnson said that a sign company did draw a sign that would meet the ordinance requirements, and that it could not be read from the restaurant across the street because it was so small. He said that the present location is temporary and they did not wish to put a lot of money into a structural change for the purpose of identification.

Dan Fowler said their purpose was not to offend the Planning Commission members or the Sign Ordinance.

J. Geeson moved to continue the public hearing until the next Planning Commission meeting date so that the church could discuss the design further so that an alternative can be found. L. Lindas seconded the motion. The motion passed unanimously. Chairman Steinkamp reminded the applicants that the variance request must meet the four criteria.

6. ZONING ORDINANCE NO. 845 - AMENDMENT TO SECTION 3.070 LIMITED SPECIAL OVERLAY ZONE S-L - CONTINUED PUBLIC HEARING

D. Richey summarized events on this item; he said the overlay zoning had been taken out and the latest draft applies only to the 10th Street District. He said this draft has been sent to the Willamette Neighborhood Group, but he has not heard from them about it. He said this 10th Street area was the main reason for this ordinance amendment. He suggested readvertising for a public hearing since the amendment has changed considerably.

John Gibbon, representing The Robert Randall Company, presented the Planning Commission with a letter requesting a finalization of this matter so they can get their development plans completed. He felt the list of uses on Dave's draft is a neighborhood wish list rather than the property owner's wishes. He suggested that because there will be so much noise from the freeway, residential uses not be permitted.

Ken Paulson, architect for The Robert Randall Company, said he took exception with Item 3(c), Building Character, on Dave's draft, and feels that the requirements should not be so precise or specific. He felt it was too limiting to specify a 6/12 roof slope, and that Design Review should be the vehicle to address this subject area.

Gary Johnson, representing the Greene's who own property adjacent to the 10th Street District, said they would like to see finalization of this matter so they can market their property, which they would like included in this zoning area. He said they had an offer from The Randall Company, but it had been withdrawn because zoning had not been decided.

Discussion followed regarding adding churches to the list of uses, and employment centers. Dave said the Comp Plan spells out some criteria already.

L. Lindas moved to continue the public hearing on the Zoning Ordinance Amendment to the next meeting. J. Geeson seconded the motion. The motion passed unanimously.

The meeting was adjourned at 10:40 P.M.


Karen Jolly, Secretary

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START NEW BOOK



January 18, 1982

Chairman Steinkamp opened the regular meeting at 7:30 p.m. Members present were D. Wustrack, J. Geeson, S. Workman and J. Junk. Absent was L. Lindas. City Planner, D. Richey and Secretary, K. Jolly were present. Representing the City Attorney was Deann Darling.

1. DECEMBER 21, 1981 REGULAR MEETING MINUTES

J. Junk moved to approve the minutes as submitted of the December 21, 1981 meeting. D. Wustrack seconded the motion. The motion passed unanimously.

2. WILLAMETTE CHRISTIAN CHURCH - VARIANCE REQUEST - PUBLIC HEARING CONTINUED
2014 S.E. 7TH AVENUE

D. Richey summarized the proposal for a variance for a larger sign for the church than permitted by the Sign Ordinance. He gave a copy of the new, smaller proposed sign drawing to the Planning Commission members. He said the new sign would cover 24 square feet when excluding the cross as opposed to the approximately 60 square foot sign previously proposed.

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Applicant, Dan Fowler, representing the Willamette Christian Church, restated their proposal and said they have reworked the sign and reduced the size. He said they feel the variance should be granted because there is a hardship because the building is not identifiable as a church, that there are already other lighted signs in the area, and that they have proposed the minimum variance that would alleviate the hardship and not be detrimental to any City plans.

There were no opponents.

J. Junk moved to close the public hearing. D. Wustrack seconded the motion. The motion passed unanimously and the public hearing was closed.

J. Geeson moved to approve the variance request for the Willamette Christian Church at 2014 S.E. 7th Avenue, Tax Lot 100, Map 3-1E-2AB as there are exceptional and extraordinary circumstances that do apply to this property which do not apply to other buildings in the area, that it does not have the identity of a church, a variance is necessary for the preservation of the same property right as properties in the same vicinity; many other signs in the area are over the requirements; that this variance is not detrimental to the City plan or ordinances, and that this variance is the minimum which would alleviate the hardship. S. Workman seconded the motion. The motion was amended by J. Geeson, for the record, that the motion include the plan submitted dated January 4, 1982. The second was given on the amendment by S. Workman. The vote was a tie: AYE: Geeson, Workman NAY: Wustrack, Junk. Chairman Steinkamp voted in favor of the proposal and the motion passed.

A MISCELLANEOUS ITEM was inserted regarding WOODHAVEN VIEWS SUBDIVISION TIME EXTENSION

Chairman Steinkamp read a letter from Rod Wichman, engineer for the project. D. Richey added that a bond extension will be required and recommended approval of the request because of weather conditions which have slowed construction.

Applicant, Rod Wichman, engineer, stated the request and said that the clearing, some excavation and sewers are completed. He asked for an extension to July 1, 1982.

J. Junk moved to approve the request for a time extension for the Woodhaven Views Subdivision as requested in the letter dated December 17, 1981, for six months, starting from January 1, 1982. S. Workman seconded the motion. The motion passed unanimously.

3. ZONING ORDINANCE NO. 845 AMENDMENT - C-10TH STREET ZONE

D. Richey summarized a discussion draft of the proposed ordinance amendment for the 10th Street - I-205 interchange district zoning. He said that the application for The Randall Company is being held up until this zoning is decided. He went over the items listed in the discussion draft, including the building characteristics stipulated by the draft ordinance.

Proponent, Ed Druback, 1790 S.W. Britton, also representing the Willamette Neighborhood Association, said he feels the area is unique and that it would be enough to say retail stores and not define them, however, if they are going to be defined, financial institutions, dentists, or doctors are not listed, and he felt these should be on the list. He agrees with the roof pitch which will set design criteria for an aesthetically pleasing effect and also to keep air conditioners off the top of the buildings. He felt the height restriction was necessary for fire fighting ability.

Proponent, John Gibbon, representing The Randall Company, said that the uses listed in the letter submitted at the December Planning Commission meeting are still what they would like to see in the zone. He said they would like to have this zoning adopted as soon as possible. He said the offices proposed by staff have limited traffic volume, and that a higher traffic volume would be appropriate in this area. He said they were supportive of good looking buildings and that the material restrictions proposed were okay. He asked that their architect's letter submitted last meeting be considered.

D. Richey said lending institutions are included in R-5B zoning through interpretation of the zone, but that maybe the Zoning Ordinance should perhaps be amended to include financial institutions under the R-5B zone; however, he felt that they should not just be listed in this 10th Street area amendment because that would tend to indicate that their lack of mention in other zones would imply they were intentionally omitted. He recommended that we continue to rely upon present ordinance interpretations.

Proponent, Michael Skee, 1684 Dollar Street, and a member of the Willamette Neighborhood Association, said he feels the 12:12 roof pitch should be adopted and he does not think it is difficult to work with. He feels square buildings are unattractive, and that these roof pitches will be in keeping with historic type buildings.

Proponent, Robert Mountain, 1381 Buck Street, said he was not for or against, but that the proposed roof pitch limits the building width.

Proponent, Gary Johnson, representing the Greene's, asked about the boundaries of the proposal, and that they include the Greene's property, 13th Street on the west, and Blankenship Road on the north, when boundaries are considered.

S. Workman moved to close the public hearing. The motion was seconded by J. Geeson. The motion passed unanimously and the public hearing was closed.

Discussion followed regarding roof pitch, Design Review role, etc.

S. Workman moved to approve the discussion draft on the C-10th Street Zone as amended by D. Richey with the exception that the pitch of no less than 9 feet in 12 feet be used. J. Geeson seconded the motion. The motion passed. The vote was AYE: Geeson, Workman, Wustrack NAY: Junk

4. ZONING ORDINANCE NO. 845 AMENDMENT - DAY CARE OF NON-RESIDENT CHILDREN IN RESIDENTIAL ZONES

D. Richey gave the staff report. He said this is the result of a request from the State Childrens Services Division, and will clarify that five or less children may be cared for in residences in R-10 and R-15 zones without going through the approval process for a day care center or nursery school. This will allow the care of non-resident children in all residential zones because of the construction of the Zoning Ordinance.

There were no opponents or proponents.

J. Junk moved to close the public hearing. S. Workman seconded the motion. The motion passed unanimously and the public hearing was closed.

J. Junk moved to approve the ordinance amendment dealing with the number of non-resident children that can be cared for in a residential home as indicated by the staff report. D. Wustrack seconded the motion. The motion passed. The vote was AYE: Junk, Wustrack, Geeson NAY: Workman

5. ZONING ORDINANCE NO. 845 AMENDMENT - SECTION 3.070 SPECIAL AND LIMITED OVERLAY ZONES

D. Richey summarized the staff report of January 11, 1982 and said that since the City Attorney had some questions on this, he suggested the Planning Commission only consider the Neighborhood Commercial zones and recommended changing CN on the zoning map. He feels it is an inappropriate zone in all but two cases and should be R-5B except where the food store exists and where one is approved.

Proponent Chuck Morrow, owns grocery store, asked advantages and disadvantages of changing the zoning.

Proponent, Phil Gentemann, owns Lots 17 and 18, next to Morrow's Market, said he would like to delay the proposal and have a chance to work with the staff. He said he was not opposed to R-5B zoning, but said the lot size standards prevent him from putting in a duplex in addition to an office.

Proponent, Robert Mountain, 1381 Buck Street, said he does not feel the Planning Commission is fully apprized of the impact of this proposal, and that this should be continued until the issues can be resolved.

Proponent, Ed Handris, 24710 S.W. Nodaway Lane, Wilsonville, asked Dave to compare building size in CN compared to R-5B zoning.

Dave said CN restricts building size to 2500 square feet and R-5B does not restrict building size, and that all uses in CN have to go before the Planning Commission; Uses in the R-5B zone do not.

Mr. Handris said he would be in favor of R-5B zoning.

S. Workman moved to close the public hearing. J. Junk seconded the motion. The motion passed unanimously and the public hearing was closed.

S. Workman moved to table the discussion based on the memo from the City Attorney because of his concern about the ordinance amendment as written. Seconded by J. Junk. The motion passed. The vote was AYE: Junk, Workman, Geeson MAY: Wustrack

6. ZONING ORDINANCE NO. 845 AMENDMENT - HOME OCCUPATIONS AND COTTAGE INDUSTRIES PROVISIONS

D. Richey summarized the proposed amendment and said it addresses the provisions in the Comprehensive Plan.

Proponent, Robert Mountain, 1381 Buck Street, said he has two businesses and has City licenses, he has no signs, no traffic and uses only the mail and telephone. He feels most small businesses start in homes and if they are objectionable, they should not be allowed. He does not feel his business creates any problems and that the City should have the right to regulate businesses.

Proponent, Val West, 4344 Cedaroak Drive, said he does not know how the City can make a distinction between different businesses and home occupations. He said he has five different businesses, has an unlisted number, and there is no traffic to his door.

There were no further proponent or opponents.

S. Workman moved to close the public hearing. J. Geeson seconded the motion. The motion passed unanimously and the public hearing was closed.

Legal counsel pointed out in Sections A(3) and A(6) that one neighbor and two complaints could shut a home occupation down as the draft ordinance is written, and in B(2), is Design Review to be included? Brief discussion followed.

J. Geeson moved to approve the Ordinance amendment for Home Occupations and Cottage Industries with the following revisions: Under Item (A) Home Occupations, (3), delete the sentence, "Complaints from a neighbor shall result in a prohibition of any similar event within that calendar year." Under Item (A) Home Occupations, (6), in the sentence, "Any home occupation activity found by the Planning Director or his representative to be a significant annoyance to a neighbor shall be terminated.", use may rather than shall. Under Item (B) Cottage Industries, (2), in the sentence

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"If the cottage industry requires erection of a residential accessory building, that building shall be of a size, height and attractive appearance common to residential structures ..." delete the rest of the sentence after structures and add, "as approved by the Design Review Committee."

S. Workman seconded the motion. The motion passed unanimously.

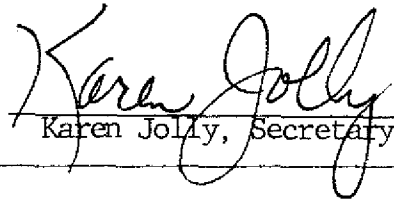
7. Miscellaneous

Dave Richey said that new officers should be elected this month, but since the City Council has not made a decision on filling the vacancies in the Commission, he suggested leaving this matter go for a month.

J. Junk moved to leave the Planning Commission officers as they are now until the next meeting. D. Wustrack seconded the motion. The motion passed unanimously.

Dave Richey reminded members of the upcoming Comprehensive Plan update meetings next month and in March.

The meeting was adjourned at 10:30 P.M.


Karen Jolly, Secretary

February 16, 1982

Acting Chairman J. Junk opened the regular meeting at 7:30 P.M. Members present were D. Wustrack, L. Lindas and D. Furgeson. The Chairman introduced the new member, Diane Furgeson. Absent was J. Geeson. D. Richey, City Planner, and K. Jolly, Secretary, were present. City Attorney, J. Hammond was also present.

1. JANUARY 18, 1982 REGULAR PLANNING COMMISSION MEETING MINUTES

D. Wustrack moved to approve the minutes of the January 18, 1982 meeting. D. Furgeson seconded the motion. The motion passed unanimously.

2. JEAN S. WINNER - CONDITIONAL USE REQUEST - 1351 MARYLHURST DRIVE

D. Richey summarized the staff report dated February 4, 1982 regarding Mrs. Winner's home occupation to process nuts for sale to the public. He said this started as a hobby and there will be no outward appearance of a business at her home. He said she is in partnership with another lady.

The applicant, Mrs. Winner, had no additions to make to Dave's staff report.

There were no opponents.

L. Lindas moved to close the public hearing. D. Wustrack seconded the motion. The motion passed unanimously and the public hearing was closed.

L. Lindas moved to approve the conditional use application for Jean S. Winner at 1351 Marylhurst Drive subject to the situation and facts of the staff report dated February 4, 1982. D. Wustrack seconded the motion. The motion passed unanimously.

3. CITY OF WEST LINN - REZONE REQUEST - C-10TH STREET & I-205 INTERCHANGE

D. Richey summarized the staff report of February 3, 1982 regarding the proposed boundaries which have been worked out with the Willamette Neighborhood Association. Dave pointed out the property on the map. He suggested including all land on the south side of Blankenship Road between it and the freeway and between 10th and 13th Streets, plus a 200 foot strip on the north side of Blankenship Road that narrows (to roughly 30 feet) as it approaches 13th Street, and extends east to the boundaries of the legal notice (approximately 450 feet east of 10th Street.

Proponent, John Gibbon, representing The Robert Randall Company, said that the rezone application for their property in this area has been in the process since last September, and that they are very eager to see the zoning finalized. He said that they feel the proposed boundaries are okay.

Proponent, Larry Johnson, representing the Greene's, said he would confirm Mr. Gibbon's statement, that they would like to see the area rezoned so that the Greene's can market their property. He pointed out the Greene's property on the map.

There were no opponents. Discussion followed regarding the proposed boundaries and the need to keep the business on Blankenship Road, not on Tannler Drive.

D. Wustrack moved to close the public hearing. D. Furgeson seconded the motion. The motion passed unanimously and the public hearing was closed.

L. Lindas moved to approve the geographic application of the C-10th Street zone subject to the staff report of February 3, 1982 with the stipulation that the depth of the commercial zone go 200 feet on the area north of Blankenship Road. D. Wustrack seconded the motion. The motion passed unanimously.

4. CITY OF WEST LINN - REZONE REQUEST - 80 ACRES BETWEEN CARRIAGE WAY AND ARENA LANE

D. Richey gave the staff report for the application to rezone 80 acres of recently annexed land from County Future Urbanizable zoning to City R-10 zoning.

There were no opponents or proponents.

Dave West, no address given, asked if plans for the proposed development of the area were upcoming on the agenda.

John Phillips, no address given, asked how members of the neighborhood were notified of public hearings.

J. Hammond explained the notification process for public hearings.

D. Wustrack moved to close the public hearing. D. Furgeson seconded the motion. The motion passed unanimously and the public hearing was closed.

L. Lindas said she felt this was a housekeeping measure since all the annexation public hearings had been heard.

L. Lindas moved that the rezone application be granted to R-10 zoning subject to the staff report facts and findings of February 14, 1982. D. Furgeson seconded the motion. The motion passed unanimously.

5. K & F DEVELOPERS, INC. - REZONE AND PUD SUBDIVISION REQUEST - SOUTH OF SUNBURST SUBDIVISION

D. Richey gave a staff report. He said this proposal consists of half of the 80 acres that was just rezoned. He said the developers are asking for a planned development, wherein total land is added up and divided by the number of dwelling units allowed, thus making it possible to have smaller lot sizes, and some of the lots proposed herein are as low as 4,000 square feet. He said some bonuses may be granted to boost density if sufficient amenities are granted. He said that this application had only been in the office 30 days and the applicant and the staff have not had time to gather and review all the information needed. He said this property holds the highest piece of ground in the City and that there is a need for a water tower in this area, both for economic dependability and safety.

Applicant, Terry Morgan, representing the developers, talked about the staff report and said the reason for hurrying is the time line for the 1983 "Street of Dreams". He said the City's two-hearing requirement takes longer, therefore the need to move quickly. He said they are requesting a total of 166 dwelling units and that they have withdrawn a request to amend the Zoning Ordinance and will proceed under the old ordinances. He said the PUD is the best way to go for land in West Linn because of terrain. He explained some of the ordinance requirements and how the developer is meeting them. He said the City may need R-7 zoning to meet LCDC requirements, and that this zoning would have given 210 dwelling units, and R-5 zoning would have allowed 243 dwelling units. He feels they have compromised, even though they are asking for R-10 zoning plus a 25% bonus. He asked the Planning Commission to consider the merits of the amenities and that they are working under an old ordinance which may not meet State law. He then introduced the next speakers to give testimony for the developer.

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Herb Koss, representing himself and Nick Fosses, K & F Developers, Inc., said he has lived in West Linn for the past six years and has built many houses in the Hidden Springs area. He said that the City Engineering Department suggested a different access route and they have just acquired the necessary right-of-way, and this was a reason for some of the delay. He felt the new access was a much better route and complimented the Engineering Department on their suggestion and help. He said there is a good chance that they will get the "Street of Dreams" and that they need to have preliminary plat approval by May to qualify. He said also this location is good for solar application.

Rick Givens, a Planner from Compass Corporation, pointed out the basic plan and said they feel this will provide a variety of housing needs. He said they are also proposing a soccer field, tennis courts, a large play area with equipment, and large open areas. He said the steep treed area will be left natural. He said they have placed the streets to take advantage of the solar application and the view. He said they will provide a buffered, landscaped storage area for recreational vehicles. He feels the developer has gone out of his way in acquiring the access to go into Suncrest rather than down into Carriage Way. He discussed the density calculations and asked the Planning Commission to waive the 30% lot coverage requirement in favor of 45% for the single family detached, and no limit on the townhouse development. He asked that they consider adopting Clackamas County's PD zoning for setbacks. He suggested a 40 foot right-of-way with 28 feet of paving on Sun Loop, Sunrae Circle and Aztec Court, and that a street grade of 13% be allowed in one area. He said they are trying to provide exceptional housing and a variety of housing. He said there will be three phases, first will be the single family detached units, then the single family attached units, and third, the townhouse-condominium units.

Tom Tye, an Engineer from Compass Corporation, spoke about the utility systems. He talked about the present water system and what will be needed in the future. He said the City staff and the developer have agreed on the water reservoir site location. Regarding the drainage, he said there are three different drainage basins here, so there will not be a large concentration of drainage in one area.

Gary Reddaway, Architect for the developer, spoke about the solar application, and said the streets in the subdivision have been laid out for solar, but even if houses are not built using solar, there would still be an energy savings because of the location. He said he has built several solar homes and feels this is a very good solar site.

Proponent, Bud Mallett, 19810 S. Suncrest, said he owns 16 acres abutting this development, and he feels this development makes good sense and is more comprehensive, and he and his wife feel good that this type of planning is being done. He said he likes the plan and hopes it is approved.

Dave Edwards, Edwards Industries, Inc., said he is supportive of the proposal, and he feels the plan is excellent and gives the needed housing for the City. He said he hopes it is approved.

Francisco Reynders, artist, 2015 Carriage Way, said he feels this is exciting and he is anxious for this development to happen.

Opponent, Dave West, 2916 Carriage Way, asked if this abuts Hidden Springs Ranch.

John Phillips, no address given, asked about the number of vacant lots already in the City, and how will this development affect the schools and utilities.

Craig Westweller, Sunburst, asked if the fire protection has been considered.

Proponent Rebuttal, Mr. Morgan asked that the Planning Commission consider the merits of this development. He said they feel they are moving in the direction of the Comp Plan. He said they need approval by May for the Street of Dreams and although they have no absolute guarantee, they have a good indication they are top contenders for the Street of Dreams.

Herb Koss said he feels the flat building area and great view will help sell these lots.

Gary Madson, 1203 Bexhill Street, asked where completion of reservoir will fit into the plan. He asked if there would be a restriction before these houses could be occupied because of the water situation. He also asked who will maintain the recreational vehicle site.

J. Hammond said the reservoir site will probably be a negotiated purchase, that this has not yet been decided.

Mr. Morgan said he feels they have submitted all requirements of the Ordinance. Acting Chairman Junk asked him why the proposal brochure was given to them tonite, and didn't they know it was to be submitted at least a week before the meeting. Discussion followed regarding the lateness of the material submitted and the changes to ordinances requested in this material. General feeling was that too many proposals were put forth for the development to be considered at this meeting.

L. Lindas moved to continue the public hearing for K & F Developers, Inc., until the next scheduled meeting of March 15, 1982 so that the Planning Commission can review this material at their work session. D. Wustrack seconded the motion. The motion passed unanimously.

6. ZONING ORDINANCE NO. 845 - AMENDMENT TO SECTION 3.160(4)(e) - K & F DEVELOPERS, INC.

Dave said this agenda item has been withdrawn.

7. SIGN ORDINANCE NO. 1069 - AMENDMENT TO ALLOW OFF-PREMISE SIGNS

D. Richey summarized the staff report of February 3, 1982 proposing an amendment to the Sign Ordinance to allow developers to put real estate signs at locations other than on the property they are advertising. He said the current Sign Ordinance does not allow any off-premise signs. He mentioned the Beaverton Sign Ordinance which has some provisions for off-premise signs that might be considered. He also mentioned garage sales which also have off-premise signs, however he suggested waiting with these signs and only consider real estate signs now.

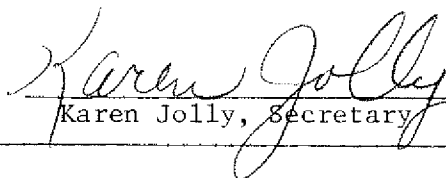
Val West, 4344 Cedaroak Drive, asked about directional signs for development.

Dave Jensen, realtor and resident, 1205 Swift Shore Circle, said he feels life is already very regulated, but he does not like the clutter of signs either. He feels there will always be exceptions to the Sign Ordinance and that signs are the most effective way of selling real estate. He said he feels the Beaverton Sign Ordinance has been generally accepted. He said he was offended because the Police Department came out and picked up one of his signs that was in the right-of-way, but the sign could not have been seen otherwise since the property listed was below the road.

Discussion followed on the Beaverton Sign Ordinance.

L. Lindas moved that Section 3-9.1(a) of the Sign Ordinance be amended to include the appropriate verbage of the Beaverton Sign Ordinance regarding off-premise real estate signs, specifically parts of paragraphs A, C, and D, and that the amendment will be heard at a public hearing on March 15, 1982. D. Wustrack seconded the motion. The motion passed unanimously.

There was no further business and the meeting was adjourned at 10:00 P.M.


 Karen Jolly, Secretary

March 15, 1982

Acting Chairman J. Junk opened the regular meeting at 7:30 p.m. Members present were G. Madson, D. Wustrack, L. Lindas, R. Olson, D. Furgeson and J. Geeson. D. Richey, City Planner, and K. Jolly, Secretary, were present. Representing the City Attorney was Deanne Darling.

1. FEBRUARY 16, 1982 PLANNING COMMISSION MINUTES

L. Lindas moved to approve the minutes of the February 16 1982 meeting as submitted. R. Olson seconded the motion. The motion passed unanimously.

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2. K & F DEVELOPERS, INC. - REZONE AND PUD SUBDIVISION REQUEST (Continued)
SOUTH OF SUNBURST SUBDIVISION

D. Richey gave a summary of the staff report of March 4, 1982, which was a continuation of the previous staff report dated February 5, 1982, since that report did not cover some engineering aspects such as paving, sewers, water, drainage and sidewalks for the proposed subdivision. He briefly went over the proposal and an addendum to the staff report which listed the staff recommendations for approval. He said the applicants have requested a public hearing before City Council earlier than normal and Dave had suggested to City Council setting April 14, 1982 as a hearing date. The City Council, in setting that date, stressed that if the Planning Commission is unable to complete their discussion at this meeting, the Council hearing date was to be set for a later date. He said he felt that most of the planned development items had been pretty well identified at the previous meeting and at the Commission work session which the applicants had attended.

J. Geeson asked whether she and the new Planning Commission members could vote on this item since they were not present at the last meeting and the testimony presented at the public hearing was not heard by them. Legal counsel felt that since the new members had attended the staff meeting to discuss the proposal, they could vote. J. Geeson said she would abstain from voting since she was not at the staff meeting and did not have sufficient information.

Acting Chairman Junk re-opened the public hearing.

Terry Morgan, attorney representing the applicant, went over the proposal briefly, and addressed the matters in the staff report. He said that they do not think the non-residential lands interpretation is correct; that the RV parking should be an accessory to a residential use; and if they receive full bonus for the water tank site, that area could be deleted from the base density. He said they understand the area has been considered for R-7.5 zoning by the Comp Plan Review Committee. He said they are proposing less than six units per acre, and he feels the illustration of relative monetary value for the bonus referred to in the staff report is irrelevant to the proceedings. He said he feels a PD is a trade-off in amenities, costs, etc., and that it balances out. He went over the list of amenities, as listed in Exhibit #3. He said there were 10 items on the list, and among them, he listed the following: big toy area, soccer field, tennis courts, natural area. A brief discussion followed regarding the information submitted to the Planning Commission. Mr. Morgan said the staff report suggested the water tower site be dedicated and they do not think it should be dedicated, that it should be a negotiated purchase. He said these negotiations were underway. He said this site would have provided 4 to 5 prime view lots. He feels this water tank site is an amenity that will not only benefit the people that live here, but it will also benefit the community as a whole. He said for these reasons, they do not feel the water tank site should be dedicated. He then went over the staff report recommendations. He said they do not agree with item #1, that they do not want to dedicate the park, that it will be only for the residents of the development. He feels the matter of the sprinkler system should be left up to the residents. He said the intended use is as a soccer field. He said they would provide the sprinkler system tie-in so that if the residents decide to put in a sprinkler system, it could be done. Regarding item #3, setbacks, he said they want a 10 foot setback requirement between buildings, that they are asking for an exception provision not a variance provision. Regarding items #11 and #14, landscaping and fence, they feel the fence height requirements should be left to the Design Review Committee, with the landscaping plan.

Rick Givens, Planner with Compass Corporation, representing the applicant, went through an overview of the density calculations. He said his figures were based on the full 38 acres, so they were off by 5 units because they did not subtract for the water tank site. He said they did take out 20% for the roads. He said they are proposing 161 units, that R-10 would give 132 units and a full density bonus would allow 25 units more. He went over the density allowed in the Ordinance, and indicated the difference if R-7.5 zoning was applied to this land, which would allow 177 units. A full 25% bonus in that zone would provide a total of 221 units. He feels the density they are asking is not out of line, that this would provide a very liveable environment. Regarding roads, he said they would prefer that they be public roads. He said the Ordinance requires a 50 foot right-of-way for cul-de-sacs, and they would prefer to use a 40 foot right-of-way. He said this

Rec'd March 15, 1982
RF

March 1, 1982

City of West Linn Planning Commission:

City Council:

Honorable Mayor:

We wish to express our strong disapproval of the planned development, Sunburst II. The reasons for this opinion are as follows:

1) Water

With an ever increasing water problem within the City and specifically our area, it is hard to justify further development before a new water storage facility is installed. It is our feeling that the City should obtain voter approval for the water storage facility FIRST!

2) Police & Fire Protection
City Maintenance
Schools

All these City services are operating at maximum capacity trying to supply basic support services to the Community. More people, more housing, more streets, will only compound the problem. With the City budget strained to it's limit we feel it is unreasonable to make it worse. Three budget levies have been denied by the voters which graphically points out the need to look for other sources of tax dollars.

3) Safety & Sense of Community Well-Being

Sunburst I was developed as a subdivision with no planned facilities for children. The greenway area originally proposed was never pursued. Children of Sunburst I homeowners have only the streets and treed land around us

to play in. This too, will be lost if the proposed development is approved. Increased street traffic and frequent speeding cars will make the street playground too dangerous.

The Sunburst I homeowners will also lose the wilderness like areas which are also utilized by the children for a playground alternate.

Prudent foresight is needed by the decision makers of West Linn. This is not just a simple matter of letting someone take a risk and see what happens. It is the future; not only tomorrow but for years to come. Growth can and will occur, but it must be coupled with intelligent planning.

Our vote is no on the proposed development.

Residents
Sunburst I
West Linn, Oregon

HOMEOWNER

ADDRESS

4 households

Roma [unclear] 1995 [unclear] [unclear]

Andrew P. [unclear] 1978 Carriage [unclear] ^{West} Lion

Mustine, C. [unclear] 19610 Sun Circle [unclear] L.

John T. [unclear] 1978 Carriage Wy. W. Lion Or

James [unclear] [unclear] 19691 Sun Circle [unclear] Or

Craig & Wendy [unclear] 19694 Sun Circle [unclear] Or

is allowed by other jurisdictions. He said on the paved radius of the cul-de-sac, they were asking for 42 foot not 45 foot, and he feels this is adequate for circulation. He said their plan was done assuming there would be no stub street to the west since they had acquired the property to allow a connection to Suncrest. He feels there will be good circulation without the stub street.

Mike Barta, Piercy & Barclay Designers, representing the applicant, said he feels the trend is to go back to basics both in homes and land use. He gave out an illustration showing site planning with some suggestions for flexibility. He said sometimes difficulty with topography is encountered with lot sizes and he feels liveability is the bottom line. He said front and side yards have minimal liveability. He would suggest flexibility in setback requirements. He said the visual effects will remain the same. He explained their request for a 3 foot setback variation which will provide flexibility and maintain the 10 foot separation they are requesting.

Dave Rood, West Linn Building Official, spoke and said he feels there is a need for a change in the thinking on setbacks, particularly with certain lots where building is difficult. He said he feels the costs can be cut if some changes are made, which will cut costs for the homeowner. He said utility easements are usually 6 feet on both sides, but feels an adjustment could be made here. He said he feels it is better to have a good set of rules rather than always going for variances. He said some lots and setback requirements combined preclude building. He gave an example of Mt. Park in Lake Oswego where setbacks have been reduced, where the garage in front of the house and on solid ground does not jeopardize privacy. He said he feels they should look at new, more realistic concepts.

Rick Givens, Compass Corporation, said there would not be utility easements on the sides of every lot.

Herb Koss, part-owner of K & F Development, clarified the setback situation. He said the primary concern is that if the driveway comes in from the front, they feel there should be 20 foot setbacks, and if the driveway comes in on the side, then they would ask for a 10 foot setback for the garage. He said they are asking for the 3 foot side yard setback on only a few lots on the cul-de-sacs, where it would pull the house forward to give a larger back yard.

Opponents, Dave Richey mentioned a letter in opposition signed by six residents of Sunburst Subdivision. Chairman Junk read the letter into the record.

The City Attorney commented on the difference between a variance and an exception. She said this is at the discretion of the Planning Commission. She said under the planned development ordinance, the purpose is to provide flexibility, and she feels the exception is easier for the developer to meet because there is no burden of proof as there is with the variance. She said also this could set a precedent.

Under proponent rebuttal, Mr. Morgan addressed the concerns of the letter in opposition. He said the letter from Murray, Smith & Associates addresses the water pressure problem and that the new reservoir will help solve this problem. He said Sunburst I was developed as a standard subdivision not as a planned development. Mr. Morgan summarized the proposal and asked for approval of 161 units with the full density bonus, that the water tank site be considered as an amenity, that staff recommendation #3 be stricken, and that the modification in street width for the cul-de-sacs as submitted by Rick Givens be adopted, and that the developer would submit in writing, the setback exception requested. He commented on the following staff recommendations as follows:

#1, regarding the park, that it be improved by grading and planting of grass as the only conditions.

#4, regarding streets, those dedicated to the public shall have a minimum 50 foot right-of-way width except Sunray Circle and Aztec Court, which shall have 40 foot right-of-way width.

#6, they asked for a 42 foot improved radius instead of 45 foot on cul-de-sacs.

#11 and #14, regarding fence height and landscaping, they asked these approvals be left to the Design Review Committee.

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Mr. Morgan went over the phases and the amenities to be completed with each phase. He said Phase I would consist of the north end of the subdivision and would commence immediately and the amenities would be the tennis courts; that Phase II would be the completion of the remaining lots other than the townhouses and would commence in the Spring of 1983 and the amenities would be the RV parking facility, the soccer field and the children's play area; and Phase III was anticipated as early as 1984. He said there was a short time frame proposed and the whole development should be completed by mid 1984.

Mr. Koss discussed the RV parking area. He said there are 35 foot and 40 foot bays for boats, campers, etc., and they have considered a mini-storage area. He said they proposed a berm between the parking area and the houses. He said this would first be offered to the Sunburst II property owners. He said there were 40 open units in the center, 25-30 covered, 30 individual 10 foot by 12 foot spaces.

Gary Madson questioned where the property owners would put RV's if there was not enough room in the park, especially if the setbacks are cut down. Dave Richey said they cannot be parked in the street.

Nick Fosses, of K & F Developers, said he does not think every other house will need an RV parking lot. He said he has developed many subdivisions and he does not see the need for more RV parking spaces than proposed. He said he feels the water tank site will be an amenity for the whole community. Regarding the setback, he said they were asking for a 10 foot separation between structures.

Rick Givens commented on the RV parking, and said that many of these lots will be as large as many lots in West Linn, and that this plan offers more RV parking than most subdivisions. He feels from past experience there will be adequate storage.

Gary Madson asked about covenants and restrictions, and dedication of common areas. He asked if City Council should be included.

The City Attorney said that acceptance of a project does not mean acceptance of Homeowner's Association covenants. She said the City would have no right to enforce these.

Mr. Morgan responded to the petition in opposition from the property owners of Sunburst Subdivision. He feels there will be no burden regarding water pressure because of this development. Regarding police, fire and schools, he said they had not heard adversely from any of these groups. He said facilities such as schools come after the development.

Lorene Lindas asked about the park area, if the Park Board has asked for additional neighborhood parks.

Dave Richey said the Park Board has not looked at new parks as being private. He said there is a demand for additional park space in this area as indicated in the Park & Recreation Master Plan.

Lorene Lindas asked about the benefit to the City of having a private park compared to a public park.

Mr. Morgan said this would reduce the use by people of this area, of other parks. He said guests could be invited to use park areas. He said there was no master plan for parks in the City.

Ralph Olson asked about fire access from the north and south regarding response to emergency situations.

Dave Richey said this area would be served in part by the Rosemont Fire Hall.

Ralph Olson asked about negotiations for the water tower site.

Dave Richey said only talks have taken place and an appraisal has been made.

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Opponent, Gary Newborn, 2421 Pimlico, said he was not an opponent nor proponent. He said he does not want to see a precedent set here for future subdivisions. He said he feels R-10 should mean one house in 10,000 square feet, and that small lots on one side of the development will have quite an effect on that area. He said he was concerned about the next subdivision coming up. He questioned the effect of the traffic from this subdivision on Hidden Springs Road, which is too narrow for the high density. He feels the density on the hill is increasing, but the road size is not increasing. He also feels that the water problem should be corrected before the development gets going, not afterward.

Opponent, Mike Glanville, 6211 Tack Court, questioned the possibility of a traffic problem if RV traffic from outside the subdivision will use the RV parking.

There were no more opponents nor proponent rebuttal.

R. Olson moved to close the public hearing. D. Wustrack seconded the motion. The motion passed unanimously and the public hearing was closed.

R. Olson moved to approve the development subject to the staff report of March 4, 1982 and the staff report recommendations received that were an addendum to the staff report dated March 4, 1982, with the following amendments.

On item #1, regarding parks, that as long as the park is not being dedicated (later amendment to the motion required dedication) to the City at this point, there is no reason for a sprinkler system at this time, but merely access to the park of water service for a future installation;

On item #2, regarding the water tank site as shown on the plan, that the water tank site be dedicated to the City as part of the approval;

On item #3, regarding building setbacks (Aztec and Sunray Courts per letter dated February 26, 1982 "Design Standards Modifications Requested") that instead of the standard 15 foot separation, that it be reduced to 10 foot separation between units and a minimum of 5 foot setback at all locations to the property lines;

On item #4, regarding streets, that there be a minimum right-of-way of 50 feet, with the street width of 36 feet on Suncrest Drive and that other streets have a 40 foot right-of-way with 28 foot pavement and a 42 foot radius on cul-de-sacs;

Item #5 is okay as written in the amendment to the staff report;

On item #6, that the cul-de-sac radius be 42 foot;

On item #7, that street grades be whatever is worked out as per the City Engineer;

Items #8, #9, #10, #11, #12 and #13 are okay as written in the amendments to the staff report;

On item #14, that it be amended to require that the fence height be stipulated by Design Review Committee;

Item #15 is okay as written in the amendments to the staff report;

Regarding the density, the 161 units be approved as consideration for the amenities that are being offered, and he feels that the developer has borne the burden of proof to indicate that the allowable density bonus should be awarded in light of dedicating the water tank site to the City, that all of these things combined would allow 161 units.

L. Lindas asked Mr. Olson to consider adding to his motion, dedicating the park. Mr. Olson said yes, he would amend the motion to dedicate the park.

L. Lindas seconded the motion as amended.

G. Madson asked about a time table for phasing being required. D. Wustrack asked about the entrances to the park area, that these should be off public roads and cannot be closed.

D. Wustrack asked Mr. Olson to amend the motion regarding the roads and entrances into the park.

Mr. Olson amended his motion further to have the two cul-de-sacs, Aztec Court and Sunray Court as public roads.

Dave Richey asked for a clarification on the setbacks, the 10 foot setback for the front yard would apply just in those cases as proposed by the developer where the entrance is on the side of the garage, and where it is directly into the garage, it would still have to be the 20 foot setback.

Mr. Olson said the developer had stipulated this in his presentation.

Dave Richey also asked that the proposal be approved for at least a year.

Mr. Olson amended the motion that the approval be good for a one year period.

L. Lindas restated her second to all the amendments. Chairman Junk restated the conditions of the motion.

The motion was voted on and passed unanimously.

3. CITY OF WEST LINN - SIGN ORDINANCE NO. 1069 - AMENDMENT TO ALLOW OFF-PREMISE SIGNS

Dave Richey summarized the Sign Ordinance amendment which would allow real estate directional signs to be placed on land other than the parcel that is for sale. He said presently, under the existing Sign Ordinance, these type signs are not permitted and there has been a request by developers in the Villa Roma Subdivision to allow these signs as an aid in marketing their property. He said he has used the Beaverton Sign Ordinance because it had been suggested to him as an example of something that might be acceptable to the City.

Proponent, Jack O'Billovich, a developer in Villa Roma, said that the proposed amendment would be acceptable to him. He said he has had a great deal of problems in this area with publicizing sales.

Proponent, Val West, developer in West Linn, said he was in favor of the proposal.

Claudia Allsup, a real estate broker in West Linn, said she was in favor and that they needed all the help they can get. She questioned the requirement of no broker's name on the sign. Also, she said the size of the lettering for the owner's name should be clarified.

Dave Richey explained that the owner's name was purposely to be absent or inconspicuous so that one of these directional signs placed at an intersection would serve all properties in the direction indicated. This would help avoid a multiplicity of signs near key intersections. He also said the signs could not be in the right-of-way.

There were no opponents.

G. Madson moved to close the public hearing. D. Wustrack seconded the motion. The motion passed unanimously and the public hearing was closed.

J. Geeson moved to approve the Sign Ordinance Amendment with a change in the second to last sentence to read, "For code enforcement purposes, the sign shall have the name and phone number of the owner of the sign, but this information shall be printed no taller than one (1) inch in height." The motion was seconded by D. Wustrack. The motion passed unanimously.

4. MISCELLANEOUS

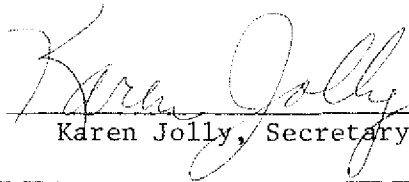
- a. Appoint Planning Commission Chairman and Vice-Chairman

L. Lindas nominated J. Junk as Chairman. J. Geeson seconded the nomination. There were no other nominations, and G. Madson moved to close the nominations. The nomination was voted on and passed unanimously. L. Lindas nominated J. Geeson as Vice-Chairman. D. Wustrack seconded the nomination. There were no other nominations and D. Wustrack moved to close the nominations. The nomination was voted on and passed unanimously. Jerry Junk is the Planning Commission Chairman, and Judith Geeson is the Planning Commission Vice-Chairman.

b. Appoint Planning Commission Representative to Design Review Committee

R. Olson volunteered to be the representative. L. Lindas nominated R. Olson as the Planning Commission representative to Design Review Committee. D. Wustrack seconded the nomination. There were no further nominations. The nomination was voted on and passed unanimously. Ralph Olson is the Planning Commission representative to Design Review Committee.

The meeting was adjourned at 10:30 p.m.


Karen Jolly, Secretary

April 19, 1982

Chairman J. Junk opened the regular meeting at 7:30 p.m. Members present were D. Furgeson, D. Wustrack, L. Lindas, G. Madson, and R. Olson. City Planner, D. Richey was present and City Attorney, J. Hammond was present.

1. March 15, 1982 PLANNING COMMISSION MINUTES

R. Olson moved to approve the minutes of the March 15, 1982 meeting as submitted. G. Madson seconded the motion. The motion passed unanimously.

D. Furgeson inquired about the action taken by the City Council on the planned development of Sunburst II. Dave said the Council followed all of the Planning Commission recommendations except that the 25% bonus was adjusted to reflect the 166 dwelling units allowed when the water tank site is included in the density calculation, and the Council expanded the exception allowing 5 foot side yard setbacks and 10 foot front yard setbacks on side-opening garages to be applicable for the whole development.

A motion was made and unanimously approved to close the formal meeting.

The Planning Commission then discussed the LCDC administrative rule requiring West Linn to place eight (8) dwelling units per acre on vacant, buildable land. The Commission closed the informal discussion by requesting that the City Council make an effort to hire consultants to study two problems that require specialized skills. One of these consultants would be a traffic engineering specialist to analyze the six access routes West Linn has from the main transportation arteries at the bottom of the hill to the lands at the top. The object of this study would be to determine which of these routes will likely have the greatest demand place upon it, what the optimum and maximum operating capacity of these streets is expected to be currently and with practical improvements suggested, and the number of residences that can, therefore, be satisfactorily served by these six routes in the future. The second consultant would study the storm drainage systems of West Linn and recommend solutions to emerging problems by suggesting practical drainage facility improvements and/or limits on impermeable surfaces on the vacant lands. The meeting ended at 9:30 p.m.


David M. Richey, City Planner

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May 20, 1982

Chairman Junk opened the regular meeting at 7:30 p.m. Members present were G. Madson, D. Wustrack, L. Lindas, and R. Olson. Absent were D. Furgeson and J. Geeson. City Planner, D. Richey and Secretary, K. Jolly were present. Also, City Attorney, J. Hammond was present.

1. APRIL 19, 1982 PLANNING COMMISSION MINUTES

R. Olson moved to approve the minutes of the April 19, 1982 Planning Commission meeting. D. Wustrack seconded the motion. The motion passed unanimously.

2. EDWARDS INDUSTRIES, INC. - REZONE AND PUD SUBDIVISION REQUEST - HIDDEN SPRINGS RANCH NO. 8

D. Richey gave the staff report and explained the appendices A, B and C to the staff report. He said there were 44 letters from property owners in opposition and one letter in favor of the proposal, which formulates Appendix C of the staff report. He said there were 36+ acres in the proposal which is the last phase of the Hidden Springs Ranch development, and that the developer is requesting 312 dwelling units. He said staff recommends that the Planning Commission either conditionally approve the PD on this site for 123 to 150 dwelling units, depending upon the amount of bonus allowed, or that the Planning Commission deny the request and give the developer an idea as to what range of density would be allowed.

Proponent, Robert Ball, attorney representing Edwards Industries, Inc., described the current proposal and said that this development has been in the process and through City Council and Planning Commission hearings for nearly 11 years. He said there have also been many meetings with the neighbors in Hidden Springs, and he feels this has been a high quality development. He said this next proposed phase 8 is a culmination in logical order of the development. He said the density issues for the proposal were heard and decided on by the City Council and Planning Commission in 1973 when the General Development Plan was submitted. He went over the history of the development, and said that many of their plans have been modified by the neighborhood group or the City, but that all plans submitted have been approved. He said phase 8 is the last component of an integrated plan. Regarding the density, he said the aggregate density for the whole development would never exceed R-10 zoning, that greater density in some areas would permit greater open space in other areas. He said they feel their submittals have conformed to the preliminary development plan as originally submitted, and that the land uses and density for phase 8 were committed by the Planning Commission and City Council in 1973.

Proponent, Gordon Davis, of Wilsey & Ham, representing Edwards Industries, Inc., showed slides regarding the phases of the development, examples of housing types proposed, circulation, utilities, drainage, etc. He also discussed charts hung on the wall regarding the same items of the proposal.

Mr. Ball spoke again regarding the schools. He said they had a letter from the school district stating that there was room in the existing schools for the additional students that would be generated by the proposal. He said they have submitted all the materials that were necessary to staff, and that the staff report was lacking information. He said the housing designs will come before the Design Review Committee. He said they had never been told their application was incomplete. He said the proposal was not adopted as a Zoning Ordinance amendment because the City Attorney recommended against it, and the Zoning Ordinance did not provide for it. He said they feel the whole plan has been integrated as one plan, and that phase 8 may have a different complexion than the rest, but that it has always been planned as such. He again stated the issue of density bonus is not before the Planning Commission tonight, as it was decided in 1973. In summary, he said they feel the staff has attempted to reverse what was granted in 1973. Regarding the LCDC density rule, they feel this is final and that the Planning Commission should consider meeting this rule for vacant and buildable land in the City. He said there would be a \$1-1/2 to \$2 million loss to Edwards Industries if the staff recommendation is followed.

Proponent, Herb Koss, developer and resident at 19960 Blue Grass Circle, spoke in favor of the proposal, said he feels there is good buffering, and that the density proposed is not all that great.

The City Attorney explained briefly about the Zoning Ordinance, that it is confusing regarding Edwards Industries' vested rights.

Opponent, Tim Ramis, attorney representing the Hidden Springs Homeowners, said their central concern is density, and whether or not the applicant can rely on the past plan. He said he feels that changes in the proposed development tend to point out that approval was never treated as anything final or frozen, and that if there are going to be changes, it is not just a one-way street. He said that LUBA will be concerned with the pattern of past practices and the language of the Ordinance. He feels the language says approval is conditional in principle only, that it provides a tough standard that forever ends the debate on what is to be allowed in a development. He said they agree with the City Attorney regarding density calculations under the intent of the Ordinance and feel that preliminary approval does not forever determine density. He said the submittal of the master plan in 1973 gives several density figures, and that no one particular figure is identified. He discussed the LCDC Goals which must be met, and mentioned Goal 2, Land Use Planning, which will require evidence and extensive records regarding the issues. Regarding Goals 3 and 4, Agricultural and Forestry, he said this land is Class III soil and is agricultural even though it is within city limits. Also, he said this proposal would put the highest density portion of this development right next to agricultural land which is in active agricultural use and which is currently in farm deferral. He said that the Supreme Court recently ruled that even though land is inside a city limit, it must still address Goals 3 and 4. He talked about Goal 14, Urbanization, which requires orderly and efficient transition from rural to urban land use. He said he feels there needs to be more evidence shown with regard to this. He said public need is an issue here, and it is required by the Goal 2 exception process and Goal 3 conversion criteria. He said the 8 unit per acre ruling from LCDC does not apply on a subdivision-by-subdivision basis, but is an overall areawide requirement. He said it does not require that any particular development or any particular phase of a development meet that density. He said he feels the City has the capacity for future housing needs, and they agree with the staff report on commercial developments. He talked about the traffic situation and said the traffic pattern is crucial to livability of those living close to the development. Regarding housing design, he said they want a public hearing procedure, not a closed-door session, so that everyone in the area can have input so there will be quality design. He said open space and recreational needs are required by LCDC Goals and City Ordinances and they are required to meet these needs. He said they agree with staff that 121 dwelling units is okay as long as there is no commercial, and that higher density will require additional amenities. He said services must be addressed, that there is a water pressure problem, a concern over drainage, and that sewer service availability is a problem. He said the developer is taking a chance on the sewer and the Tri-City situation. He submitted letters from DEQ regarding sewer service availability. In summary, he said they feel there is not sufficient record documented to address the Goals, and that the density question is very much open, and that the proposal should be addressed on a case-by-case basis.

Opponent, Gary Newbore, also representing the Homeowner's Association, submitted a letter representing the official position of the Hidden Springs Ranch Neighborhood Association, requesting a density of 124-154 dwelling units, a traffic plan that funnels traffic to Rosemont, and a public hearing procedure for design of housing units. He said they were not anti-development, but feel property owners should be able to expect the same quality of housing throughout the subdivision. He said realtors had told many property owners this land would be kept R-10 zoning, which is what the City Comp Plan and Zoning Ordinance require. He said there has been no demonstration of need by Edwards, which is necessary, and also the developer must show that his proposal will not adversely affect the quality of life in the neighborhood. He said Edwards' sales people have made statements about parks, bike trails, roads, etc. that are not true and property owners feel they have been misled. He said they feel that phase 8 should stand alone, on its own merits. He said population studies show there are enough vacant lots to meet the needs to the year 2000. He said they feel there should be no bonus because there are no amenities. He said they have done traffic counts and over 70% of the traffic goes to Portland Avenue, and that traffic would double with the additional units as proposed by Edwards. He said the two main roads, Hidden Springs Road and Pimlico are undersized. He said sanitary and storm sewers are a problem and that this development would only add to the problem. Regarding schools, he said the added load to the school system will not be too great and they do not have a problem with this aspect, but

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questioned where the school site is that was originally proposed by Edwards. He said water pressure is low in the area and more housing would only make it worse, and would also create a fire hazard. He said Edwards originally proposed parks, playgrounds, open spaces, natural areas, bike paths and equestrian trails, but these amenities are not as proposed and they feel that Edwards has not fulfilled their promises, that these recreational areas should be required in this last phase. He said they feel crime will increase if apartments are added to the area. He said they would be putting the most dense use next to the least dense use, agricultural areas on top of the hill, and that this is not good planning. Also, he said they would like to have a public hearing process for the design plan of the housing units. He said they recommend denial of the application.

Opponent, Dick Borst, 2155 Bridle Way, spoke regarding the water and fire problem, and said the adequacy of each should be considered with each phase approval. He said a study by Murray and Smith indicates that pumps are unreliable, and he feels the request should wait until the study is completed and a new reservoir is completed. He said there will be an increased fire threat with the water problem, close housing and a windy area, and that the Myer Study showed that a fire station was needed in the area. He said public safety should be of paramount interest to the Planning Commission in their considerations.

Opponent, Don Schwindt, 6251 Tack Court, spoke regarding the traffic problem. He said they did traffic counts which directly contradict Edwards' projections. He feels this means a tremendous portion of traffic will flow through this development. He further cited figures from the traffic counts which would contribute to additional safety problems. He said he feels the roads will not accommodate this type of traffic load.

Mike Glanville, 6211 Tack Court, said he was told by the realtor there would be a buffer between his house and the homes behind him. Also, he said there were no play or open areas, and that he has a drainage problem and he feels there will be more problems if the proposal is allowed.

Steve Cook, 2156 Bridle Way, corrected a statement on the water study regarding the pump system, and asked that the Planning Commission listen to the people who live in the area.

Doris Haney, 2513 Pimlico Drive, said the real estate agent told her there would be parks, bike trails, etc. and that this is not so. She said she feels Edwards has broken his promises and is not entitled to any bonuses, that he has "pulled the wool over their eyes" one too many times.

Charlie Kuchs, 2267 Appaloosa Way, said they were assured by real estate salesperson that new building in the area would be consistent with what was there. He said that when schools and fire department did not want the amenities, as presented by Edwards, it always turned out to be a gain for Edwards.

Connie Leben, 2313 Appaloosa Way, said she is concerned about the cars going down the street, that the road seems very steep and narrow, and parked cars, boats, etc. make more of a problem. She said also they were told by the real estate not to worry about any apartments going in on the hilltop.

Bonnie House, 19499 Wilderness Drive, said she is worried about the traffic increase on Hidden Springs Road, and she asked that the Planning Commission listen to the residents who live there. She said they have enough traffic now.

Tom Burnett, 2950 Ascot Circle, said he was concerned about the traffic problem and the hazardous road conditions in the winter, and the cars parked along the roadside.

Steve Schaffer, 2249 Appaloosa Court, said he feels Edwards has made money off him and all the others, and that this proposal will make larger problems for others.

PROPOSED FINDINGS OF FACT
SUPPORTING DENIAL OF TENTATIVE PLAN,
FINAL DEVELOPMENT PLAN AND ZONE CHANGE
FOR HIDDEN SPRINGS RANCH No. 8

1. The City's conceptual approval of the preliminary development plan of the Hidden Springs Ranch planned unit development in 1973 did not constitute a final determination as to density for all succeeding phases. This approval was conceptual in nature only and did not result in the vesting of any development rights in Edwards Industries. It merely allowed Edwards to proceed to the next step of the development process, namely the preparation and submission of a tentative plan for each succeeding phase. Only after a tentative plan for a phase was approved by the City would vested rights accrue as to density and other applicable development rights. The rejection of Edwards tentative plan of Hidden Springs Ranch No. 8 by this action prevents vesting of these development rights.

2. Even if the Municipal Code was not so explicit in stating that conceptual approval of a preliminary development plan of a planned unit development results in no vesting of development including density, the many changes that have occurred in development patterns and densities, and the marked reduction in special design features and amenities through Phases 1 through 7 has resulted in a significant variation between the developed planned unit development and the design contemplated in the preliminary development plan. These variations would also justify a finding of no vesting of Edwards development rights including development rights relating to density. These variations include a reduction in acreage of special design features and amenities from 80.9 acres in the preliminary development plan to 43.09 acres developed as special design features and amenities. Thus, independent of the proviso in the Zoning Ordinance regarding conceptual approval, the substantial variations from the preliminary development plan brought about at the request of the developer, nullify any theory of vesting emanating from the conceptual approval of the preliminary development plan. This is particularly true in view of the fact that special design features and amenities are directly related to the allowance of higher density developments.

3. The proposed commercial area of 4.7 acres exceeds by 2.7 acres the allowable maximum acreage for a convenient commercial site as required by the West Linn Comprehensive Plan. There is no evidence of record of public need or other justification for the increased commercial acreage.

4. Statewide Land Use Planning Goals 3, 4 and 14 require a transitional or buffer area between active agricultural uses and high density development. High density portions of the proposed developmental phase directly abut active agricultural and farming uses without the provision of a suitable transitional or buffering area.

5. The allowable number of dwelling units permitted in a planned unit development in West Linn is determined by dividing the net land area by the density factor of the appropriate zone. The R-10 zone allows 4.35 dwelling units per net acre. There are 36 gross acres in the project of which the commercial site of 4.78 acres, and the streets constituting 20% of the gross area must be deducted. This leaves a net land area of 24 acres. The total number of dwelling units permitted outright is 104.4 dwelling units. The proposed density of Phase 8 is almost three times the allowable density. The land use and design of Phase 8 do not include identifiable amenities and do not provide exceptional advantages in living conditions and amenities not found in similar developments constructed as conventional subdivisions. Therefore, a density bonus is not warranted.

6. Backup water facilities for the area are not sufficient for existent development, let alone the development proposed in the subject phase. The water supply system in the area is dependent upon a complex series of inter-locking pumping systems which in the event of power outage could seriously impair the ability of the City to provide water for adequate fire protection and domestic use.

7. The proposed phase would be principally served by Pimlico and Hidden Springs Roads. Pimlico has slopes of 15% while Hidden Springs Road has slopes of 18%. During times of inclement weather the subject site is extremely hard to reach. It is not uncommon for one or more days a year to have both streets closed because of icy and inclement conditions. Additionally, even during inclement weather the development of this phase combined with the development of the already existing Phase 2 subdivision will result in vehicle trips in excess of the design capacity of both roadways.

8. The eight dwelling unit per acre development standards for LCDC Goal 10 is not applicable to this subject site because of the public health and safety deficiencies outlined above.

Terry Weidman, 6325 Shetland Place, said his house was sold to him as being in an R-10 area, and he was told not to worry about the sign that said apartment sites. He is concerned about traffic problems, hazardous winter traffic problems. He said he does not think residents are anti-development, but feels they can work out alternatives to the problems. He is asking for a reasonable compromise.

Fred Haney, 2513 Pimlico Drive, said he feels the million dollars gained by Edwards by decreasing density will be offset by the decrease in property values by the present property owners.

There was a brief question and answer period. Some of the questions asked from the audience were, 1. Are the developer's plans concrete or can there be discussion? 2. Why are the developers requesting a variance if there are so many unbuilt sites at this time? 3. What is the value of this land? Mr. Ball answered these questions and said the developer cannot afford to reduce the density.

G. Madson suggested continuing the hearing to the next regular Planning Commission meeting, and requested a detailed accounting of the various amenities, open space areas, school and fire station sites that were proposed in the preliminary plan as compared to what was constructed.

Public Agency Representative: Russ Castleman, West Linn Fire Chief, said that there is a statement in the developer's application about a fire station in Rosemont, and he said he does not have a fire station there, and that there is little or no fire protection in that area. He said he does need a fire station in that area as pointed out by the Myer Study. He said he would like a station site near Rosemont Road. He explained the class rating system for fire protection and said the City is Class 4 with a volunteer fire department, on a scale of 1 to 10, with 10 being no fire protection. He said because of the topography of the City, he needs a station on top of the hill, and that he needs a two-acre site.

G. Madson asked about the water pressure and asked if they could have information from the Fire Department regarding the fire flow in the area and what demands would be put on the fire equipment by the proposals before any more housing is allowed.

G. Madson moved to continue the public hearing to the next regularly scheduled Planning Commission meeting. R. Olson seconded the motion. The motion passed unanimously.

The meeting was adjourned at 11:15 p.m.


Karen Jolly, Secretary

June 21, 1982

Chairman Junk opened the regular meeting at 7:30 p.m. Members present were G. Madson, D. Wustrack, R. Olson, D. Furgeson. Absent was L. Lindas. City Planner, D. Richey and Secretary, K. Jolly were present. Also, City Attorney, J. Hammond was present.

1. May 20, 1982 Planning Commission Minutes

R. Olson moved to approve the minutes of the May 20, 1982 Planning Commission meeting. D. Wustrack seconded the motion. The motion passed unanimously.

2. Edwards Industries, Inc. - Rezone and PUD Subdivision Request - Hidden Springs Ranch No. 8 - Continued

Chairman Junk reopened the public hearing and asked that public testimony be kept unrepetitious.

Opponent, Tim Ramis, Attorney representing the Homeowners Association, handed out a new document to the Planning Commission that they had assembled in response to the applicant's testimony and the document the applicant handed out at the June 14 worksession. He did not give any further testimony at this time but said they would respond later.

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Opponent, Gary Newbore, 2421 Pimlico, said that the opponents do not intend to parade a lot of people tonight, but would like to summarize where they are. He gave the Planning Commission pictures of the parking and traffic situation and the vacant property of the proposal being used as farm land. He said they have also done traffic counts, as Edwards and the City did. He said they feel Phase 8 will generate many more cars down Pimlico and Hidden Springs Road, and that these roads will be overloaded with what would be allowed under present zoning, plus there will be more traffic from the new subdivision of Herb Koss (Sunburst II) which has been approved but not built. Also he mentioned open space which he feels Edwards is short on in Hidden Springs. He said preliminary approval was on the master plan submitted in 1973, not final. He said Phases 1 thru 7 had been submitted for approval and they had made modifications and changes to their plans. He said they feel the procedures for a zone change have not been met, and that the Hidden Springs Ranch No. 8 plan is preliminary and can be modified to suit anyone's need. He said Edwards has changed the plans due to market conditions. He said their application does not show need, and he feels there is no need, due to present conditions. He said there are no neighborhood parks as originally proposed, only open spaces with 60 - 70% slopes. He feels they need about 37 acres of park with what is proposed here. Also, he said he is concerned when the Fire Chief says he needs a station in this area. He said he feels the water problem can be fixed, but that it will cost money. He said they think the streets won't carry the traffic, and that the credibility of Edwards is an issue here. He summarized by saying that they need more of a buffer strip than 60 feet along the single family houses or condos; they do not want to see more traffic on the streets; they would like a 6-10 acre park in the area; and since R-10 zoning is in effect, they feel 154 units only should be allowed.

Opponent, Tim Ramis, Attorney for the Homeowners, addressed the document he handed out earlier. He said they were concerned about two general areas, and the key legal question is what does the Planning Development Ordinance mean and does it give a final approval as far as density at the time of the preliminary plan approval. He said he agrees with the City Attorney that the Ordinance is in two steps and the first step is preliminary plan approval, which is conceptual in nature, that it is an agreement in principle but not a final determination of density. He said he feels the code says the final decision comes at the time the zone change is granted, which is at the time the City Council approves the final development plan and program. He said the various cases cited by the applicants are not good precedent because the subdivision is not a zone change and has different characteristics. He said they feel the applicants do not have a clear and specific approval from 1973, that they came in with a preliminary plan with three different density proposals, one as low as 836 total units. He feels it is difficult for the applicants to claim specific approval of any particular number of units since the findings and order do not conclude anything particular on the number of units to be allowed. He said the applicants are using different issues to their advantage and not using others when they are not to their advantage. He cited an approval of a large development in Lake Oswego wherein a partial final approval was given with the preliminary approval for crucial issues such as density and open space, but that this was not the case here, and the 1973 decision was open-ended - nothing specific on density. He said the second area is the LCDC Goal requirements relating to services, open space, transportation and recreation, that these apply and need to be addressed. He said to clear a misunderstanding, that they do not feel land within the Urban Growth Boundary should be preserved for agricultural land, but that the land outside the UGB should be, and that some of the Goal questions go beyond simply, where is the UGB line. He said consideration should be given to uses near the boundary line, to transition and to conversion, Goals 3 and 14. He mentioned that the Commission may be receiving a letter from the Homebuilders regarding this proposal and the City's Comp Plan approval being dependent upon approval of this subdivision. He asked that the Planning Commission not be intimidated by this. Regarding public need, he said they feel the need for now, 1982, is what should be considered and that there is no evidence that there is a need presently. He said they feel the services should be assigned to presently existing areas in the City before land is converted, and that the services should be available. He said the fire concern is related to water, and that during inclement weather, the Fire Department cannot get to some areas on top of the hill. Regarding traffic, he said they feel there is a necessity to look a little more carefully at the design of the street pattern. In making a decision, has asked that the Planning Commission look at three areas; one, the meaning of the 1973 decision and the code regarding density; two, that the facts be clear on traffic capacity and fire problems, especially where public safety is concerned and that any errors made should be on the side of safety; and three, that the design process be a little more refined. He asked the Planning Commission to consider if this density is appropriate and will the code allow it, and asked that they read the document that he presented to them earlier.

Opponent, Jay Wann, 2175 Hidden Springs Court, spoke about public safety and crime prevention. He gave an example in Lake Oswego where he works as a policeman, where a large crime area is in a single family area next to apartments. He said he feels that a strong sense of community identity helps solve crime, and that is not usually found in higher density areas, as in apartments.

There were no further opponents.

Proponent Rebuttal, Robert Ball, Attorney for Edwards Industries, briefly discussed the supplemental data submitted at the Planning Commission worksession. Also, he mentioned the letter from the Homebuilders which he said they saw for the first time tonite. He said they felt it was inappropriate for Mr. Ramis to indicate they had asked for the letter. He said they did not request this letter and that there had been no bargaining between them, but he felt the Homebuilders viewpoints were due the same respect and consideration all the others have had here. He said they had not seen the homeowner's response submitted tonite, so it is difficult for them to respond in detail to this, but he said they would respond to as much as possible. Regarding the LCDC Goals and the 1973 plan, he said they believe they have responded to the Goals. He said regarding Goal 14, which the opponents say they have not responded to, that they feel all the Hidden Springs Ranch land is already urban due to the establishment of the Urban Growth Boundary, that this UGB was determined at that time, and has been acknowledged by LCDC. He said they feel this issue has been decided and does not need to be reconsidered now, that this is not the legal obligation of Edwards. Regarding the PUD ordinance, he said a planned unit development will always result in greater densities in some areas of the development than other areas. He said they are seeking the natural consequence of adhering to a planned development. He said if you expect that people will develop in accordance with planned development procedures, you have to expect they will rely on approvals given in order to achieve a PUD. He said they feel the PD project is an integrated project, and that the Hidden Springs Ranch approval in 1973 was intended for all phases, not one phase in isolation. He said the PD ordinance allowed the City one opportunity to look at the overall integrated development, at amenities, and density in 1973. He said due to the size of the development, they needed flexibility, that it could not all be developed at one time, that it would be economically impractical. He said the ordinance deals with this aspect, that final development plans can be submitted later and that extensions of time can be granted. He said they have consistently come back to the City for these time extensions and have received approval as the ordinance contemplates. He said they feel the 1973 approval was approval in principle of the entire project, #8 as much as #3 or #1. He said there have been modifications due to market conditions and City requests, but that there has never been a modification of the densities or land uses in #8. He said they feel the City cannot legally change the density approved in 1973, that if there were objections to the land uses and densities, the time for this was in 1973. He said they have relied on that approval for 9 years and the City has consistently relied upon that document as binding the City until #8 was submitted. He said the density approved in 1973 was 1045 dwelling units, even though 979 was what was anticipated. He said #8 will be 122 dwelling units less than approved, that there were 370 dwelling units approved in 1973. He said there has never been a postponement of dwelling units in Hidden Springs Ranch. He said the overall density is within the density of R-10 zoning. Regarding the school site in Phase 4, he said it (Phase 4) was approved in 1974 without the school site, that there is a letter from the School District withdrawing their request for the site, that they are not interested in the site. He feels this is not an issue in #8. He said the open space is nearly 32% more than was contemplated in 1973. Regarding the LCDC Density Rule, he asked if it is not applied here, where will it be applied? and, should it be applied where it has been planned for? He said he has been planned for here since 1973.

Brief discussion followed and questions were asked of Mr. Ball.

Gordon Davis, of Wilsey & Ham, representing Edwards Industries, pointed out the original 1973 plan map on the wall as approved in 1973, and an enlarged version of Phase 8 as taken from the 1973 map. He said there were three land uses visualized in 1973, attached housing, garden apartments, and neighborhood commercial, which equalled a density of 370 units, or 10.08 units per acre, compared to 314 units proposed now, or 8.55 units per acre. He said the entire plan averages out to a density of 3.47 dwelling units per acre while there were 3.65 dwelling units per acre contemplated and approved, they are below R-10 zoning for the entire project.

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Regarding services, he said the water system, pumps and tanks were built by the City, and although they have a concern as a citizen, it is a City problem. He said the problem is with the pumps and that it can be solved simply with adjustment of the pumps and will not cost a great deal of money. Regarding sewers, he said assurance has been given that money has been approved for the new Tri-City regional treatment plant. Regarding the fire station, he said the City facilities would be adequate if the pumping system is maintained, that it is well within the required fire flows. He said a fire station site was included in the 1973 plan, but the City said they did not need it. He said if they need it now, they will plan for it and accommodate it. He said they would like the City to make a decision on what is needs. Regarding the traffic situation, he said events planned for the circulation plan in 1973 have not occurred, there have been many changes and urbanization has not occurred, therefore some of their assumptions were wrong. Mr. Davis discussed at length the traffic and street situation. He said they could possibly reduce the speed problem on Pimlico by putting up three stop signs, one at the intersection of Appaloosa and Palomino; one at the intersection of Pimlico and Palomino; and one again at the intersection of Pimlico and Palomino. He said they felt this would help regardless of the number of cars. Regarding parks and open space, there were three park areas originally proposed, but the City has requested that two of them not be developed. He said Edwards has committed \$8,000 to the City for park improvements when the City is ready to develop it. After Phase 4, he said the City said they did not want any equestrian trails, or any more open space areas to be dedicated.

Mr. Ball addressed the Appendix A of the May 6, 1982 Staff Report, and said that they do not agree that it is the complete history, that it is extremely abbreviated. He said the files and records are incomplete as to what actually happened. He said the records omit an annexation agreement between the City and Edwards. He said the City Council did approve the preliminary development plan even though it was not required at that time, that Edwards asked that this be done.

Jack Hammond talked about the various cases cited during the hearing and said he felt there have not been any that would apply in a similar situation. He said there has been much information given here, all of it relevant, and that there is a lot at stake on both sides, and that much thought should be given to it. He briefly explained the hearing process for the new members of the Planning Commission.

R. Olson asked about the letter from the Fire Chief they had received tonite. Carey Moore, Deputy Fire Chief, talked in place of the Fire Chief. He summarized the letter. He said fire flows had been taken as requested, and that they were adequate at present. Regarding the station site, he said they cannot find any documentation that the City did not want the site. He said the intersection of Horton Road and Santa Anita would be the most acceptable site and that they do need a site in this area.

G. Madson suggested that they should not close the public hearing due to having so much information to digest yet. Several other members agreed with this.

J. Hammond answered a question, recommending that the Commission could ask questions of either opponents or proponents, and that they (opponents and proponents) should be able to have time to speak to the answers given by the other side.

G. Madson moved to continue the public hearing on Hidden Springs Ranch No. 8 until the next regularly scheduled Planning Commission meeting in July. D. Furgeson seconded the motion. The motion passed. The vote was: AYE: Olson, Furgeson, Madson
NAY: Wustrack

The meeting was adjourned at 10:10 p.m.



Karen Jolly, Secretary

July 19, 1982

Chairman Junk opened the regular meeting at 7:30 p.m. Members present were G. Madson, L. Lindas, D. Furgeson. Absent were D. Wustrack and R. Olson. City Planner, D. Richey, Fire Chief, R. Castleman, and Secretary, K. Jolly were present. Also, City Attorney, J. Hammond was present.

1. Minutes of June 21, 1982 Planning Commission Meeting

G. Madson moved to approve the minutes of the June 21, 1982 Planning Commission meeting. D. Furgeson seconded the motion. The motion passed unanimously.

2. Zoning Ordinance No. 845 and Subdivision Ordinance No. 893 Amendment to Allow Commonwall Dwelling Units - Public Hearing

D. Richey gave the staff report and said this would allow a duplex which is properly positioned on a lot to be split between the two units and would allow separate ownership of each unit and the land beneath it. This amendment is to apply to the R-5 Duplex Residential zone and the A-2 Apartment Residential zone. He said the concept has already been approved by the Planning Commission in the Draft Land Development Ordinance, which has been tabled by the City Council.

There were no opponents nor proponents.

Brief discussion followed. Mr. Richey said this Ordinance amendment would work best when applied to new development which had been planned for attached housing, that it probably would not work for older townhouse or apartment type structures.

G. Madson moved to close the public hearing. L. Lindas seconded the motion. The motion passed unanimously and the public hearing was closed.

L. Lindas moved to adopt the amendment to Zoning Ordinance No. 845 and Subdivision Ordinance No. 893 allowing commonwall units in the R-5 Duplex Residential zone and the A-2 Apartment Residential zone as presented in this format because this has been discussed during the time they processed the Land Development Ordinance and it seems appropriate to amend this since it has been held up in Council. The motion was seconded by G. Madson. The motion passed unanimously.

3. Edwards Industries, Inc. - Rezone and PUD Subdivision Request - Hidden Springs Ranch No. 8 - Continued

Chairman Junk reopened the public hearing, and members of the Planning Commission addressed proponents and opponents in a question and answer format.

Mr. Madson asked Gordon Davis, of Wilsey & Ham, questions about the traffic situation particularly how they had projected the calculations and impact upon Hidden Springs Road and Pimlico Drive. He added that his calculations came up with an additional number of 5,600 trips per day, of which they had previously said 75% would use Hidden Springs Road and Pimlico Drive, and 25% would use other roads, that this would add 4,200+ trips per day to Hidden Springs Road and Pimlico Drive, and that this would put these two roads beyond the failure stage of acceptability.

Mr. Davis introduced their Traffic Engineer, Gary Katsion, who did the calculation in their report, who explained while using a chart on the wall, that Mr. Madson's calculations are correct, but that a majority of this 75%, particularly in the southern area, will enter Pimlico below Hidden Springs Ranch, that is traffic from Sunburst II, Horton Heights, Shannondale, and Serango I and II. Also included is Robinwood access to Hidden Springs Road, which is also just outside Hidden Springs Ranch. He said there is increased capacity on both streets below Hidden Springs Ranch because there is no parking, no driveways or children, resulting in less interruptions and constraints. Mr. Davis said a free-flowing, two-lane facility has a larger capacity.

Mr. Madson addressed the impact on these intersections with Portland Avenue, and said he felt there was inadequate information in the application text for a conclusion as to whether or not these intersections can accommodate this development.

Mr. Katsion said the State has done studies on the Highway regarding signalization two years ago, that this brought about the signal at Hidden Springs Road and that warrants are there for a signal at Pimlico and Portland Avenue. He said the State would use Metro's figures in their studies.

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Mr. Madson asked Mr. Davis about the designation of this area as low density residential on the Comp Plan.

Mr. Davis said if this property were just simply subdivided rather than developed through a PUD, you would see a total number of units that are equivalent to what they are proposing. He said for total acreage, they are within a few units of R-10 zoning. He said if Metro used the Comp Plan to calculate development, they would come up with the same number. He said an option to the hill problem for West Linn would be to change the Comp Plan to R-20 in this area.

Opponent, Gary Newbore, representing the Homeowner's Association, handed out a copy of their written response to the traffic issue. He explained how he arrived at the figures using existing traffic counts and the new developments including Sunburst II and Robinwood and other subdivisions, and said that Phase 8 would add an additional 440 vehicle trips to each road. He said they feel, in summary, that Pimlico Drive is at design capacity and that Hidden Springs Road is just under design capacity at present.

L. Lindas suggested that Sunburst II traffic would probably go down Marylhurst or Hillcrest Drive, and would not cut back to Hidden Springs Road or Pimlico Drive.

G. Madson asked Russ Castleman, Fire Chief, about the hydrant flow study and if it went beyond the capacity of the pumps to the backup emergency power.

Mr. Castleman said one 20-minute flow should have kicked in the emergency pump, and that they did not see any change in flow after 20 minutes. He said this would be a normal duration of flow. He said that when the flow tests were done, there were not other demands on the system, such as watering. He said the problem with a pumping system will always be power outage possibilities.

Gordon Davis asked Mr. Castleman what happens if water capacity is inadequate for a fire presently, if the fire goes longer than expected for one reason or another.

Mr. Castleman said they would have to go to a tanker operation, which would take 20-30 minutes.

Mr. Davis suggested there is another reservoir planned for the top of the hill in the Sunburst area.

Mr. Castleman said this will alleviate a lot of their problems with the pump system.

There were no further questions of the applicants or opponents.

G. Madson moved to close the public hearing. D. Furgeson seconded the motion. The motion passed unanimously and the public hearing was closed.

G. Madson suggested that the central point is whether or not the City and the developer are locked into approval of the density of Hidden Springs Ranch No. 8 based on the preliminary approval granted in 1973. He said he feels the Zoning Ordinance says clearly that the City Council must adopt the final development plan, that this was an option the developer did not take. He feels the higher density must hinge on amenities, a case of trade-offs, and these have been changed, both by agreement between the City and the developer. He feels that if the amenities are changed, you are talking about a change in densities.

L. Lindas said that she listened to the tape of the last meeting. She said she has observed the Hidden Springs Ranch development from the beginning, and feels some things have changed that have influence, that there was no Urban Growth Boundary, Rosemont Road was to be a four-lane arterial and a part of West Linn, with the City Center in the Rosemont area. She said this was the first time West Linn looked at a plan of this size. She feels the needs changed for the amenities over the years, the market, LCDC entered, and the City changed. She said this should still be considered a PD, but the density should not be beyond R-10, that there should be no bonus for things that are not there. She feels there could be 227 units built without a bonus, she feels they need the buffers, they need the fire station site, and that the commercial is too large.

D. Furgeson said she agrees that the preliminary versus final approval is the issue and that the developer took a chance on this. She agrees that having the overall plan is a good idea, but that it was open to change which benefits both sides. She feels the buffer needs to be considered since it is an agricultural area, that they need to see more detailed plans. She said density needs to be considered first, before the buffer and other questions. She said she agrees with the other Commissioners.

L. Lindas asked Jack Hammond about a motion, can they propose other density than what was submitted. Mr. Hammond said they are approving or disapproving the application. Mrs. Lindas mentioned she felt a need to come up with a density figure in between.

G. Madson agreed, and suggested an off-setting density after review of the amenities, but he feels that either the preliminary approval is binding for overall density or it is not. He feels that if the preliminary approval is not binding in entirety, that the Comp Plan designation or Zoning Ordinance should apply, which would allow 154 units if the amenities are there. He said he cannot apply the amenities as constructed, in a fair manner, to arrive at the proposal as an appropriate density. Regarding the housing density rule, he said possibly if the Comp Plan should be changed, the applicant should get involved in this. He feels there is a need for a fire station site here. He suggested the applicants should work with the Planning Director on these areas - the need for the fire station site, more open space, and he suggested the applicants participate with the Comp Plan redesign. He said he cannot perceive of a fairer formula for granting more density.

Chairman Junk added that regardless of the outcome of the decision, he complemented the proponents and opponents on their presentations and said that the Commission has put much thought into the decision making.

Jack Hammond suggested that the decision needs findings of fact, and that he could add a legal finding of facts to support the decision which could be brought before the Commission for review at their next meeting.

D. Furgeson said she feels this could be a two-part motion, that they could consider the land use and density and defer to later the specific details. She said it was very hard to make a blanket decision on all this.

G. Madson asked if a motion must specifically address each of the LCDC Goals since they have been raised by one side or the other.

Jack Hammond said yes, all Goals that are applicable should be addressed, that if the Planning Commission is in an approval mode, it would be very important to cover all applicable aspects and Goals, whereas if they were in a denial mode, it would not be critically important to cover them all, but that certain, more important Goals, should be included. He said there were a lot of issues and they should be addressed as best as they can to support the motion.

G. Madson moved that this application be denied based on several things, most predominantly is the issue of whether preliminary approval constitutes final approval regarding density, he said he believes that is not supported by the Zoning Ordinance, additionally, he feels that no testimony has been presented regarding the need for the appropriate size of the commercial development in the area, at this point Mr. Madson withdrew his motion and started over. He said he had a problem with the draft of findings prepared by the staff, that he feels it is the job of the Planning Commission to determine findings, but that there are a lot of legal and technical areas that he is not qualified to properly spell out.

Chairman Junk suggested that legal counsel could address the appropriate legal wording of the motion if Mr. Madson wanted to continue the motion in his own words.

Mr. Madson continued his motion by saying that he feels the applicant has not been able to support his contention that preliminary approval in 1973 locked in the density, and he has further supported that by evidence that many things about this development have changed since the preliminary approval, and further that amenities and high density are interlocked, they directly offset each other and that any changes in the amenities that the applicant has made, therefore, are bound to change

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the overall density for this development, and therefore, it really does come down to, when we get to the last phase, a balancing of the books, and he finds no way to escape that conclusion. Regarding the commercial portion of this proposal, there has been no testimony from either side about the commercial portion and lacking any of that information, he believes the appropriate commercial development that could occur there would be what is allowed in the Comp Plan. As far as the Goal issues, he said he would agree with the applicant that arguing over whether or not land should become urban, that argument properly should take place during the processes leading to the development of the Urban Growth Boundary and once that Boundary is established, then whether or not property within that development becomes urban has been decided. He feels the thing that has not been decided at that point is when that land becomes developed as urban and under what specific design details, and he finds also that the opponents contention that there must be buffering between the agricultural lands and the urban uses is a valid one that must be addressed whenever this area is proposed again for development. He said the issue of availability of services or adequacy of services is a knotty one and he has plowed a lot of ground trying to find some compromise solution, but he does not see one based on adequacy of services, but he thinks there has been ample indication that a fire station is needed on the hill. He said the amount of traffic generated by future developments in that area is going to be an extremely difficult issue and the information presented on traffic is gray enough to lead to conclusions in either direction, one, that the traffic system is adequate for much higher density, and the other, that it is not, so he would choose to sidestep a determination on the traffic. As far as the water, in terms of fire protection, he thinks there has been ample evidence generated to show future development in that area beyond what is already proposed may well hinge on either more back up pump capacity or the construction of an elevated reservoir as has been proposed in Sunburst II. He said there were so many issues to address, but feels these are the key issues that point to non-transferrable density and that this development must stand by itself in terms of density and land use. He included in his motion that the preliminary findings be refined by legal counsel and planning staff for a review and final approval at the next regularly scheduled meeting in August. He added to his motion regarding LCDC Goal 10, that while recognizing that this property could be classified vacant and buildable, as that expression applies to the housing density rule, but, he specifically feels that has to be addressed in a comprehensive, overall way and not piece-meal, and although this land is vacant and buildable, this is not necessarily the best place to put high density as opposed to its existing Comp Plan designation of low density residential.

Jack Hammond reiterated the main findings of Mr. Madson's motion.

L. Lindas seconded the motion and said she did not agree with it totally, but because of the overall concept about density being too intense and the amenities missing, she would support the motion.

The motion passed unanimously.

There was no further business, and the meeting was adjourned at 9:10 p.m.


 Karen Jolly, Secretary

August 16, 1982

Chairman Junk opened the regular meeting at 7:30 p.m. Members present were G. Madson, D. Wustrack, D. Furgeson, L. Lindas, R. Olson, L. Kellerman and M. Gosling. City Planner, D. Richey and Secretary, K. Jolly were present. Also City Attorney, J. Hammond was present.

1. Minutes of July 19, 1982 Planning Commission Meeting

G. Madson asked that the minutes be corrected, that the word "naughty" in his motion should be "knotty". D. Furgeson moved to approve the minutes as corrected. G. Madson seconded the motion. The motion passed unanimously.

D. Richey asked the Planning Commission to consider an item on the September agenda for the rezone of a property on Garden Street. The applicant is Phyllis DeJardin. He said there are only two properties in this area that are zoned residential in a commercially zoned area, one is the applicant's property. Dave asked that the Planning Commission consider advertising the rezoning of both properties to Central Commercial.

R. Olson moved to advertise both properties, Tax Lots 1100 and 1200, 22E-30CA, for a rezone from residential to central commercial, which would conform to the surrounding zoning. D. Wustrack seconded the motion. The motion passed unanimously.

2. Edwards Industries, Inc. - Rezone and PUD Subdivision Request - Hidden Springs Ranch No. 8 - Continued

J. Hammond said this was not a continuation of the public hearing, that the public hearing was closed. He read the proposed findings of fact he prepared in support of the denial motion.

G. Madson asked for a ten minute recess to study the findings of fact. Chairman Junk called a ten minute recess.

After the recess, J. Hammond talked about the concerns discussed with him by Mr. Ball, attorney for the applicant, during the recess. The applicant asked that a statement be added to finding no. 1 which would say, "Implicit in this finding is that no density transfer is authorized from any other phase, as each phase must be determined independently to apply with applicable density standards."

D. Wustrack questioned the ability of the applicants to add to the findings. J. Hammond mentioned that he said at the last meeting that he would consider their comments in his draft, and since he did not get the findings mailed until last Friday, the applicants and the opponents did not have time to respond. L. Lindas said this proposed statement was not in the motion and that it should not be considered. D. Wustrack said that the motion says just the opposite. (At this point, D. Wustrack said she had listened to the tape of the last meeting.) G. Madson said he would agree with Diane, that there can be transferability, but that it has to be spelled out in terms of the total development. He said he feels there is no way to separate the overall density from the off-setting amenities, so if the amenities are changed, it will have an effect on the density. He said if the project is to be considered as a whole, there must be a balancing of the books. He said he would have liked to find a method of arriving at a compromising density, but because of the procedures and ordinances they have to operate on, he cannot find a way of reaching that compromise density.

J. Hammond mentioned another item the applicants asked about, regarding finding no. 4, that the buffer area be required outside the application area. G. Madson said that buffering has to be considered, and he feels that they cannot impose on property outside the application some change in order to support the application, so the buffering would have to occur on this property. D. Wustrack mentioned that buffering was brought up several times, and because there were no specific design details, they were instructed that this was not the proper time to consider it.

J. Hammond asked about the allowable 104.4 dwelling unit figure, if Gary's motion referred to a specific number. G. Madson said his motion did not state a specific number because it depends on the size of the commercial area as to what the final calculation will be. J. Hammond also asked about finding no. 7, about the road system being inadequate during certain times of the year. He suggested that this finding be deleted. G. Madson concurred.

Chairman Junk suggested going through the findings and make changes that are appropriate to the motion.

Finding No. 1 - G. Madson said he had no problem with this finding as written, without the addition as requested by the applicant. The rest of the Planning Commission concurred.

Finding No. 2 - G. Madson questioned the 43.9 acre open space figure. J. Hammond said he got this figure from the staff report. D. Richey said this figure was correct. D. Wustrack asked that this finding be more specific regarding the changes that have occurred, that they actually list things such as the Urban Growth Boundary was not existing, the school, park and fire station sites have not materialized. She said she would be more comfortable if it were more specific. She said the last sentence

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of the finding could be even stronger, as to how the design features and amenities are directly related to the allowance of higher density developments. G. Madson agreed about being more specific and added that the substantial variations from the preliminary development plan have been brought about by the City and the developer, not just the developer as stated in the finding.

J. Hammond suggested adding to the finding as follows:

Line 10, after ...preliminary development plan. add: "The changes include adoption of the West Linn Comprehensive Plan and the Urban Growth Boundary."

Line 16, after ...design features and amenities. add: "The lost amenities include a fire station site, a school site and open space and reduced swim and tennis center."

Line 19, after ...plan brought about, add: "at the various approval processes," and take out: the request of the developer.

Finding No. 2 was approved by consensus of the Planning Commission.

Finding No. 3 - G. Madson said this finding was okay. The rest of the Planning Commission concurred.

Finding No. 4 - G. Madson said regarding the Goal issues, that he would accept the applicant's contention that establishment of the Urban Growth Boundary determines whether or not property inside the Urban Growth Boundary will become urban, it does not determine when that will occur. He said the establishment of the Urban Growth Boundary nullifies the argument about whether or not a specific piece of land should become urban in its use. What has not been established is when that change should occur. D. Richey suggested adding to the finding that, "The establishment of an adopted Urban Growth Boundary also establishes that the subject land will become urban, but does not determine when." G. Madson said this was agreeable with him. The rest of the Planning Commission concurred.

Finding No. 5 - G. Madson questioned the calculation, should it be based on the amount of commercial being applied for, or the Comp Plan designation for that area. This would change the density calculation for the R-10 zone. D. Richey figured the calculation using 26.8 net acres (which included deduction of 2 acres for commercial and 20% of the parcel for streets) times 4.35 dwelling units per acre, and arrived at a figure of 116.58 dwelling units. The Planning Commission concurred on Finding No. 5 with the new calculation.

Finding No. 6 - J. Hammond said the emphasis is on the word "back-up". D. Furgeson suggested adding a sentence about the fire station site. G. Madson said his motion included the statement that he felt there was adequate indication that a fire station would be needed on the hill, based on response time, possibility of closed streets with inclement weather. Whether or not you get into the water issue, he added, it does not do any good to have 200 firemen there in three minutes if there is no water. He said the need for the fire station is really tied not with anything to do with the available water.

J. Hammond suggested rewording Finding No. 6 to say, "Without adequate back-up emergency water facilities or the construction of an elevated water reservoir and because of the isolation of the site by steep connecting roadways, the site lacks adequate fire protection." D. Furgeson said it was her understanding that both the fire station and an adequate water supply were necessary to have adequacy of services. G. Madson said this was his intent. He said he would like to be more specific in terms of a fire station site being needed on the hill. D. Richey said he felt that when the Planning Commission addressed this part, they indicated that all services needed to be addressed, that they were not itemized. D. Wustrack said she felt that testimony was not overwhelmingly convincing to establish which way to go regarding the streets. G. Madson said he was convinced there was a need for the fire station on the hill. J. Hammond said the fire station need relates both to water and accessibility.

G. Madson said Finding No. 6 was okay as written, with emphasis on the term "back-up". The rest of the Planning Commission concurred.

Finding No. 7 - G. Madson said he would keep the parts about slopes, inclement weather and street closures, but he has difficulty with the last sentence. He did not feel the testimony on this was conclusive. He said the first part lends itself to the fire station issue and the need for a fire station site. J. Hammond suggested adding in place of the last sentence, "This coupled with an inadequate emergency water supply establishes a lack of adequate fire protection. A fire station on the site and an adequate water supply would remove this deficiency." G. Madson suggested adding the word "back-up" before water supply in the last sentence.

D. Wustrack said the motion never mentioned inclement weather, that the motion is weaker because of that. She agreed that the intent was to have a fire station site here, and she supports that.

R. Olson said he felt the fire station was such a significant item, it should be separate, but he said if the fire station is included, it would be adequate.

J. Hammond reread Finding No. 7, adding the following in place of the last sentence, "This coupled with an inadequate emergency water supply establishes a clear lack of adequate fire protection. A fire station site in the vicinity and an adequate back-up emergency water supply would remedy this deficiency." The Planning Commission concurred on Finding No. 7 with the addition of the above two sentences in place of the last sentence.

Finding No. 8 - G. Madson said this does not come close to what he said in the motion. He said that Goal 10 should be considered comprehensively and not piece-meal. He said the City is working on the Comp Plan now and the Planning Commission would defeat that process by making a determination on this specific property of something higher in density to address the Goal 10 issue. He also said that at the same time, Goal 10 is applicable, but should be addressed comprehensively along with all the other areas.

J. Hammond said he could add to the finding that, "The density standard must be applied in a comprehensive manner to all potentially buildable land dependent upon the availability of public services. Even with adequate public facilities, the proposed density exceeds the overall density standard established by the Goal 10 rule."

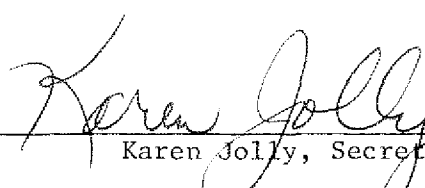
G. Madson said this was okay, but not the last sentence, so add to the finding Jack's first sentence. The Planning Commission members concurred.

G. Madson moved to approve the proposed findings of fact as modified, supporting denial of the tentative development plan and zone change for Hidden Springs Ranch No. 8. D. Wustrack seconded the motion. The motion passed unanimously.

Miscellaneous. D. Richey mentioned a future workshop with Bill Kutz, and asked the Planning Commission about a date for this in September. Chairman Junk suggested the third week in September, one or two nights during that week that meet Bill's schedule.

Chairman Junk thanked Lorene Lindas for her work on the Planning Commission over the past years.

The meeting was adjourned at 9:15 p.m.


Karen Jolly, Secretary

September 20, 1982

Chairman Junk opened the regular meeting at 7:30 p.m. Members present were Gosling, Furgeson, Olson, Kellerman, Wustrack and Madson. D. Richey, Planning Director and K. Jolly, Secretary were present. Also, Deanne Darling, City Attorney representative was present.

1. Minutes of August 16, 1982 Planning Commission Meeting

D. Wustrack moved to approve the minutes of the meeting of August 16, 1982 as written. G. Madson seconded the motion. The motion passed unanimously.

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2. Oak Grove Baptist Church - Conditional Use Request - Tannler Drive

D. Richey gave the staff report. He said the site is near another site selected by a different church, which also received conditional use approval. He said this is the same type of land use as previously approved for the other church. He said the land is currently vacant, so there will be no impacts on adjacent land, and pointed out that the street system provided convenient and adequate access. He recommended approval of this conditional use request in principle because specific site and building drawings have not yet been submitted.

Applicant, L.E. Boydston, pastor of the Oak Grove Baptist Church, stated their proposal to build a church on the property. He said there are no conflicts with the zoning, and construction would not start at least until August, 1983. He said any buildings proposed will first be submitted for City approval, and will conform to the highest and best use of the land. He said he feels this proposed church will benefit West Linn and their church. He said the property will be bought with a loan from the Southern Baptist Commission, which will be repaid later. He said there are two acres being considered for the proposal now, with six acres possible in the future, depending upon growth.

There were no opponents.

L. Kellerman moved to close the public hearing. D. Mustrack seconded the motion. The motion passed unanimously and the public hearing was closed.

L. Kellerman moved to accept the staff recommendation for a limited approval for the church site under the specific conditions that the applicant submit for the Commission's review and approval the required plans for the site, building and other structures that are required and that the conditional approval be for an extended period of 12 months from the date of this approval. R. Olson seconded the motion. The motion passed unanimously.

3. Phyllis DeJardin - Rezone Request - 1595 Garden Street

D. Richey gave the staff report. He said there were two houses currently located in an R-10 single family zone abutting a commercial zone, and the owner of one of these houses is asking to be rezoned to commercial, which would leave only the other house for residential use within the block. He said the impacts of a commercial zone could make it difficult for the one residence. He recommended a conditional use permit as a compromise, and denial of the rezone request for central commercial zoning.

Applicant, Carol DeJardin, 5639 Hood Street, said she was representing her mother, Phyllis DeJardin. She stated their proposal and said it was not their intent to impose their request on the neighbors. She said they have talked to the Hart's and that they have no objections to the rezone. She said the other neighbors did not oppose this zone change. She commented on the staff report and said she feels this is the correct time for the rezone because there is a prospective tenant for the house. She said they do not feel the use would be harmful to the neighbors, and that they would work and communicate with the neighbors as they have done in the past. She said this corner lot was well suited for commercial and that it would blend in with the other commercial activities. She said they feel a conditional use permit is not satisfactory, that it is unfair and denies a change that is recommended by the Comp Plan. She said the use in mind is a cabinet shop which will use the house for display purposes only. She said the parking would be in the driveway. She said the basic structure of the house and the landscaping would stay the same. She said she told the prospective tenant that his signing would have to comply with City ordinances.

Proponent, Joe Hart, 1585 Garden Street, said he was in favor of the zone change for the DeJardin property, but not his own house, and that he does not feel the change in zone will be a threat. He said they have talked with Carol DeJardin and that she has considered the impact that a business next door would have on them. He said there is already a lot of traffic and noise, and this proposed change will not have any worse effect, that it may even be an improvement. He said it was not feasible to provide a buffer because the houses are so close together. He said they are willing to accept the impacts. He said the uses they are opposed to are

video arcade and high-use, high-noise uses, and that Carol has been considerate of uses such as these. He said also that general upkeep would benefit and upgrade the house.

In response to a question about parking, D. Richey said there would be a problem with the parking, that it will be substandard because of space limitations. He said the parking requirements would depend on the type of use. When asked if he saw a problem in doing what the two affected property owners wanted, D. Richey said that based upon the testimony, he did not see one.

D. Richey suggested the Planning Commission condition the rezone as to hours of business and specifically limit the uses to those that do not generate noise. He said the staff feels the substandard parking has to be taken for granted, and that the rezone would be in accordance with the Comp Plan.

There were no opponents.

R. Olson moved to close the public hearing. L. Kellerman seconded the motion. The motion passed unanimously and the public hearing was closed.

Discussion followed. G. Madson suggested that the two properties should be zoned the same. L. Kellerman suggested he is concerned about "rewarding" the owners of Tax Lot 1100, by allowing the rezone, for not maintaining the property as well as it could have been maintained, and this being the reason the neighbors would be in favor of the rezone, that the property would be better cared for than it is presently. D. Wustrack said this will change the basic integrity of the neighborhood, and this makes the decision making tougher, even though no one in the neighborhood is disagreeing.

R. Olson moved that based upon public testimony, the staff report and the alternate recommendations of staff, that the Planning Commission approve the rezone of Tax Lot 1100 to Central Commercial and that the use be limited to those activities which would be compatible to the adjacent residential use and specifically excluding noisy or noxious types of occupancies and that the parking for whatever business be used on that parcel be in conformance with City standards. D. Wustrack seconded the motion. The motion passed. The vote was AYE: Wustrack, Furgeson, Gosling, Kellerman, Olson NAY: Madson

4. Miscellaneous

Time Extension Request for Two Minor Partitions at the Southeast End of Perrin Street

D. Richey explained the request for time extensions. The request was from Bob Bissell, representing the minor partition applicants, Bryan S. Dear and O'Neal Development. He said they requested nine months to complete the financing, paperwork, technical matters, etc., and he said there were no problems in granting the extension of time.

R. Olson moved to approve the minor partition time extension request for six months for O'Neal Development and Bryan S. Dear. G. Madson seconded the motion. The motion passed unanimously.

Election of Planning Commission Vice Chairman

Gary Madson was unanimously elected as Vice Chairman.

Election of Planning Commission Representative to the Park Board

Diane Wustrack volunteered to be the Planning Commission representative to the Park Board.

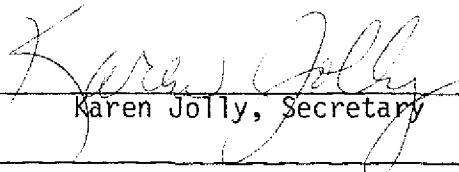
1982 Comprehensive Plan Update Discussion

D. Richey talked about the work being done by the planning consultants, Ames Associates, and what is required of the Planning Commission in reviewing both the Draft Community Development Codes and the Draft Reformatted Comprehensive Plan. He suggested that specific dates needed to be set to start reviewing the material.

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Discussion followed, and Monday nights were suggested as meeting dates. Also, since the Commission already had a meeting scheduled with Bill Kutz on Thursday, September 23, G. Madson suggested this night be used for discussion on this material also. September 23 and 27 were agreed upon as a start for worksessions on the draft planning materials.

There was no further business, and the meeting was adjourned at 10:00 p.m.



 Karen Jolly, Secretary

October 18, 1982

Chairman Junk opened the regular meeting at 7:30 p.m. Members present were G. Madson, D. Wustrack, L. Kellerman, R. Olson, D. Furgeson and M. Gosling. D. Richey, Planning Director, and K. Jolly, Secretary, were present. Also, Deanne Darling, City Attorney Representative, was present.

1. Minutes of September 20, 1982 Planning Commission Meeting

D. Wustrack moved to approve the minutes of the September 20, 1982 Planning Commission meeting as submitted. L. Kellerman seconded the motion. The motion passed unanimously.

Prior to the next item on the agenda, John Buol, City Administrator, spoke to the Commission on behalf of the City Council, regarding the worksession held last Tuesday, October 12, on the proposed Development Ordinance and the Reformatted Comprehensive Plan. He said the City Council would like to move on the Ordinances by December 30, and they suggested that the Planning Commission discuss the Ordinances until December 1, including their public hearings, and they can work on the Reformatted Plan, or they could use the current, adopted Plan. He suggested they hold their public hearing on November 15, 1982, and if they have need for a second hearing, they can use November 22, 1982. He said he knows this is rushed, and said they could use Ames Associates to help them if they wanted to.

2. Patricia J. Emfinger - Conditional Use Permit - 2296 Valley View Drive

D. Richey gave the staff report. He said Mrs. Emfinger lives on Valley View Drive next to the swimming pool. He said the access into this neighborhood is difficult. The proposal is for the sale of used clothing in the basement of Mrs. Emfinger's home. He said this could be considered a cottage industry, however, he feels a cottage industry is more for hand-crafted type items, which has a self-limiting factor in the amount of items available for sale. He feels that bringing in ready-made clothes is not a cottage industry. He recommended denial of the request due to the impact it would have on the neighborhood.

Applicant, Theresa Emfinger, 2296 Valley View Drive, said she was Mrs. Emfinger's daughter and was going to represent her mother. She said they are proposing a second hand clothing store by consignment, that there will be no large flow of traffic, mostly neighbors on a walk-in basis. She said her mother has a three year old son and she would like to be home with him, the reason for having the business at home. Also, she said it is necessary for income for Mrs. Emfinger. She said they only plan on this for two years. She went over the conditions of the cottage industry ordinance and feels the proposal will comply. She showed pictures of their house. She said 415 square feet are proposed for the business, and that she will be the only other employee. She said the hours proposed are 10:00 a.m. to 5:00 p.m., Tuesday through Saturday. She showed a diagram of the parking area available and stated there would be no noise problem. She said that they have talked to the neighbors, and have a petition from the neighbors in favor of the proposal. She stated that if the business grows, they will move it out of the house. They have looked for a different place for the business but most areas were too expensive to rent. She said they have decided against a sign.

Proponent, Paula Larcy, 2292 Valley View Court, spoke in favor of the proposal, said her house views the entrance of Mrs. Emfinger's basement, and she does not mind. She said they have lived there for five years, and there is lots of noise from the pool and there is invasion of their privacy from it, and the pool creates lots of traffic. She does not feel Mrs. Emfinger's business would cause as much traffic as the pool. She said most neighbors have signed the petition.

Opponent, Dean Jaspers, 2192 Hillcrest Drive, said the back of his property is on Valley View Drive and he does not want a business in his back yard. He said the parking situation is not very good. He said if approval is given, it should be for one year, not two.

Opponent, Tom Irely, 2151 Marylhurst Drive, said he has strong feelings about a business in a residential area. He said access was difficult and parking is almost impossible. He said the area is residential and he does not want a business there. He urged the Commission to deny the request.

Proponent Rebuttal, Theresa Emfinger, representing her mother, said they would go to an appointment situation if too many people came to shop by car. She said if the neighborhood objects or it becomes a problem, they will close down their shop. She said they feel there is adequate parking and they would like to plan on the business for two years.

G. Madson moved to close the public hearing. R. Olson seconded the motion. The motion passed unanimously, and the public hearing was closed.

Discussion followed. The City Attorney said there were no time limits in the ordinance and the Commission can put any conditions on the proposal they want. Also, she said per the ordinance, the neighbors can request changes if there are problems. She said the use is a privilege and can administratively be taken away.

The Commission discussed the traffic situation and suggested it be monitored if it becomes a problem. Regarding setting a precedent, it was discussed that each similar proposal goes on its own merits, that they can control the impacts by setting conditions. It was requested that the petition presented by the applicant be made part of the record.

G. Madson moved to approve the conditional use permit for Patricia Emfinger of 2296 Valley View Drive, subject to the findings of fact of the staff report dated October 4, 1982; and with the conditions of a one year time period; the hours of operation be limited to not more than 10:00 a.m. to 5:00 p.m., Tuesday through Saturday; that the applicant conduct the business in such a way that they limit the number of outside vehicles to not more than four at any one time; and that they display no exterior sign. L. Kellerman seconded the motion. The motion passed unanimously.

3. Zupan's Super Center - Variance Request (Sign) - Robinwood Shopping Center

D. Richey gave the staff report and said the applicant is requesting a reader board installation on the free-standing identification sign at the shopping center. He said this type of sign would allow the copy to be changed easily and frequently. He said this request does not meet the criteria for a variance and he recommended denial of the request.

Applicant, John Zupan, proprietor of Zupan's Super Center, presented a drawing to the Commission and said he was requesting a variance because Design Review gave their approval of the reader board if the variance was approved. He said Design Review also approved the name identification of the store to be put on the Robinwood Shopping Center sign, and he is asking for the other two lines to be added. He said there is a need for the advertising, and that a reader board would be neater than the present use of banners on the sign. He said there is presently a reader board across the street. He said all the shopping center tenants could use the reader board and this would be more attractive than listing all the tenant's names on an identification sign. He said he plans to be actively involved in the community and he feels this would be a good way to benefit all in the community regarding events. He said the reader board would be an advantage in certain situations, and would also promote the shopping center. He said a reader board on the side of his building would not be

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visible, would be of little value and would be a safety hazard. He said the tenants could organize and work out how the reader board would be used. He said he has a reader board presently at another store and he feels it is very helpful.

D. Richey explained the use of temporary banners at the shopping center. He said these are in use most of the time for advertising by individual stores.

Proponent, Val West, 4344 Cedaroak Drive, explained that many of the community organizations have used the shopping center for activities and that a reader board could advertise these activities. He said the present Robinwood Center sign can accommodate more square footage for individual identification, but they have not used it because the sign will have to be constructed differently with more support. Also, he said the tenants have indicated they wanted the center to have visibility and he did not think individual tenant identification on the sign would help. He said he has given his approval of the reader board, and has discussed this with the tenants, and that they are in the process of setting up a tenant's association. He said he would get written support from the tenants if the Planning Commission requested. Regarding the temporary banners, he said he could solicit the tenant's cooperation in avoiding use of the banners. He said he would rather use other means than the banners for identification.

Opponent, Bob Stowell, 2606 Maria Ct., president of the Greater Robinwood Neighborhood Association, said their feeling is against approval of this variance request. He said the Wishing Well sign is grandfathered. He said they fear other stores will request a reader board if this one is allowed. He said they welcome Zupan's and hate to see a problem start, but feels they have to watch closely what goes in along Hwy 43. He said he has lived in West Linn for twelve years along the Hwy. He said he does not feel a sign like this will draw customers, but that competitive prices will. He asked for denial of the request.

Opponent, Wallace House, 19499 Wilderness Drive, said he was concerned about a precedent being set and that all the other stores might ask for a reader board. He said he felt a reader board at this height would be dangerous, that attention would be taken away from the intersection and the traffic.

Proponent Rebuttal, Val West said the traffic situation and shopping center design were all approved with safety in mind and that allowances for the sign were taken into consideration. He said a sign here would be the only one for 660 feet.

Bob Fulton, from Security Signs, explained the sign size and letter size. He said it was possible to get four messages on the sign, two on each side. He said there could be a division of days for the sign use, and that it would eliminate the need for banners.

D. Richey suggested that the discussion was off the issue. The issue was not one of policy determination but was one of conformance with the criteria for a variance. Approval of a variance must be based upon a hardship. He said a reader board should be considered as an ordinance amendment.

The City Attorney representative said this may not even be a variance procedure. There are prohibitions in the Sign Ordinance and these cannot be given a variance. She said the Planning Commission should determine if this is a prohibition or a standard.

G. Madson moved to close the public hearing. D. Wustrack seconded the motion. The motion passed unanimously and the public hearing was closed.

Discussion followed. G. Madson said he feels the four variance requirements have not been met, but he also feels he has heard good reasons for changing the Sign Ordinance to allow reader boards. R. Olson said this is a good place for a reader board, but the ordinance is clear.

D. Wustrack moved that the request for a sign variance for Zupan's Super Center be denied based on the staff report and since none of the circumstances for granting a variance have been addressed or met by the applicant. M. Gosling seconded the motion. The motion passed unanimously.

4. Frederick Streimer - Greenway Conditional Use Request - 2019 Maple Terrace

M. Gosling stated that he had talked to Mr. Streimer about his proposal prior to the meeting while examining the site.

D. Richey gave the staff report. He said Mr. Streimer's property is on a steep bank that goes to the water's edge. He said all improvements are within the 150 foot of the Greenway. He said the proposed dock is a new use and must meet the Greenway criteria. He said he had received a letter from the State Parks & Recreation Division which suggested the project be scaled down. He read the conditions required in the letter and read part of the Greenway Conditional Use Order, also as required by the letter. He said the State's recommendations are similar to the staff's recommendation. He said staff recommendation was for approval of a scaled-down facility which would reduce the visual impact from the river.

Proponent, Fred Streimer, 2019 Maple Terrace, stated his proposal to build a boat dock and boat house. He said that he understood the Greenway requirements were not intended to stop a homeowner from using his property. He said he bought the property with the intentions of using the waterfront. He said this project is for a boat and boat house that he already owns and he does not feel the State's requirements would be adequate. He said many property owners have put in log floats and docks which are not structurally sound. He said for the investment and the insurance purposes, he wants to build a permanent-type, sound structure. He said there are lots of rocks in the area. He said he went through the Army Corps of Engineers, and their concern was about what would touch the bank, so he was careful to make sure nothing did touch the banks. He said there would be no disturbance of bank vegetation. He showed a large-scale drawing of his proposal, and said he is asking to use the waterfront. He said his boat is made of wood and needs to stay in a boat house. He said the boat house has horizontal aluminum siding with a garage door, and that it would last for a long time. He said the rocks make it difficult to bring the boat in. He said he felt the Greenway zoning strives for compatibility, that the property could be used for a reasonable use, and he feels using the water is reasonable. He said the boat house could be re-sided to blend better, and he would do this. He said his boat is one of the last of a mahogany-built boat and this gives it value. He said he purchased the property in October, 1977.

There were no opponents.

L. Kellerman moved to close the public hearing. R. Olson seconded the motion. The motion passed unanimously and the public hearing was closed.

Discussion followed. D. Richey said the authority for approval is with the Planning Commission, that the State can appeal their decision. G. Madson said he feels the State requirements specifically preclude the boat house since they state no above-deck structures, but said he does not have a problem with allowing the structure, but feels it could set a precedent. M. Gosling said he did not feel the boat house would stand out in this area. D. Wustrack said she feels this is a big step to take if there are no other boat houses along the river, that this is what the Greenway is trying to prevent, and that it would be hard to deny later requests. L. Kellerman suggested that the proposal is a little too grandiose, that it is far in excess of the requirements. D. Richey suggested approving the dock and, because the boat house itself was a boat, if the boat house is tied up to the dock and there are complaints, it can be removed.

D. Wustrack moved that Mr. Streimer be granted approval according to the findings of fact of the staff report for his boat dock ramp, but with the condition that no covered boat shelter be located at this site. G. Madson asked to amend the motion by accepting the items required in the State Parks & Recreation letter dated October 3, 1982, excluding Item #1, size requirement. D. Wustrack amended the motion as requested. L. Kellerman seconded the amended motion. The motion passed unanimously.

5. Miscellaneous

- (a) Annexation of Property on Lancaster Street, Ehlen Investment Corporation.

D. Richey said the annexation request has been withdrawn.

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J. Junk left the meeting at 10:55 p.m., G. Madson took over as Chairman.

(b) Continuation of Planning Work

The Planning Commission continued the workshop discussions on the Draft Development Codes and the Reformatted Comprehensive Plan. They discussed whether they should use the existing, adopted Plan or the new Reformatted Plan. There was discussion on which document should be worked on first, since City Council has requested the Development Codes be reviewed quickly. City Councilman Joe Hart was present and took part in the discussions. The Commission first decided to address the Development Codes using the Reformatted Plan, but further discussion brought up that using the Reformatted Plan would involve the Citizen Comp Plan Review Committee and this would be time-consuming, and since the Reformatted Plan has not been adopted, they felt it should be adopted first, before using it to discuss the Development Codes. Also, it was felt that there are substantive changes in the Reformatted Plan and it would be better to use the adopted Plan and look at the Reformatted Plan at a later date. There were questions on the "holes" in the present ordinances that made adoption of the Development Codes so pressing. D. Richey suggested there are not so many "holes" and that many of the problems seen in the past have developed because of inadequate staffing, and that the new Development Codes will not prevent these problems, if anything, they will add more administrative workload. Discussion followed regarding the Development Codes and the time frame for workshops and public hearings. D. Richey said the Development Codes should be compatible with the Comprehensive Plan. The end of January, 1983 was suggested as a reasonable goal for a recommendation to City Council on the Development Codes, using the existing adopted Plan, with the assumption that if, as they go through the Development Codes, they find substantial differences or major policy changes, they could change their time schedule.

D. Furgeson moved that the Planning Commission adopt a recommendation for a work plan in response to the City Council's request regarding the Draft Development Codes and the Reformatted Comprehensive Plan, wherein the Planning Commission review the Draft Development Codes and use the existing Comp Plan as a guideline and that they propose to provide a recommendation on the new Draft Development Codes to City Council by January 31, 1983, and specifically, that they will defer review of the Reformatted Comp Plan to a subsequent time. L. Kellerman seconded the motion. The motion passed unanimously.

The meeting was adjourned at 12:20 a.m.


 Karen Jolly, Secretary

November 15, 1982

Acting Chairman G. Madson opened the regular meeting at 7:30 p.m. Members present were D. Wustrack, R. Olson, and L. Kellerman. Absent were D. Furgeson and M. Gosling. D. Richey, Planning Director and K. Jolly, Secretary were present, and Deanne Darling, City Attorney representative was present. Also, M. Ames and A. Brockman, Ames Associates, were present.

1. Minutes of October 18, 1982 Planning Commission Meeting

R. Olson moved to approve the minutes of the October 18, 1982 Planning Commission meeting as submitted. D. Wustrack seconded the motion. The motion passed unanimously.

2. Stuart & Phyllis Kendall - Annexation Request - 3151 Rosemont Road

D. Richey gave the staff report. He said the property is on Rosemont Road and a City water line passes in front of the property in Rosemont Road. He said the Kendall's well went dry this year and they asked to be connected to City water on an emergency basis. He also said the City allowed the connection on the condition that the Kendall's proceed with annexation. He said the Planning Commission needs to make a recommendation to City Council and that City Council will make a recommendation to the Boundary Commission. The staff recommended approval of the request.

The applicant was not present, and there were no proponents nor opponents in the audience.

D. Wustrack moved to close the public hearing. R. Olson seconded the motion. The motion passed unanimously and the public hearing was closed.

L. Kellerman moved that, based on the staff report and recommendations, the Planning Commission recommend to City Council that the City support the annexation of the Kendall's property on Rosemont Road. D. Wustrack seconded the motion. The motion passed unanimously.

3. Francis Wilson - Minor Partition Request - 2190 Ostman Road

D. Richey gave the staff report. He said the property is located at the northwest end of Ostman Road and contains one house, a garden and pasture. He said the property could be divided as a subdivision, however, the ordinance would then require full street improvements. The proposal is to divide the property into three parcels, with the existing house remaining on a lot large enough to divide into two parcels at a later date. He said the proposal would require survey work, 5 foot of street to be dedicated along Ostman Road, curbs, street widening; and sidewalks around the existing dwelling, and sidewalks installed along the remainder portion when homes are built. He said City utilities are adequate except there may be a possible storm drainage problem, and also there is the standard warning that if the sewage system reaches capacity, building permits may not be available in the future.

Matt Altenhofen, Wrigley Properties, representing Mr. Wilson, presented the proposal. He said Mr. Wilson has a maintenance problem because of the size of the property. He said if they could get approval, they would propose to put in the storm sewer now, but not put in sidewalks until a later date.

Dave Jenson, also of Wrigley Properties, said it would be a financial hardship on Mr. Wilson if he had to put in the sidewalks now. He said there are no sidewalks in the area presently since there are mostly older homes on Ostman Road. Also, he asked that they not be required to put curb in front of the entire property, only the two lots that would be minor partitioned now. He said as these lots are sold, money would be available for this.

D. Richey said there had been no preliminary surveying or engineering work done by the applicant.

Mr. Jensen said that if a study showed a need for drainage facilities on the property, they would agree to do the work. He said their intent is to divide off three more lots next year.

L. Kellerman moved to close the public hearing. D. Wustrack seconded the motion. The motion pass unanimously and the public hearing was closed.

Discussion followed. D. Wustrack said that drainage facilities and/or a catch basin should be required if the City Engineer finds it necessary. R. Olson said he understands the request to not put in the street improvements, but feels it would not be fair to other developers who have had to make these improvements. He said they could compromise on the sidewalks and require that they be installed at the time building permits are issued.

R. Olson moved to approve the minor partition for Mr. Wilson's property on Ostman Road based on the following conditions as stated in the staff report dated November 3, 1982: #1 as stated; #2 as stated; #3 amended to read that curbs be required in front of all lots and that sidewalks be required in front of the existing dwelling at the time that new dwellings are constructed on the new lots; #4 as stated; #5 as stated; #6 as stated; and the addition of #7 to say that storm drainage facilities will be installed on Ostman Road if a City Engineering study shows the necessity for them. L. Kellerman seconded the motion. The motion passed unanimously.

4. Phil Gentemann - Time Extension Request - Skyline Ridge Planned Development

D. Richey said the subdivision had been approved about a year ago, that approval would expire in January, 1983. He said the developer has not been able to proceed as planned and is requesting a one-year time extension. He said staff recommends approval.

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Applicant, Phil Gentemann, 19335 Suncrest Avenue, requested approval of a one year time extension for his planned development. He said he went ahead with the engineering studies, but delayed the decision to proceed while getting the financing. He said he would like to hold off on the final plat approval in case there are any changes. He said he plans to proceed with construction next year.

Planning Commission member R. Olson said that he had worked with Mr. Gentemann on this development in case anyone felt that he could not offer a fair and impartial decision, and he would abstain from voting. There were no objections to Mr. Olson's voting.

L. Kellerman moved to approve the one year time extension on Skyline Ridge Planned Development. D. Wustrack seconded the motion. The motion passed unanimously.

5. K & F Development, Inc. - Final Plat Approval - Sunburst II

D. Richey said the developer is in a hurry for final approval. He said some items are not completed, that there are still some areas the staff has questions on, but these are technical and the City Engineer can help resolve them. He said staff recommended the Commission approve the final plat with the requirement that if any changes are needed, they will be taken care of by the developer and/or the City.

The applicant, Herb Koss, said they have many builders ready to buy the lots, but they cannot sell them until the plat is signed and recorded. He said most of the street and utility work is finished.

R. Olson moved to approve the final plat of Sunburst II subdivision with the finding that there has been substantial compliance with the preliminary plat as previously filed and subject to the recommendation of the Planning staff. L. Kellerman seconded the motion. The motion passed unanimously.

6. Proposed Community Development Codes - Public Hearing

Chairman Madson said they would open the hearing to anyone who has comments on the proposed codes.

Val West, 4344 Cedaroak Drive, said he would like to hear what the Planning Commission is recommending as far as changes to the draft document that the consultants submitted.

Chairman Madson said the Commission has been holding worksessions on the code and going through it page by page, but there is no recommendation yet for amendments. He said they are still gathering information to incorporate into their recommendation.

Mr. West said he would reserve his comments and responses until after he can see what the Planning Commission proposes as amendments to the codes. He asked about setbacks.

Chairman Madson said they have divided the codes into three sections, and at this time they are working on the land development division, with the zoning and administrative divisions yet to discuss.

Bob McWherter, representing the Robinwood Homeowners Association, said they feel the overall plan is realistic, that they are concerned about a couple of items. He said that they feel good that the drainage problems have been addressed. He said there were not enough provisions for senior citizens and handicap access. He commented that the change from 20 foot to 12 foot on the flag lot driveway is good. He said the notification of property owners, because of large lots in some areas and commercial lots, is not adequate, that 500 feet would be more realistic. He said it is an unfair burden to ask the property owner or developer to provide property owner's names for notification of changes. He feels the City should do this. He felt the handbook for developers was a good idea, and would be helpful even to the general public. Also, he said the solar access should be

considered. He said view blockage should be considered on a case-by-case basis with everyone affected involved. Also, he said clarification on front and side yards and storage of vehicles in yards is needed.

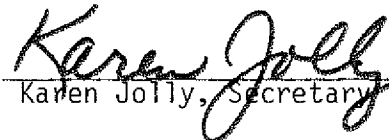
There were no more persons in the audience wishing to give public testimony.

D. Wustrack moved to continue the public hearing until 7:30 p.m., Monday, November 22, 1982. R. Olson seconded the motion. The motion passed unanimously.

7. Miscellaneous

D. Richey said Planning Commission member Jerry Junk had resigned and suggested the group choose a new chairman. Acting Chairman Madson said that since so many of the Commission were absent, they should wait until later to do this.

The meeting was adjourned at 9:15 p.m. and the Planning Commission went into a workshop meeting on the Development Codes.


Karen Jolly, Secretary

November 22, 1982
Special Meeting

Acting Chairman Madson called the special Planning Commission meeting to order at 7:30 p.m. Present were D. Wustrack, M. Gosling, L. Kellerman, R. Olson. Absent was D. Furgeson. D. Richey, Planning Director, K. Jolly, Secretary, and D. Darling, City Attorney Representative were present. Also, Ames Associates, planning consultants were present.

1. Continued Public Hearing - Proposed Community Development Codes

Chairman Madson opened up the public hearing to anyone who had comments on the proposed Community Development Codes. He said that after the public hearing, the Planning Commission would go into a workshop meeting and that they hoped to finish up their work and get a recommendation to the City Council on the land division portion of the Codes.

Val West, 4344 Cedaroak Drive, asked about the proposed ordinance in regard to common driveways. He mentioned pages 48-1 of the draft and asked if this pertained to the driveway or long pan-handle of flag lots. He feels this could be utilized in a common driveway of two lots and not have the difficult-to-maintain area as required now. He said if this refers to flag lots, he would accept the draft as it is, if not he would like to have this considered, that it is not necessary to have twenty feet, that a smaller area would be easier to maintain.

Chairman Madson referred to the Addendum to the Codes, page 5, which refers to the minimum width of an accessway to a lot which does not abut a street or a flag lot, shall be 12 feet. Mr. West said this is what he is concerned about.

Bob McWherter, representing the Robinwood Homeowners Association, presented copies of a solar code from Wilsonville for the Commission to look at. He said it is a typical solar easement which allows the majority of homes to enjoy solar access. Also, he mentioned view blockage and said this should be considered. Regarding flag lots, he said the wider access is accessive.

Chairman Madson said the Commission will go into a workshop meeting after the meeting and said any other testimony could still be heard at the Council hearings.

Mr. McWherter said the City of Canby uses a similar solar code, as does Clackamas County. He said a definition of a solar shadow is in the code from Wilsonville. He said natural landscape should not be considered as blocking and therefore, should not be removed. He said this should be a case-by-case basis. He said there are ordinances which prohibit tree cutting of certain size trees. Solar access should be protected if possible, he said, but as much natural vegetation should be maintained as possible. He said some lots just are not solar oriented.

There were no other persons to give testimony.

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L. Kellerman moved to continue the public hearing until 7:30 p.m., November 29, 1982. The motion was seconded by M. Gosling. The motion passed unanimously.

2. Miscellaneous

Election of Planning Commission Chairman. Gary Madson was unanimously elected chairman of the Planning Commission until the end of 1983. This vacated the vice-chairperson position, and Chairman Madson suggested a member be chosen next meeting for this position.

There was no further business and the meeting was adjourned at 8:10 p.m.


 Karen Jolly, Secretary

November 29, 1982
 Special Meeting

Chairman Madson called the special Planning Commission meeting to order at 7:30 p.m. Present were D. Furgeson, L. Kellerman, D. Wustrack, M. Gosling. Absent was R. Olson. D. Richey, Planning Director, K. Jolly, Secretary, and D. Darling, City Attorney Representative were present. Also Ames Associates, M. Ames, was present.

1. Continued Public Hearing - Proposed Community Development Codes

Chairman Madson opened the continued public hearing and asked if anyone had further testimony on the codes.

There was no one in the audience wishing to give testimony.

L. Kellerman moved to close the public hearing on the Land Division portion of the Draft Community Development Codes. D. Furgeson seconded the motion. The motion passed unanimously and the public hearing was closed.

2. Election of Vice-Chairperson for Planning Commission. Mike Gosling was unanimously elected to serve as vice-chairperson for the Planning Commission until the end of 1983.

At 8:45 p.m., the Planning Commission went into a workshop meeting to finish their review of the Development Codes, with the intention of reconvening the public meeting with a recommendation for City Council.

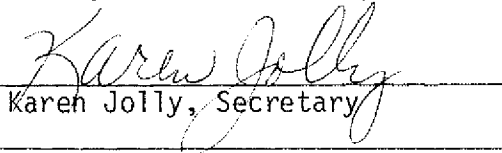
At 10:15 p.m., the meeting was reconvened. L. Kellerman was not present. Chairman Madson said they had completed the study of the Land Division section of the proposed Community Development Codes.

After brief discussion, D. Wustrack moved (as suggested by the City Attorney representative) to recommend approval to the City Council of the Land Division section of the Draft Community Development Codes, specifically Chapters 85 through 97 as prepared by Ames Associates and amended by the Planning Commission's notes dated November 22, 1982, further amended by the workshop notes of November 29, 1982 and included on the revisions of November 22, 1982, excluding all references anywhere in Chapters 85 through 97 as further amended by sections outside those chapters. M. Gosling seconded the motion. The motion passed unanimously.

Chairman Madson said that, as requested, he had contacted the Mayor regarding the Commission's progress on the Codes. He said he had not talked to City Council, only with the Mayor and John Buol. He said the Mayor felt it would not be necessary for him to meet with the City Council. He said he tentatively agreed on a timetable and suggested to the Mayor that the remainder of the work be split, and that the City staff work on the Zoning Section and a consultant, possibly Ames Associates, work on the Administrative Section. He said the Mayor was agreeable and that

John Buol will talk to Ames Associates regarding costs and scheduling, and that a meeting has been scheduled for December 2, 1982 with Ames to discuss this. He also said he volunteered the Commission to continue the Monday meetings until their work on the Codes is completed. He said the Comp Plan work is waiting to get underway after the work on the Codes is finished. He said the Mayor hoped to finish the Code work by the 20th of December.

There was no further business and the meeting was adjourned at 10:25 p.m.


Karen Jolly, Secretary

December 20, 1982

Chairman Madson opened the regular meeting at 7:30 p.m. Members present were D. Wustrack, L. Kellerman, R. Olson, D. Furgeson. Absent was M. Gosling. D. Richey, Planning Director, and K. Jolly, Secretary were present. Also, D. Darling, City Attorney Representative was present. M. Ames and A. Brockman, Ames Associates, were present.

1. Minutes of November 15, 1982 Regular Meeting, November 22, 1982 Special Meeting and November 29, 1982 Special Meeting

D. Wustrack noted a correction in the minutes of November 15, 1982, second page, item 3, paragraph 5, line 1, change "is" to "if". R. Olson moved to approve the minutes of the meetings as corrected. D. Wustrack seconded the motion. The motion passed unanimously.

2. William Line - Conditional Use Request - 2270 19th Street

D. Richey gave the staff report. He said he would prefer to leave the decision to the Commission on this rather than make a recommendation. He said the applicant wishes to do his accounting business in his home for a period of about two years. He said that traffic is moderate in the area. He said the applicant proposes to have his business open from 10:00 a.m. to 8:00 p.m., Monday through Saturday, and his wife would assist in the business. He said if the Commission approved the request, he would recommend approval for a period of eighteen (18) months, two (2) tax seasons, thereby allowing a move to happen between tax seasons. Also, he said a sign two foot square could be allowed, and he would recommend it be placed on the house on, or next to, the door.

Applicant, Mr. Line, said that parking will not be a problem, that there will be no on-street parking. He said there would only be one client at a time during tax season. He said he talked to the neighbors and all but two neighbors signed a petition, which he presented for the file, in favor of the proposal. He said he could not get a hold of the two that did not sign the petition. He said he is presently working out of his home, and would like to see how it goes this first year. He said he anticipates about a year before moving into an office, but he would like the option of being able to work out of his home for two tax seasons. He said the sign would be as requested by staff and would probably be made from wood, that it would be visible from 19th Street.

There were no opponents.

R. Olson moved to close the public hearing. D. Wustrack seconded the motion. The motion passed unanimously and the public hearing was closed.

L. Kellerman moved to approve the conditional use application for Mr. Line as recommended by the staff and as per the staff report dated December 8, 1982 with the condition that the sign which has been proposed, be of wooden or generally wooden construction and in keeping with the character of the surrounding community. R. Olson seconded the motion. The motion passed unanimously.

3. Miscellaneous

- (a) Future Rezone of Leavitt-NuPacific Property and West Willamette Property

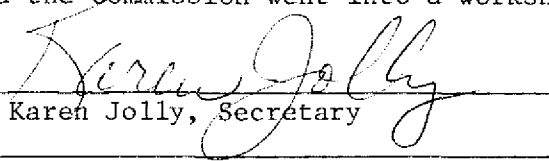
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D. Richey said he put these on the agenda only as a reminder that they have not been rezoned since they were annexed to the City. He said that both properties are beyond the deadline for rezoning, but since the density question is not settled as to the Comp Plan work, he thought the rezoning should wait. Chairman Madson concurred that the density issues should be resolved before rezoning action is taken.

(b) Planning Work on Draft Community Development Code

Adrienne Brockman, Ames Associates, explained to the Commission about quasi-judicial procedures and legislative procedures since the Commission is considering combining them in the Development Code. She said there were three types of actions to explain: legislative; quasi-judicial, administrative, or discretionary; and ministerial. She cited several cases as examples of legislative and quasi-judicial procedures. She recommended that the two procedures be kept very separate for clarity sake. D. Richey asked about second party contact with the Commission. Ms. Brockman suggested ORS 227.035 and said this is legal counsel, and she would prefer not to discuss this, also because it is very interpretive by each person.

The meeting was adjourned at 8:35 p.m. and the Commission went into a workshop meeting to discuss the code.


Karen Jolly, Secretary

January 17, 1983

Chairman Madson opened the regular meeting at 7:30 p.m. Members present were D. Furgeson, L. Kellerman, M. Gosling, R. Olson and D. Wustrack. D. Richey, Planning Director and K. Jolly, Secretary were present. Also, D. Darling, City Attorney Representative was present.

1. Minutes of December 20, 1982 Regular Meeting

Chairman Madson noted a correction in the minutes, item 2, paragraph 2, line 2, should be changed to read "on-street" parking. D. Wustrack moved to approve the minutes as corrected. L. Kellerman seconded the motion. The motion passed unanimously.

2. Willamette Christian Church - Conditional Use Permit - Time Extension Request
13th Street

D. Richey gave the staff report. He said the Planning Commission approved the Conditional Use Permit on December 21, 1981, and the church is requesting an extension because they have not been able to fulfill all their obligations for construction. He said staff recommends approval of the request.

Dan Fowler, 1103 Washington Street, Chairman of the Property Committee for the church, answered questions from the Commission. He said they have picked the architect and the congregation will vote on him this month. He said the next step is the master plan and hopefully, they will break ground in one year. He said their plans will go before Design Review. He said traffic flow will be taken into consideration and most of the access would be on Blankenship.

L. Kellerman suggested that the church discuss building plans with the other church proposed for the area so there is not a conflict in building design.

Chairman Madson mentioned the extra piece of property adjacent on Blankenship Road and that they might consider using it for commercial purposes. He said that commercial property is scarce in the City.

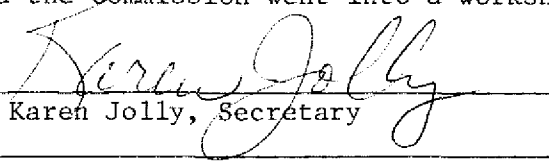
L. Kellerman moved to approve the Willamette Christian Church Conditional Use time extension for a one year period subject to previously approved conditions. R. Olson seconded the motion. The motion passed unanimously.

D. Richey said he put these on the agenda only as a reminder that they have not been rezoned since they were annexed to the City. He said that both properties are beyond the deadline for rezoning, but since the density question is not settled as to the Comp Plan work, he thought the rezoning should wait. Chairman Madson concurred that the density issues should be resolved before rezoning action is taken.

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Adrienne Brockman, Ames Associates, explained to the Commission about quasi-judicial procedures and legislative procedures since the Commission is considering combining them in the Development Code. She said there were three types of actions to explain: legislative; quasi-judicial, administrative, or discretionary; and ministerial. She cited several cases as examples of legislative and quasi-judicial procedures. She recommended that the two procedures be kept very separate for clarity sake. D. Richey asked about second party contact with the Commission. Ms. Brockman suggested ORS 227.035 and said this is legal counsel, and she would prefer not to discuss this, also because it is very interpretive by each person.

The meeting was adjourned at 8:35 p.m. and the Commission went into a workshop meeting to discuss the code.


Karen Jolly, Secretary

January 17, 1983

Chairman Madson opened the regular meeting at 7:30 p.m. Members present were D. Furgeson, L. Kellerman, M. Gosling, R. Olson and D. Wustrack. D. Richey, Planning Director and K. Jolly, Secretary were present. Also, D. Darling, City Attorney Representative was present.

1. Minutes of December 20, 1982 Regular Meeting

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13th Street

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Dan Fowler, 1103 Washington Street, Chairman of the Property Committee for the church, answered questions from the Commission. He said they have picked the architect and the congregation will vote on him this month. He said the next step is the master plan and hopefully, they will break ground in one year. He said their plans will go before Design Review. He said traffic flow will be taken into consideration and most of the access would be on Blankenship.

L. Kellerman suggested that the church discuss building plans with the other church proposed for the area so there is not a conflict in building design.

Chairman Madson mentioned the extra piece of property adjacent on Blankenship Road and that they might consider using it for commercial purposes. He said that commercial property is scarce in the City.

L. Kellerman moved to approve the Willamette Christian Church Conditional Use time extension for a one year period subject to previously approved conditions. R. Olson seconded the motion. The motion passed unanimously.

3. Miscellaneous

(a) Road Change in Sunburst II

D. Richey gave a report regarding an extension and realignment of Hidden Springs Road, currently known as Arena Lane. He said staff is considering changing requirements for street improvements, wherein each developer would be responsible for a full street improvement for one-half the length of the street as opposed to the common practice of having each developer do his one-half width of street for its full length. With this new arrangement, a full street improvement can be built now by the Sunburst II developers that will connect their development directly to Rosemont Road. The other property owner, Mr. & Mrs. Steenson, would provide the necessary right-of-way and at a later date, would construct the full street width improvements for the remaining length of Arena Lane. He asked the Planning Commission to approve this change from normal practice if all the parties finally decide to proceed on the new basis for improvement responsibility.

D. Wustrack moved to accept the modification of the Sunburst II improvement requirement of Arena Lane and Hidden Springs Road extension as described in the staff report dated January 10, 1983. The motion was seconded by R. Olson. D. Wustrack amended the motion to say that the property owners cannot remonstrate against any L.I.D. formed for street improvements and regarding the right-of-way, that the property owner will dedicate the right-of-way necessary for full street improvements to be worked out by staff. R. Olson seconded the amended motion. The motion passed unanimously.

(b) Summary of Ames' Proposal

The Planning Commission went over the letter of proposal from Ames Associates as submitted to the City.

(c) Tree Removal Ordinance

Chairman Madson suggested that since no one had a chance to review this, that they discuss it at their workshop later tonight.

(d) Miscellaneous

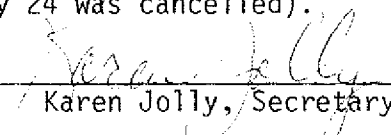
D. Wustrack reported that the Mayor and John Buol asked that Kathy Lairson should be a representative to the Steering Committee.

D. Wustrack reported on the Park Board meetings. She said they feel without purpose and that the Board should be dissolved. She said they were going to write a letter to City Council asking for direction, and that the Mayor had mentioned the re-adoption of the Master Park Plan. Chairman Madson suggested some areas of work including a street tree program. L. Kellerman suggested a list of statements from the Planning Commission as to what the Planning Commission would like to see, would be helpful to the Park Board and City Council. M. Gosling suggested the Park Board consider Comp Plan related issues. Also suggested were long-range acquisition, a commercial landscaping enhancement program, and a trails program.

Chairman Madson called a recess for five minutes, and then the Planning Commission will go into a work session meeting to discuss the Procedures Section of the Development Codes.

The Planning Commission reconvened at 10:00 p.m. D. Furgeson was absent.

The meeting adjourned until Monday, January 24. Because work on the Procedures Ordinance was not completed tonight, the Planning Commission will meet again on January 24, 1983. (The meeting of January 24 was cancelled).



 Karen Jolly, Secretary

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March 21, 1983

Acting Chairman M. Gosling opened the regular meeting at 7:30 p.m. Members present were D. Furgeson, T. Hoard, D. Wustrack, R. Olson, L. Kellerman. Absent was G. Madson. D. Richey, Planning Director and K. Jolly, Secretary were present. Also, J. Hammond, City Attorney was present.

1. Minutes of January 17, 1983 Regular Meeting

D. Wustrack moved to approve the minutes of the January 17, 1983 meeting as written. D. Furgeson seconded the motion. The motion passed unanimously.

2. Joseph Maher - Conditional Use Permit - 655 Marylhurst Drive

D. Richey gave the staff report. He said Mr. Maher has had a bakery in his home for several years, and the City learned that he did not have a business license during a public hearing for another application for a cottage industry in this neighborhood. He said the bakery uses 350 square feet of floor area or 20% of the residence, which meets the requirements. Also, he said Mr. Maher controls the delivery to keep disturbance to a minimum, and there have been no complaints. He said staff recommends approval based on the conditions of the staff report.

Applicant, Mr. Maher, 655 Marylhurst Drive, referred to his letter of February 9, 1983 and offered to answer any questions. He said his business has been there since 1970, and that he got started as a mail order business through Sunset Magazine. He said the business is at maximum now, and that he bakes only three days a week.

There were no opponents nor proponents.

L. Kellerman said any expansions should come before the Planning Commission for approval.

R. Olson moved to close the public hearing. D. Wustrack seconded the motion. The motion passed unanimously and the public hearing was closed.

D. Wustrack moved to approve the conditional use application for Joe Maher, at 655 Marylhurst Drive, according to the situation and facts of the staff report dated February 16, 1983, and including the four recommendations of the staff report. L. Kellerman seconded the motion. The motion passed unanimously.

3. David Miner - Minor Partition Request - Arbor Drive

D. Richey gave the staff report. He said there was some confusion regarding this application, and that it had to be treated as a single ownership, per the City Attorney's office. He said Mr. Miner will proceed with the minor partition application for Lot 33. He said he is also requesting a lot line adjustment which meets the requirements. He said the minor partition request will create a flag lot with 20 foot of frontage, that the new lot meets the requirements. He said staff recommends approval subject to the conditions of the staff report.

Applicant, David Miner, 5420 Grove Street, presented his proposal and added that there are no curbs and asphalt on Arbor Drive now, and he feels it would be unusual to have them for his lots. He said he would not object to giving the right-of-way for this purpose for the future. He said he will leave Lot 34 for later since there are legal questions on the partition he originally proposed. He said the property is vacant. He said in the future he may ask for minor partitions on Lots 34 and 35. He said if the zoning changes and it becomes commercial, he would consider that later. He said he is not subdividing all of the property because he cannot afford it. He said the property has lots of fir trees on it.

Bob Stowell, 2606 Maria Court, spoke not against or for the proposal, asked about the creek and the bank in back of the property. He questioned the drainage problems and the buildability and setback requirements. He agrees that sidewalks and curbs are not necessary.

Applicant rebuttal, Mr. Miner said the back of the lots are rather steep, but feels this will not make building impossible. He said he does not have any structural plans, and he would not be in opposition to restrictions on distance from the drainageway for building.

D. Richey said that the setbacks are 20 feet front and back for a flag lot.

Mr. Stowell asked that a decision not be made until there is more research done on the drainage bank dimensions. He said that the lots down Arbor Drive are all large lots.

D. Richey said that Mr. Miner could bring the lot line forward for the front lot, or an easement for the drainage could be required. Also, he said soil conditions would be required if the Building Official felt it was necessary.

J. Hammond said a Waiver of Remonstrance could be required for a future L.I.D.

L. Kellerman moved to close the public hearing. R. Olson seconded the motion. The motion passed unanimously and the public hearing was closed.

L. Kellerman moved that based on the findings of fact of the staff report dated March 11, 1983, and based on the testimony heard, that the minor partition for Lot 33 for Mr. Miner be approved with the following conditions and amendments:

1. That the abutting one-half street right-of-way be widened to a 25 foot width.
2. That all lots meet minimum dimensional standards.
3. That the street frontage be improved to join the curb and the inclusion of sidewalks be deleted, that the applicant sign a Waiver of Remonstrance such that in the future the current street could be widened to join the curb and that a 5 foot sidewalk could be placed along the frontages of the dwelling which will be placed on that property.
4. That six (6) foot wide utility easements along the sides of the lots and a 12 foot wide utility easement across the rear of the lots be provided.
5. That the necessary survey drawings and deed and easement documents for recording be prepared and submitted to the Planning Department for approval after the necessary improvements have been satisfactorily constructed.
6. The developer shall note that land divisions are considered and processed on their own merits and any approval is definitely conditioned on the possibility of building permits being denied when sewage treatment capacity is reached. Under this provision, the developer shall fully understand that approval of a land division shall not guarantee availability of sewer connections and that he could be left with lots that could not be developed.
7. That a 40 foot wide easement centered on the median point of the creek on the said property shall be created to facilitate the current drainageway through the property and that said easement shall not be altered or disturbed in any way which would materially harm the functioning of the drainageway.

D. Wustrack amended the motion to say on item 3, that he will dedicate a 5 foot right-of-way now and sign the Remonstrance Waiver, and on item 7, identify this easement as a drainage and no-build easement, and on item 8, amend to read no modification of the vegetation in the drainage and no-build easement.

L. Kellerman said that on item 8, he would agree to no modification that would affect the proper functioning of the drainageway other than access to do maintenance.

R. Olson suggested that item 1 read that the abutting one-half street right-of-way be widened to 25 feet and that the additional 5 foot right-of-way be dedicated at this time.

R. Olson seconded the amended motion. The motion passed unanimously.

4. Jack and Lucretia Wright - Major Partition Request - 1205 S.W. Dollar Street

D. Furgeson abstained from voting on this item.

D. Richey gave the staff report. He said there are three lots proposed, two of these will front on Bexhill Street. He read a petition signed by the neighbors requesting flowering cherry trees be planted. He said staff recommends approval of the request with the conditions of the staff report, with an eighth condition requiring the trees as per the petition from the neighbors. He also suggested a temporary turn-around in the area.

AAJ161

Applicant, Jack Wright, 1205 Dollar Street, presented his proposal and took exception to the turnaround, he said there is not one there now. He said the tree planting is okay. He said after Planning Commission approval, he will have to get State G.I. approval, and he may build a house on one of the lots for himself.

There were no opponents.

D. Furgeson said that she supports the proposal, that she lives one lot over. She said she does not feel the turnaround is necessary and that she likes the street trees idea.

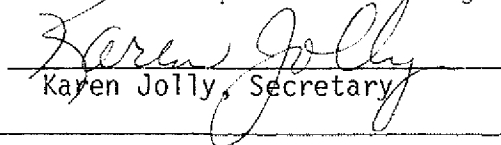
R. Olson moved to close the public hearing. D. Wustrack seconded the motion. The motion passed unanimously, and the public hearing was closed.

R. Olson moved to approve the major partition request for Jack and Lucretia Wright for Tax Lot 2690, Map 3-1E-3AA, in accordance with the recommendations of the staff report, items 1 through 7, with an additional requirement that 8, the appropriate street trees, "Kwanzan" flowering cherry trees, be planted, two per each lot that fronts on the extension of Bexhill Street, and that the trees be compatible in size and location with the existing trees. D. Wustrack seconded the motion. The motion passed unanimously.

5. Miscellaneous

D. Wustrack gave a report on the Park Board meeting. She said they discussed the Master Park Plan and the possibility of homeowners in Horton Heights buying the bridle paths because of maintenance problems.

There was no further business and the meeting was adjourned at 9:05 p.m. The Planning Commission went into a worksession on the Comp Plan following the meeting.


Karen Jolly, Secretary

May 16, 1983

Chairman G. Madson opened the regular meeting at 7:30 p.m. Members present were M. Gosling, S. Weiss, R. Olson, L. Kellerman, D. Wustrack, T. Hoard. D. Richey, Planning Director and K. Jolly, Secretary were present. Also, D. Darling, City Attorney Representative was present.

1. Minutes of March 21, 1983 Regular Meeting

R. Olson moved to approve the minutes of the March 21, 1983 meeting as written. M. Gosling seconded the motion. The motion passed unanimously.

2. Stanley and Norma Stalick - Subdivision Request - Southwest End of Norfolk Street

D. Richey gave the staff report. He said the property is less than three acres, and would be a 50 foot right-of-way branching off Norfolk Street. Improvements needed are curbs, 36 foot wide pavement and ultimately, sidewalks when building permits are issued. He said 20 foot radius at the intersection corners should be required to allow smooth transition; also, this should be required at the bottom lot for a future street connecting with Exeter Street. He said sewers must be extended from Imperial Oaks Subdivision to this site, that easements must be obtained for these sewers, and the same for the storm sewers. There is a water line presently in Norfolk Street, but it is not adequate in size to serve fire demand. It is possible that the City would have development funds to help build a new 6-inch water line, but that is something requiring approval of the City Administration. Six (6) foot utility easements are required around the perimeter of each lot. He recommended approval of the subdivision request with the requirements in the staff report, with an addition to item #8 requiring the 20 foot radius on Lots 1, 10 and 6. Also, he said there should be a requirement that the bookkeeping (payment of fee) be worked out to the satisfaction of administrative staff before approval is given.

Applicant, Stan Stalick, 2911 S.E. Concord, Milwaukie, briefly stated his proposal, and asked about the cost of the 6-inch water main extension, and said it would be needed in the future anyway. He said he has not talked to the other property owners regarding their development. He said he would like to start the development as soon as possible, sometime this summer. He said he received tentative approval in 1978 but did not develop the project.

D. Richey added, regarding the utility line cost, that there may be a pay-back mechanism for future users of a line which Mr. Stalick might install, and this would need to be worked out administratively.

Chairman Madson mentioned the work being done on the Comp Plan regarding the density issue, that Mr. Stalick's property could be an excellent location for smaller lot sizes, that perhaps Mr. Stalick might consider putting off his plan until the Comp Plan work is completed. Mr. Stalick said he was aware of this possibility, but he has a builder interested in building on the proposed 10,000 square foot lots, and he has financing approved. He said the housing proposed would range about \$80,000.

Several persons in the audience who own property adjacent to Mr. Stalick, asked questions about the proposal. Dale Fowler, whose property adjoins Mr. Stalick's, asked about sewer and water. Another property owner, unidentified, asked how he could connect to the sewer. D. Richey said the sewer would go out Gary Way to Norfolk Street and that other property owners could connect to it and possibly pay part of the construction cost, but he said the Engineering staff would have to look at the feasibility of serving nearby properties. He said the only properties on Norfolk on sewer presently are one or two on the pump used by the City Shops. Boris Krivonogoff, another property owner, asked if Mr. Stalick was going to do the development himself and would he be going through Mr. Hansen's property with the sewer line. Richard Buse, who lives on the corner of Sunset and Norfolk, said he was also representing Ray Pickle who lives in the area, said the sewer and water lines to be built should be adequate to serve all the homes on the street. He said the pump at the shops is a problem and it does not always work properly. He said property owners on Norfolk would like to get on sewer.

Dale Fowler spoke again, not in favor nor against the proposal, asked that the Planning Commission not move too fast and destroy other property; he mentioned concern about surface drainage because of the lot layout.

D. Wustrack moved to close the public hearing. L. Kellerman seconded the motion. The motion passed unanimously and the public hearing was closed.

D. Darling strongly suggested that the subdivision fee be paid and this be made a condition of approval.

D. Richey suggested adding to the list of requirements on the staff report, that five (5) foot additional street width is required on Norfolk Street and a temporary turnaround at the cul-de-sac. This was discussed briefly.

D. Wustrack moved to accept the tentative subdivision plan for Mr. Stalick according to the situation and facts of the staff report, including the following recommendations added to the staff report recommendations: on item #8, add that they will increase the width of the road by a 5 foot dedication on Norfolk Street and that a 20 foot radius be required on Lots 1, 10 and 6; and that a temporary turnaround easement be provided at the end of Gary Way (this was later made item #13 and reworded by L. Kellerman); add item #14, that a 6-inch water line must be provided by the developer; and add item #15, that the bookkeeping be worked out to the satisfaction of City staff and that the developer has until May 21 to pay the requisite fee. L. Kellerman reworded #13 to say that a temporary turnaround easement be provided at the end of Gary Way and that the developer be required, at his choice, to put up a bond valid for a ten year period of time, to pay for the improvement of the end lots in terms of sidewalks and curbs, at such time that Gary Way is extended into Exeter, or ther direct cash payment of the City's estimate of the correct cost of adding those improvements, which would relieve the developer of any subsequent obligation. The motion, with item #13 reworded, was seconded by T. Hoard.

M. Gosling said he was against the turnaround, that he feels it would make the subdivision less desirable, that it is not needed. He asked to amend the motion by deleting the reference to the temporary turnaround and subsequent bonds and finance issues. D. Wustrack said she did not fully agree on the amendment. The motion was voted on and passed unanimously (as stated without the amendment).

AAJ161

Mr. Stalick asked about the 5 foot requirement of additional dedicated road on Norfolk Street. D. Richey said that he had forgotten that Norfolk has 60 foot of right-of-way, not 40 feet as he previously thought, and that the 5 foot dedication in the motion is not necessary and is not required.

Chairman Madson welcomed the new Planning Commission member, Shirley Weiss.

3. Dorsey Bus Company - Rezone Request - Willamette Falls Drive

L. Kellerman stated that he had a possible conflict as an employee of P.G.E, but that he does not feel it warrants an abstention from voting.

D. Richey gave the staff report. He said the proposal is for a zone change from R-10 to M-L on a one-acre parcel which is part of a 6-acre ownership. He said it is within the industrial classification on the Comp Plan. He said the applicant wants to put a bus storage lot on the property for school buses. He also said he included an alternative to changing the zone by proposing an amendment to the R-10 conditional use provisions to allow a private contractor a temporary use while on contract to the City or School District, in which the use was to expire when the contract expires.

Applicant, Murray Dorsey, president of Dorsey Bus Company, Corvallis, passed out a prepared statement to be made part of the record, he then spoke from the statement, and stated the purpose for the rezone request. He said they have looked at a number of sites, and that this is the only one feasible in the area for the bus storage. He said they had asked Clackamas County Road Department to use part of the road right-of-way and the County said okay if they approve the site plan. He said there is presently an encroachment of fill dirt by the previous owner on adjacent P.G.E property, and he asked the City to add the requirement that P.G.E. be satisfied as to the disposal of the fill.

T. Hoard asked the applicant about street lighting in the area for safety, and mentioned that the road is uneven and curvy and that there is much pedestrian use - jogging, bicyclists, etc. and he asked for proper signing. Mr. Dorsey said they have checked the road, and the bus exit would be placed where vision is clear and there would be no backing out.

D. Wustrack asked Mr. Dorsey about the possibility of buses being parked here that might be used by another school district; or the possibility of parking the buses on the West Linn School District property. Mr. Dorsey said the buses could be used for another school district, but not likely; and that the land on Stafford Road was too far away.

L. Kellerman asked if they were purchasing, leasing or renting the land and what will the improvements be; he asked about security and the number of buses; and about aesthetics. Mr. Dorsey said they were in the process of purchasing the land; he said there would be a small office and a small busport, and that they need to do engineering work on the property due to the fill; he said they would probably use chain link fence, no barbed wire; he said there would be about 24 buses there; he said, regarding aesthetics, they have put wooden slats in the chain link fence where necessary, that they had not really planned this far, since he thought this had to go before Design Review.

R. Olson asked about employee's cars. Mr. Dorsey said there would be about 25+ cars and hopefully, they will be able to park inside the compound.

M. Gosling asked about the Design Review Committee role - will they look at the traffic flow situation.

Chairman Madson said his concern is the traffic controls, he feels the road is curvy and uneven, and asked about the speed limit.

Two property owners with adjacent property asked questions of Mr. Dorsey. One question was about the noise of starting all the buses up every morning. Another concern was for the jogging path for the West Linn football team.

ZONE CHANGE APPLICATION OF
DORSEY BUS CO.
WEST LINN PLANNING COMMISSION
May 16, 1983

FACTS:

- A. Applicant has requested the West Linn Planning Commission to change the zone on subject property from R-10 single family residential to M-L light industrial.
- B. The property is designated industrial in the Comprehensive Plan adopted by the City of West Linn.
- C. The requested zone change is justified and will preserve and protect health, safety, and the general welfare of the residents of West Linn because:
 - 1) The property is located in almost the exact geographic center of the bus routes, which reduces mileage to the absolute minimum, and results in the lowest cost to the taxpayers.
 - 2) The area is not residential, nor is it likely ever to become residential, nor can it be viewed from any residential area.
 - 3) It is located along a straight stretch of roadway where exit and entry vision is good in both directions.
 - 4) Vehicular traffic is very light and there is practically no pedestrian traffic in the area.
 - 5) There are no street intersections or stop lights to cause traffic congestion.
 - 6) It has adequate off-street parking for employees' automobiles.

FINDINGS:

- A. City staff has evaluated the Statewide Planning Goals as follows:
 - Goal 3 - Not applicable
 - Goal 4 - Not applicable
 - Goal 5 - Less damaging than other types of uses
 - Goal 6 - Minimal effect
 - Goal 7 - Not applicable
 - Goal 8 - Not applicable
 - Goal 9 - Beneficial economic impact for taxpayers

- Goal 10 - Negligible impact
- Goal 11 - No effect
- Goal 12 - Vehicular sight distance is acceptable
- Goal 13 - Saving of energy and resultant cost savings
- Goal 14 - Not applicable
- Goal 15 - Property is outside of area requiring Conditional Use Permit

Conclusion: The requested zone change is not in conflict with Statewide Planning Goals.

B. City staff has offered two courses of action:

- 1) Change the zone from R-10 to M-L.
- 2) Leave the R-10 zone intact and issue a Conditional Use Permit.

C. In order for the Conditional Use Permit to be usable, the City Zoning Ordinance, Chapter 17.08.030, would first need to be amended to permit a new use in the R-10 zone. Staff recommends the following new use:

"Temporary uses or structures needed by a private contractor in the fulfillment of a contract to the City, School District, or other government body and resulting in direct service to West Linn residents. This conditional use permit will be effective for not longer than thirty (30) days following completion or expiration of the subject contract."

APPLICANT'S POSITION:

A. Applicant recommends that the Planning Commission adopt the City staff's first course of action -- change the zone from R-10 to M-L. It is our opinion that this is in harmony with the Oregon Supreme Court's decision in the case of Baker vs. The City of Milwaukie (OR.533 P.2d 772) which states:

".....held that City, on adopting comprehensive plan, had duty to effectuate plan and conform conflicting zoning ordinances to it, that comprehensive plan was controlling land use planning instrument for city....."

- B. There are four reasons why the amendment to the R-10 section of the Zoning Ordinance and a Conditional Use Permit would not be in the best interest of the City of West Linn.
- 1) It requires permanent changes to the City's Ordinances (laws) for one single purpose that will likely never occur again. This is unnecessary legislation.
 - 2) It could precipitate other requests in the future for more Conditional Use Permits on R-10 property.
 - 3) Statewide Planning Goals do not require a conditional use on this property.
 - 4) The school bus contract is for five years with a two year extension. Seven years could not be considered a "temporary use." Since the School District wants its buses kept inside the District, and since there are no other sites in the City, this site will probably continue to be used as a parking location for the school buses, no matter who operates them.
- C. Applicant has submitted all of the required letters and documentation, as listed on the City's "Application for Review of Land Use Proposal," for a zone change.
- D. Applicant has been advised by City staff of all of the necessary documents required (i.e. site plan, landscape plan, statement of intent, elevations, perspectives, etc.) prior to issuance of a building permit, and agrees to furnish same for preliminary review and final review before the Design Review Board.
- E. Time is of the essence in this application, and applicant has been advised of the City's calendar of meeting dates for the Planning Commission, City Council, and Design Review Board. School starts on September 6, 1983, which is only 16 weeks from tomorrow. If the Planning Commission approves this application tonight, May 16, 1983, we have been advised that the earliest we can obtain a building permit would be July 6. It would rush us considerably, but we could complete the site enough to start school in those 8 weeks.

If a decision is deferred until the next Planning Commission meeting on June 20, the earliest we could get the building permit would then be August 10, which is less than a month before school starts. With this time schedule, we would probably have to seek another site, most likely outside of the West Linn School District.

- F. The most important impact upon the residents of West Linn in locating a school bus facility on Willamette Falls Boulevard is the safety of motorists who use this street. By providing a controlled exit from the facility with adequate sight distances and requiring parallel parking for any automobiles along the street, the applicant is prepared to work with the Design Review Committee to develop a plan that will satisfy the needs of the City and the School District.

MD:pmu
5-16-83

Bruce Ostly, from Portland General Electric Property Department, spoke regarding the fill on the P.G.E. easement, and feels the issue should be resolved to P.G.E.'s satisfaction.

Opponent, Mr. Brenner, 1551 S.E. 5th, said he is in opposition to the proposal, that property values will decrease if the zone is changed from residential. Also, he spoke about the danger to joggers and the highschool football team who use the road. He said he would bring in a petition from other property owners against this proposal or asking for industrial use zoning for their properties.

Chairman Madson suggested that Mr. Brenner attend the Comp Plan meetings for rezoning his area.

Gale Knapp, 2715 S.E. 7th, said he is opposed to the proposal because he feels they should not change the zoning on one piece of property, that they should change all of it in the area. He feels this proposal should be a variance, but that the City does need more light industrial zoned property.

D. Richey explained the Comp Plan Map versus the Zoning Map.

Mr. Dorsey had no proponent rebuttal.

M. Gosling moved to close the public hearing. D. Wustrack seconded the motion. The motion passed unanimously and the public hearing was closed.

Discussion followed and the Planning Commission agreed that the bus storage would be a good use for the property and that the zone change is appropriate since it agrees with the Comp Plan. D. Wustrack questioned the use of the land, once rezoned, if the Bus Company does not use it.

M. Gosling moved to approve the request for a zone change from R-10 to Light Manufacturing with three directives to staff and the Design Review: 1. That the City Engineer recommend a study on a reduced speed limit to the County; 2. That the City Engineer review the access and exit points for safety; 3. That there is noise buffering by berms, if there is a problem. He added that he believes the fill is a problem between the two property owners. R. Olson seconded the motion. L. Kellerman abstained from voting because of the issue of the fill on the P.G.E. property, and recommended that the Planning Commission pass along, in some form, that the Design Review Committee exercise some oversight over the development of this property on the structure and landscaping, especially regarding abatement of the noise problem.

D. Richey suggested adding the fill removal in the directives to Design Review rather than a condition of the zone change. M. Gosling amended the motion to add a fourth directive, to say, 4. That Design Review oversee the issue of the fill removal from the P.G.E. right-of-way to the satisfaction of the property owner. R. Olson seconded the amended motion. The amended motion passed with all Planning Commission members voting in favor, except L. Kellerman, who abstained. The original motion passed. The vote was: Gosling: AYE Olson: AYE Weiss: AYE Hoard: AYE Wustrack: NAY Kellerman abstained.

4. Audrey Wellenbrink - Annexation Request - 3075 Rosemont Road

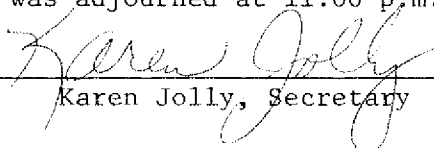
D. Richey gave the staff report. He said there are 8 acres on Rosemont Road in the proposal for annexation. He said the property can be served by City water, but that there is not sewer adjacent to the property. He said staff recommends an approval recommendation to City Council, who will, in turn, make a recommendation to the Boundary Commission.

Applicant, Audrey Wellenbrink, 3075 Rosemont Road, stated her request to annex to the City to have police and fire protection.

Brief discussion followed. D. Wustrack moved to close the public hearing. R. Olson seconded the motion. The motion passed unanimously and the public hearing was closed.

D. Wustrack moved to recommend approval of the application for annexation of the 8.7 acres owned by Audrey Wellenbrink according to the situation and facts of the staff report. R. Olson seconded the motion. The motion passed unanimously.

There was no further business and the meeting was adjourned at 11:00 p.m.



 Karen Jolly, Secretary

AAJ161

June 20, 1983

Chairman Madson opened the regular meeting at 7:30 P.M. Members present were M. Gosling, S. Weiss, R. Olson, L. Kellerman, and T. Hoard. Absent was D. Wustrack. M. Butts, acting City Planner and K. Jolly, secretary were present. Also, D. Darling, City Attorney was present.

John Buol, City Administrator introduced Mike Butts, interim Planner who is taking Dave Richey's place since Mr. Richey is no longer employed by the City. Also, Mr. Buol reported on the Comp Plan progress and changes in meeting schedules. Chairman Madson asked about the hiring process for the City Planner's position. Mr. Buol said they would probably recruit from the northwest area, and use an assessment center or an intense interview board, or possibly both in the hiring process.

1. Minutes of May 16, 1983 Regular Meeting

M. Gosling moved to approve the minutes of the May 16, 1983 meeting as written. R. Olson seconded the motion. The motion passed unanimously.

2. Francisco Reynders - Annexation Request - 2015 Carriage Way

M. Butts gave the staff report. He said the parcel is 2.53 acres on Carriage Way with one house on the extreme east portion of the parcel. He said there is a draw that passes through the center of the property running north and south. He said there is an 8-inch water line in Carriage Way, and there are two sewer lines in the area, but both are quite a distance away. He said the property is zoned FU, Future Urbanizable, 10 acres by the County and the draw is designated as a resource protection area by the County, and this area should be looked at when future development plans are proposed. He said the property is designated for low density residential on the Comp Plan and staff recommends favorable action on this application.

Applicant, Francisco Reynders, 2015 Carriage Way, said that he wants to annex because he needs the police and fire protection. He said he is pleased with the staff recommendation and would like to be a part of the City.

L. Kellerman asked about the present police and fire protection. Mr. Reynders said the County does not have a police force that is able to serve him as rapidly as West Linn's police could.

There were no opponents nor proponents.

R. Olson moved to close the public hearing. M. Gosling seconded the motion. The motion passed unanimously and the public hearing was closed.

Brief discussion followed. Chairman Madson asked if the City Police could respond to properties in the County. D. Darling said they would probably respond if asked by the County, but they have no jurisdiction. T. Hoard asked about the zoning designations of the County. M. Butts explained the designations. L. Kellerman asked if the City had anything similar to the resource protection designation. D. Darling said presently the City does not have a similar zone, but the proposed development codes make allowance for density transfer for potential problem areas. She also said the property would have to be rezoned to City zoning. L. Kellerman asked about the property taxes. D. Darling outlined the process and J. Buol said the tax rolls are updated the end of March and May of every year.

There was no further discussion and L. Kellerman moved to recommend the approval of the annexation to the City Council as specified in the staff report dated May 24, 1983 for Francisco Reynders. R. Olson seconded the motion. The motion passed unanimously.

3. Miscellaneous

R. Olson gave a report on the Design Review Committee meeting. He talked about the Sunburst II, Phase 2 condo-townhouse application for Herb Koss. He said Mr. Koss has changed the siding from aluminum to cedar, which was a previous concern of the Planning Commission. He said the Design Review Committee approved the change in siding and the landscape plan. T. Hoard asked if Design Review had heard from Dorsey Bus regarding the bus storage yard. R. Olson said they had not turned in a formal application yet, but probably they would be on the July agenda.

Chairman Madson mentioned briefly the Comp Plan schedules. He said the meetings will be rescheduled after the inventories are completed. Until then, there will be no meetings.

There was no further business and the meeting was adjourned at 8:00 P.M. The Planning Commission then went into a worksession.


 Karen Jolly, Secretary

July 18, 1983

Chairman Madson opened the regular meeting at 7:30 p.m. Members present were R. Olson, D. Wustrack, M. Gosling, S. Weiss, L. Kellerman. Absent was T. Hoard. M. Butts, Acting Planning Director and K. Jolly, Secretary were present. D. Darling, City Attorney Representative was also present.

1. Minutes of June 20, 1983 Meeting

M. Gosling moved to approve the minutes of the June 20, 1983 meeting as written. R. Olson seconded the motion. The motion passed unanimously.

2. Deeanne Troutman - Variance Request - Linn Lane

D. Darling said their office had a conflict with the application because they had represented Mrs. Clark previously. She introduced John Anicker who will be legal counsel for this variance request hearing.

Chairman Madson asked if anyone objected to the Planning Commission hearing the variance request and Ernest Cassella, 5250 Linn Lane, directly across the street from the subject property, said he had submitted a letter to the file stating he had not been notified of the hearing by mail and that he strongly disagreed with the Planning Commission hearing this application. Mr. Cassella explained that he once had to go through these same procedures and was not given a chance to apply for a variance. He said the law was clear and the variance request is out of order and should not be heard.

M. Butts gave the staff report. He said the lot, in order to be developed, is required to have 35 feet of frontage and the applicant is asking for a variance of this. He said the property is at the end of Linn Lane and that there was a letter from Cy Nims, an adjacent property owner who proposed a property exchange. He said the letter is part of the staff report. Also, he said there was an addendum to the staff report giving the conditions which must be met for a variance. He said staff feels the proposal does not meet conditions 1 and 4 in that the property exchange, even though there are restrictions imposed with the exchange, would not make a variance necessary.

Chairman Madson read into the record a letter from Cy Nims and a letter from Ernest Cassella. M. Butts explained the notification process. Chairman Madson said that Mr. Cassella's letter would become a matter of record and that the Planning Commission would hear the proposal.

Applicant, Deeanne Troutman, 1790 S.E. 5th, said she is the daughter of the owner, that she was told by Dave Richey she could not apply for a variance. She said she went to Mr. Nims and asked to purchase the property to give her 35 feet of road frontage, but he proposed a property trade instead. She said she does not feel the trade is equitable. She said they have a buyer for the property, that her mother is not going to develop the property, and the buyer is not interested in the property trade, either. She said Mr. Nims put restrictions of building location and height on the proposed trade, and she would rather not build in the westerly 110 feet of the property. She said they went to the Nickerson's next door and they asked \$6,000 for the property. She said her mother thought she was creating a legal roadway in 1975 when she obtained the easement. She went over the staff report recommendations. She feels the Nickerson's view has been taken into consideration; that for the property trade with Mr. Nims, that he should not be able to say where the house will be located; that she is not asking for arbitration for the trade, that they are only asking for a variance; that they would prefer to build in the easterly portion of the property. She said she feels Linn Lane will eventually go through, so why should her mother give up 750 feet of her land.

AAJ161

Proponent, Pat Clark, 15811 S.E. Creswain, Milwaukie, said she is the owner of the property and that she is not trying to create any hard feelings. She is just trying to do what is best for the property. She said that she did not know that the 15 foot easement would not be a proper access. She said they first owned the property now owned by the Nickerson's and then later purchased the property in question. She said they had approached the Nickerson's, but they wanted \$6,000 to increase the easement size. She said they object to the 750 square foot property exchange because they have a buyer who will not buy the property if they go with the trade.

Opponent, Ernest Cassella, 5250 Linn Lane, said he feels the frontage law is a fair law, that it results in better planning. He said the Nickerson's have a nice view from their kitchen. He said that he had to deal with restrictions, and other people have to deal with restrictions, too, that he had to buy frontage from Mr. Nims. He said he does not think the laws are unreasonable and that it would start a precedent if the Planning Commission grants the variance.

Opponent, Sally Swanson, from Tarbell Realty, said she is listing the Nickerson's property. She presented pictures of the view from the property and showed what a house on the subject property would do to their view. She said they have not been able to show the property because of the land dispute and do not have a buyer. She said they could lose up to \$10,000 of their asking price if the view was taken away.

Opponent, Janice Reynolds, said she is living in the Nickerson's house feeding the dog while they are gone, and feels the Nickerson's should have the opportunity to defend their property rights.

Opponent, Cy Nims, 5494 Linn Lane, explained his exchange offer, and said he feels it is reasonable. He said there is a map in the file which shows a rectangular, single story home on the lot, and if the proposed house would be built as shown, there would be no loss of the Nickerson's view, which is his concern, also. He said he does not have any plans for the development of his lot.

Opponent, Dave Kruse, 5120 Linn Lane, asked if Linn Lane would be going through, and said he feels the way the houses are set up, a single level home would not restrict the view, and he feels this is not a hardship to build a single story house.

Proponent rebuttal, Deeanne Troutman said she lived in the Nickerson's house for many years and, therefore, is familiar with the view. She said there are very few single-story homes built any more. She said the house proposed to be built would be placed so that it would not block the Nickerson's view, that the house is a tri-level. She said there could be other buyers for the property, but they would also need the access. She said she felt the Nickerson's would probably have a better chance of selling their house if the house was already situated on the property.

Chairman Madson asked the acting City Attorney his opinion. Mr. Anicker said that unless there were binding agreements, any discussion of trade is irrelevant to the decision to arbitrate the trade. He said that an easement for access does not constitute frontage, and it comes down to the question, does this qualify for a variance under the ordinance. He said the property does not have frontage and because of this, is not buildable and that it should not be subject to a variance.

D. Wustrack moved to close the public hearing. L. Kellerman seconded the motion. The motion passed unanimously and the public hearing was closed.

Discussion followed. Chairman Madson said he felt it was not the Planning Commission's duty to act as an arbitrator.

R. Olson moved that, based on the testimony, they deny the variance request. S. Weiss seconded the motion. The motion passed unanimously. Mr. Anicker suggest there should be a finding of fact in the motion. R. Olson restated his motion to say that they deny the variance as requested for Tax Lot 300, Assessor's map 21E-25BD based upon the following findings of fact: That there are no exceptional conditions which apply to this property that do not apply to other properties in the area as a result of lot size or shape, topography or other circumstances over which the applicant has no control, and that the variance requested is not the minimum which could alleviate the hardship since there are other alternatives which could satisfy the access to the property. S. Weiss seconded the motion. Chairman Madson added that the items referred to are the criteria for a variance, and are stated in an addendum to the staff report dated July 18, 1983. The motion passed unanimously.

3. Donald & Mary Jolly - Annexation Request - 21151 S. Horton Road

M. Butts gave the staff report. He said the property contains 4.91 acres, that the Comp Plan calls for low density residential. He said the property can be served by sewer and water, and recommended approval of the request.

Applicant, Don Jolly, 21151 S. Horton Road, stated his request and said he has lived on the property for 30 years and that they agree with the staff report. He said there is a small, intermittent creek on the property that is culverted.

There were no opponents.

R. Olson moved to close the public hearing, L. Kellerman seconded the motion, the motion passed unanimously and the public hearing was closed.

L. Kellerman moved that the Planning Commission recommend to the City Council that the Planning Commission support the annexation by recommending that the subject property be annexed into the City of West Linn based on the findings and recommendations of the staff report dated July 6, 1983. M. Gosling second the motion. The motion passed unanimously.

4. Ralph Appleman - Variance Request - 2011 Willamette View Court

M. Butts gave the staff report. He said there is a 7½ ft. variance requested into the front yard setback. He said the applicant is in an exceptional circumstance in trying to improve the lot. He said staff recommends approval of the variance as submitted.

Applicant, Ralph Appleman, 17690 S.W. Blue Herron Road, Lake Oswego, stated his proposal and presented pictures to the Planning Commission. He said he had a creek running through the property and that he did not have enough land to build the house behind the creek. He showed the planning Commission his building plans and pointed out elevations. He said they are not disturbing the drainageway. He said the garage, which would be in the setback, is 24' x 19' a standard two-car garage. He said the neighbors are not concerned about the visual set back.

There were no opponents.

D. Wustrach moved to close the public hearing. L. Kellerman seconded the motion. The motion passed unanimously and the public hearing was closed.

Discussion followed about the garage and how the request meets the criteria for a variance.

M. Gosling moved to approve the request for a variance for TL 4506 assessor's map 21E25AA according to the findings of fact of the staff report dated July 6, 1983 that the four criteria for the variance have been satisfactorily met. D. Wustrack seconded the motion. The motion passed unanimously.

5. Centurion Homes - Final Plat Approval - Skyline Ridge Subdivision, Phase 1A

M. Butts gave the staff report. He said it is one of 6 phases and noted a few minor adjustments to the plat, but recommends approval.

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Applicant, Phil Genteman, 19335 Suncrest Avenue, said he is seeking final approval of 51 lots in this phase. He said his engineers will make the required amendments. He said the parksite by the water tower is not yet dedicated, will probably be in the third phase.

D. Wustrack moved to approve the final plat for Skyline Ridge Subdivision, phase 1A as per the staff recommendation 2 thru 5 of the staff report. M. Gosling seconded the motion. The motion passed unanimously.

6. K & F Development, Inc. - Sunburst II, Phase 2, Final Plat Approval
(Appeared on agenda as Sunburst III)

Applicant Nick Fosses explained that the whole subdivision is Sunburst II and will be approved in phases as they go along.

M. Butts gave the staff report. He said there were 23 detached single family units and 38 attached single family units originally, but it has been revised to accommodate 41 detached single family units and 2 attached single family units.

D. Darling said the Planning Commission should find that the subdivision final plat complies substantially with the tentative plat. D. Wustrack asked if the developer would be able to 'Catch up' the density later. D. Darling said possibly, depending on what was approved.

Applicant, Nick Fosses, K & F Development, said they had duplex lots in the first phase that had only one house on them. He said they plan to add the extra units later, and did not want to build this phase the same as phase 1. He said he was willing to accept that the remaining phase will stay as tentatively planned and they would not add the units given up on this phase.

Chairman Madson suggested the Planning Commission establish a procedure on standard policy so that each phase of a subdivision is dealt with individually rather than all coming to a "settling up" on the last phase. He said he would support the developer going for a new tentative plat approval since the density has been changed. M. Gosling agreed, but felt that they should decide on this now with a stipulation that the densities cannot be transferred, since the next phase is being built anyway. L. Kellerman said he felt the development was in substantial compliance as far as his definition of substantial compliance. R. Olson said he could approve this phase without any transfer of density. S. Weiss said she felt it is in compliance, but would like to see a policy established for the Planning Commission. M. Gosling said it would be unfair to hold up the development for a policy to be developed for the commission. Discussion followed regarding whether or not the development in this phase complied substantially with the tentative plat.

R. Olson moved to approve the final plat based on a substantial compliance in the total number of structures as compared with the tentative plan and based on the situation and findings of fact as outlined in the staff report of July 8, 1983 for TL 200 AM 21E23C for K & F Development and further that there be no density transfer of the 18 units not utilized here. D. Wustrack seconded the motion. L. Kellerman suggested a motion change regarding the impact of the number of structures in this phase of the subdivision. R. Olson did not agree on the change. The motion passed, the vote was AYE: Wustrack, Olson, Weiss, Gosling. NAY: Madson, Kellerman

7. Miscellaneous

Bob Edwards, Edwards Industries, requested the Planning Commission hold a special meeting on August 1, 1983 to consider a conditional use request for a temporary sales office in Hidden Springs Ranch #6. He said they have operated out of garages previously, and have not requested a conditional use permit for these.

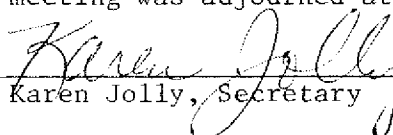
M. Gosling moved to schedule a special meeting at 7:00 pm on August 1, 1983 to hear the conditional use request for Edwards Industries. D. Wustrack seconded the motion. The motion passed unanimously.

Chairman Madson suggested a tour of Edwards' manufactured housing factory for the Planning Commission. Mr. Edwards agreed.

M. Butts gave an update on the Diaz' housing study which is to be presented to the Planning Commission next week. He passed out Ames' assessment on the housing study which was done a year ago. Discussion followed regarding the draft Plan.

L. Kellerman stated he is concerned that the Planning Commission has seen no draft Plan from Ames, and that he is concerned as to the lack of this draft Plan and their inability to review something they cannot see, particularly the vacant buildable lands and where the densities are going. He said this part of the Plan has been notably missing. He said they have not been in receipt of their request from Ames.

There was no further business and the meeting was adjourned at 11:30 p.m.


Karen Jolly, Secretary

August 1, 1983

Chairman Madson opened the special meeting at 7:00 pm, members present were D. Wustrack, T. Hoard, L. Kellerman, S. Weiss, R. Olson. Absent was M. Gosling. M. Butts, Acting Planning Director and K. Jolly, Secretary were present. Also D. Darling, City Attorney Representative was present.

1. Edwards Industries, Inc. - Conditional Use Request Carriage Way & Wildwood Drive, HSR #6

S. Weiss noted that she lived in Hidden Springs Ranch and that she might have a potential conflict. She said she will hear the matter and vote.

M. Butts gave the staff report and said the proposed sales office as situated on the property, would be in the setback, therefore staff recommended the applicant file for a variance. First, a hearing on the conditional use will be heard first, then a variance request of 16 foot in the front yard will be heard. He reported on both requests. He said there are no parking requirements, but could be a condition of approval. Staff recommended approval of both requests with conditions of a one year time limit and a possible 6 month extension and that sewer and water fees be paid prior to final inspection of the occupancy. He also added curb and street requirements are necessary for any off-street parking.

D. Darling said whatever parking restrictions apply in the underlying zone, R-10 here, the conditional use restrictions are the same.

Chairman Madson read a letter into the record from Laura & Douglas Caldwell, 1937 Carriage Way, W.L. stating their objections to the conditional use and variance. The letter contained names, typed, of 15 other residents on Carriage Way and Sun Circle.

Applicant, Dan Edwards, Edwards Industries, addressed the proposal, said he thinks there is some misunderstanding about what is proposed. He said the building is a wood structure with cedar siding, a shake roof that will not detract from the neighborhood. He said it will be temporary, they are not moving their Milwaukie office here, there will be no additional sales people, only a place to sell their new homes from. He said this will cost much less than building a model home. He said the reason for the new sales office is that they are planning on moving up to the traffic area where the lots are selling, they will sell the old sales office. He said they do not have a conditional use permit presently for their model home office. He said there will be no changes to natural slope of land, no tree cutting, etc. He said usually there will probably be 4 cars maximum, and feels the on street parking is sufficient. He said if the economy got worse and they could not sell lots, they would ask for extension. He said it was important to have sales office in area where lots are being sold.

Opponent, Craig Abraham, Sun Circle, and he feels the parking problem will be worse than they are led to believe. He said he and his wife jog and at the Bluegrass office there are 4-8 cars in front and around the corner. He feels parking will be a problem. He feels there is not room for commercial operation in residential area.

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Al Olson, 2055 Carriage Way, closest house to proposal, bought from Edwards, said they were assured there would never be any commercial ventures in the area. He said there are sometimes 3-4 sales people in the office. He asked how many extensions could be granted. Chairman Madson said a public hearing would be required for each extension, so it is not automatic, public input would be considered.

No other opponents, Mr. Edwards did not choose to rebut the opponent's testimony.

Discussion followed regarding use of the temporary building after sales office is no longer required, number of employees, parking requirements, other locations for this sales office.

R. Olson moved to close the public hearing. L. Kellerman seconded the motion. The motion passed unanimously.

D. Wustrack said she feels the extra traffic and parking on Carriage Way will create a significant problem, with builders, regular traffic, children on bikes, etc. She feels this is a main road. L. Kellerman feels this is legitimate business, and suggested that everyone is taking some amount of inconvenience but developer could be requested to park his cars on Wildwood. R. Olson felt it is necessary for sales office to be in this location, but feels temporary parking off-street would be helpful, and limit other types of parking by builders. S. Weiss said she feels this type of structure will tend to be more temporary because of neighborhood but feels parking is a problem. Chairman Madson also agreed that 2 off-street parking spaces be required. T. Hoard said one aspect of being in an area as it develops are the effects of construction, dust, street development, builders, traffic, etc, he feels this area would be better than the office on Bluegrass, not as congested. D. Wustrack suggested the developer find another lot for the sales office.

L. Kellerman moved that in light of the staff report and testimony heard, that they approve the conditional use application for Edwards Industries in Hidden Springs Ranch #6 with the following provisions:

1. That either the structure be located to meet the minimum front yard setback or obtain a variance to this requirement;
2. That the structure be located at least 10 feet to the west of the drainage easement that is 70 feet from the eastern property line;
3. That the conditional use permit shall be in effect for one year from the date of issuance, with the option to come before the Planning Commission and request a maximum 6 month extension, after which point no further extensions shall be allowed;
4. That permit fees for sewer and water be paid prior to inspection;
5. That the off-street parking requirements for this conditional use within the R-10 zoning be adhered to, ie. a minimum of 2 off-street parking spaces shall be provided.
6. To the maximum extent possible, that the applicant funnel additional on-street parking to the area of construction on Wildwood Way as opposed to allowing significant parking on Carriage Way. R. Olson seconded the motion.

The motion passed. The vote was: AYE: Hoard, Kellerman, Olson, Weiss NAY: Wustrack.

Edwards Industries, Inc. - Variance Request - Carriage Way & Wildwood Drive, HSR #6

S. Weiss stated her conflict since she lives in Hidden Springs, she will hear matter and vote.

M. Butts gave the staff report, applicant is asking for a 16 foot variance to the 20 foot frontyard set back. He said item 1D of the staff report does not apply since conditional use has been granted for the temporary sales office. He mentioned exceptional conditions and the criteria for the variance. D. Wustrack questioned the staff reasons for recommending approval of the variance.

D. Darling suggested adding a specific length of time for the variance as with the conditional use, that it is only for the temporary structure.

Applicant, Dan Edwards, said that he could answer any questions, and stated the reason they are asking for the variance is that the property drops at such a rapid rate and the farther back they set the building, the more foundation is required, which is costly. Regarding requirement #2 of the staff report, and his written response in his application which said, not applicable, he said they did not think it had anything to do with property rights because it is a temporary structure. He said whether a sales office or single family dwelling, meeting the setback would be a hardship. He said they own other vacant lots in the area but this lot seems a good lot to catch traffic and other lots available are interior lots, and parking would not be as available. He said he did not know the cost of meeting the setback.

Opponent, Mrs. Olson 2055 Carriage Way, said if Edwards is building a multi-million dollar development, he could put the proper support under the building to meet the setbacks. She asked if they could use the lot to the east, which would be more feasible. She said there are 2 other homes there now which could be used for the sales office. She said her main concern of the setback would be aesthetics, and does not feel it should be there in residential area.

Opponent, Curt Johnson, 1958 Carriage Way, said his complaint is aesthetics and he would not like to see it pushed up to property line, feels it will be obnoxious, agrees with neighbors, feels it is bad enough 30 feet back.

Chairman Madson pointed out that Design Review Committee will review the proposal.

Opponent, Mr. Olson, 2055 Carriage Way, asked if the applicant will landscape and maintain this landscaping, and will there be any parking restrictions for on-street parking.

Applicant Rebuttal, Dan Edwards, said the home built on Carriage Way was not planned for a model home. He said the new location should be better for the traffic situation. He said the yard light will only be damage-resistant. Also, he said he felt in an area of steep lots like this, variances would be necessary.

D. Wustrack moved to close the public hearing. L. Kellerman seconded the motion. The motion passed unanimously and the public hearing was closed. Discussion followed. D. Wustrack said she feels the request meets the criteria for granting a variance, specifically item #2. She said she feels they could use another lot or use another house already built. L. Kellerman humbly disagreed and said the property rights are those the Planning Commission just gave him with the conditional use permit, but he felt there was not enough justification given for proving an economic hardship for the variance request. R. Olson felt that the temporary use obviates the total requirement of complying with all the requirements, and he feels the requirements for the 20 ft setback would make the building look unusual and detrimental to the neighborhood. S. Weiss said she feels the criteria have been met for the variance. Chairman Madson said he feels the applicant has not met the 4 criteria, specifically #2, preservation of property rights.

D. Wustrack moved to deny the application for the variance request by Edwards Industries for tax lot 5400 assessor's map 21E 23AC based on the fact that the applicant did not meet the 4 criteria necessary for a variance and specifically the applicant did not meet criteria #2 for the following reasons:

1. The applicant owns other lots on Carriage Way specifically the lot adjacent but also owns other lots facing on Carriage Way which would satisfy his necessity for high visibility to traffic.
2. The applicant has other avenues of using this property besides building a temporary real estate office on this property, they are not denying him his other rights to use this property to build a single family home, he has other avenues of using the property, so a variance is not necessary for him to be able to use this property.
3. A matter of opinion, the applicant could still build within the setback requirements if he were willing to spend the money, it is not impossible to use this lot with the setback requirements the City imposes, it is just impossible for him to use it given his budget of \$16,000.

S. Weiss questioned the relevance of the applicant's other properties and suggested that finding #1 of the motion be dropped. D. Wustrack agreed to drop finding #1 from the motion. G. Madson seconded the motion. The motion failed. The vote was AYE: Wustrack, Madson NAY: Kellerman, Olson, Hoard, Weiss.

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August 1, 1986

OBJECTIONS TO CONDITIONAL USE PERMIT AND VARIANCE
OF SET BACK REQUIREMENTS FOR TEMPORARY REAL ESTATE
OFFICE FOR EDWARDS INDUSTRIES

I am a resident of 1937 Carriage Way, West Linn, OR in the Sunburst subdivision. I am an attorney in the Oregon City firm of Urbigkeit, Hinson & Abele. My husband is a sales representative and joins me in this objection. Our objections are also supported by the residents of the area near the intersection of Carriage Way and Wildwood Street who are listed below. Many of these people are unable to attend this meeting but are adamant in their objections to the proposed real estate office.

It is clear that none of the residents in our neighborhood wish to have a commercial real estate office in our neighborhood. The people I have spoken with have all expressed shock and concern that such a proposal would be considered at all. We purchased our homes in this area because of the high quality neighborhood atmosphere. All of the homes are beautifully constructed in a lovely setting and our property values therefore remain relatively high. We have high assessed values for property tax purposes in part because of the neighborhood amenities. It is neighborhoods such as ours which provide a major portion of property tax support for the city of West Linn. The homeowners were all required to honor certain legal set back requirements and in many cases architectural requirements at the time our homes were built.

The addition of a commercial operation in the midst of this type of neighborhood is an unfair burden on our identity as a neighborhood and on our property values. We purchased our homes in reasonable reliance on the proposition that there would be no commercial enterprise in the area.

A comparison of Hidden Springs development is in order. The people purchasing homes in Hidden Springs did meet with real estate agents in the neighborhood who used model homes as temporary offices. These homes complied with set back requirements and architectural modes or specifications that helped them to blend with their surrounding neighbors. In addition, and of great importance, is the fact that the purchasers bought their homes with full knowledge of the existence of the real estate "offices" in the area in the form of the model homes. The buyers could choose to not purchase a home near an existing model home.

In contrast, the proposed real estate office on Jarriage Way is not a model home and will not comply with any formal or informal architectural standards. In addition, the proposal is to ignore the set back requirements which every other structure must comply with.

There is some evidence that the proposed office is not even limited to the use of sales in the immediate area and that the Milwaukie office is closing and possibly moving its sales staff and operations to this location. Although this office is proposed to be "temporary", it is clear that if allowed to be built, the office may be allowed to continue for an indefinite

length of time through the use of periodic renewals.

We object to the additional parked cars and traffic in the neighborhood. Drivers who live in a neighborhood tend to be more aware of children and pedestrians in the area and are more likely to drive carefully. Customers and employees of a commercial business lack the commitment on a personal level to keep the area free from noise, congestion, speeding vehicles, etc.

We question the need for a real estate office in our neighborhood. Allen C. Edwards has a model home office nearby on the corner of Blue Grass Way and Hidden Springs Blvd which can presumably handle the sales of homes in this area. In addition, I believe there is office space available on Highway 43 and in the Robinwood Shopping Center -- all nearby and in commercially zoned areas.

We are already suffering greatly from the influx of sight-seers and construction equipment and trucks in our neighborhood because of the Street of Dreams and other new construction nearby. This should not result in opening the doors of our neighborhood to any commercial building such as a real estate office.

Please help us to preserve our neighborhood as a residential and not commercial entity.

Very truly yours,


Laurie N. Caldwell
Douglas H. Caldwell

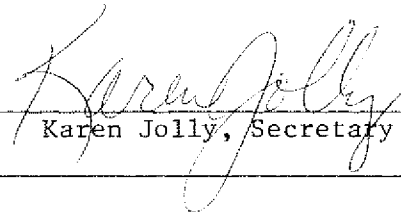
The following people join me in objecting to the conditional use permit and variance of set back requirements for a temporary real estate office for Edwards Industries:

Donna Ruben and Jerry Kuykendall, 1978 Carriage Way
Sigrid and Frederick Ozyp, 1938 Carriage Way
Curt and Merry Jones, 1958 Carriage Way
Chris Marean, 19610 Sun Circle
Jack and Susanna Mahurski, 19622 Sun Circle
Russ Farlee, 19623 Sun Circle
Craig and Kathy Abraham, 19609 Sun Circle
Melissa and Dennis Driscoll, 19619 Sun Circle
Jim and Sue England, 19659 Sun Circle
Patrick and Jeanne O'Grady, 19661 Sun Circle
Al and Betty Olson, 2055 Carriage Way
Alice and Dick Bechtold, 1997 Carriage Way
Michael and Betty Rowney, 21968 Carriage Way
Bob and Barbara Ball, 1947 Carriage Way
Steven and Elizabeth Zinner Carriage Way (lot 23)

All of the above people have been personally contacted by me and asked that I add their names to the foregoing Objections. They are all available to sign a petition voicing these objections, but there was not enough time to collect signatures for the August 1 meeting.

L. Kellerman moved to approve the variance request for Edwards Industries for Tax lot 5400, assessor's map 21E 23AC, Carriage Way and Wildwood Drive, based on the situation and findings of fact provided by the Planning staff and the fact that based on the four criteria necessary to approve a variance, on criteria #2, that they assume that it is required that this variance be granted in order for this applicant to economically preserve his property rights, even though they have not heard economic data to support it, they feel it is a reasonable assumption to make, with the condition that the variance be in effect for the same length of time that the conditional use application that was approved earlier this evening, is to be in effect and in no case shall this variance be in effect for a period of time greater than 1½ years, and #2 that they pass onto Design Review committee a request that the subject property be landscaped with larger trees and bushes to the maximum extent possible in order to provide greater aesthetic shielding from surrounding properties, and strike from the staff report that item #1.d. and on page 2, item #3, second sentence, the term "no parking spaces required in the front yard" should be stricken. R. Olson seconded the motion. The motion passed. The vote was AYE: Olson, Hoard, Kellerman, Weiss NAY: Madson, Wustrack.

The meeting was adjourned at 9:15 pm.


 Karen Jolly, Secretary

August 15, 1983

Chairman Madson opened the regular meeting at 7:30 pm. Members present were D. Wustrack, S. Weiss, M. Gosling, L. Kellerman. Absent were R. Olson and T. Hoard. M. Butts, acting Planning Director and K. Jolly, Secretary were present. Also, D. Darling, City Attorney Representative was also present.

1. Minutes of July 18, 1983 Regular Meeting and August 1, 1983 Special Meeting

The minutes were not ready for approval, and will be on the agenda at the next meeting.

Tom Wright with the Willamette Falls Track Club presented the ribbons for the 4th Place Planning Commission team and thanked them for participating.

Chairman Madson mentioned the procedures for public hearing.

2. Audrey Wellenbrink - Rezone Request - 3075 S. Rosemont Road

M. Butts gave the staff report. He said the property is presently zoned FU-10, Clackamas County zoning. He said the property was recently annexed to the City and the applicant is seeking R-10 single family residential zoning. He said there are two dwellings on the property, and the applicant is also requesting a minor partition tonight so the property can be easily sold. Staff recommends approval with the understanding that the zone change does not guarantee sewer availability.

Applicant, Audrey Wellenbrink, 3075 S. Rosemont Road, stated her proposal, and said she plans to separate the two homes into separate parcels so she can sell the property.

There were no opponents.

D. Wustrack moved to close the public hearing. S. Weiss seconded the motion. The motion passed unanimously and the public hearing was closed.

M. Gosling moved to recommend to City Council they approve the rezone request from FU-10 Clackamas County, to City R-10 based upon findings that the proposed zone change is consistent with the Clackamas County Comp Plan which applies to the subject property and that the West Linn R-10 zoning is consistent with the existing development pattern of the area, with the proviso that sewer capacity may not be available and that there is no guarantee of availability of sewer connections for future development.

D. Wustrack seconded the motion. The motion passed unanimously. L. Kellerman abstained from voting since he was not present for the public hearing.

3. Audrey Wellenbrink - Minor Partition Request - 3075 S. Rosemont Road

M. Butts gave the staff report. He said this is the western parcel of the property just reviewed. He said there are 2 single family structures on the property, and the applicant is dividing the property along the existing fence line. He said they would require an additional 5 foot of right of way along Horton Road. He said staff recommends approval subject to the 5 foot road dedication, and that there is no guarantee of sewer availability, and that the applicant sign a non-remonstrance agreement, and further that the curb and sidewalk requirements be waived until a later time when the property is developed.

D. Darling said the waiver of remonstrance should be recorded against the property and it should indicate what improvements might be likely.

Applicant, Audrey Wellenbrink, 3075 S. Rosemont Road, said she would like each house to be on a separate piece of property in order to sell them. She said the fence and driveway are there presently and she does not wish to change it. She said the house on the 2 acre parcel has a driveway on Horton Road.

There were no opponents.

Discussion followed regarding the traffic situation on Rosemont Road and future development on the property.

L. Kellerman moved to close the public hearing. D. Wustrack seconded the motion. The motion passed unanimously and the public hearing was closed.

Discussion followed regarding the traffic situation and possibly limiting access on Rosemont Road, also the proposed lot shapes for future development. It was also suggested that future development will come before the Planning Commission and these problems can be addressed at that time.

M. Gosling moved to approve the request for the minor partition for tax lot 1300, assessor's map 21E 26A subject to the approval of the zone change by the City Council and based on the findings that there is no material change in the use of the property and that it is being divided for sale, and subject to the following conditions: That an additional 5 foot right of way be dedicated along Horton Road and slope easement be established as necessary to accommodate sidewalk installation in the future, and the understanding that land divisions are considered and processed on their own merits and any approval is definitely conditioned on the possibility of building permits being denied when sewage treatment capacity is reached and that approval of this partition does not guarantee availability of sewer connections, and further that street right of way improvements be waived at this time because of the reason for partitioning, but that the applicant sign a non-remonstrance agreement with the City which is to be recorded at the applicant's expense regarding any future LID's created, to finance and develop right-of-way improvements along either Horton Road or Rosemont Road. S. Weiss seconded the motion. The motion passed. The vote was AYE: Gosling, Weiss, Kellerman, Madson Nay: Wustrack

4. WESCO, Inc. - Variance Request - Robinwood Estates #3 (9 lots)

Chairman Madson said there was a difference of opinion on this application for a variance, and he asked D. Darling to give her views and then M. Butts could give his views; also, Mr. West would be given a chance to comment.

D. Darling stated her position is that there are 9 lots and there should be 9 separate applications. She said the fees may be waived and that the legal notice was sufficient that they could hear 9 separate applications tonight. M. Butts stated that first, the City is losing \$100. on a variance under the present fee schedule, and second that the City has an obligation to lower the cost of housing and this can be done by expediting some procedures. Also he said the 9 lots are nearly identical and to process them separately would be a waste of both the City's and the applicant's time, that all the lots will require variances.

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Russ Lawrence, Civil Engineer and Land Surveyor in West Linn, said that the P.D. ordinance has been in effect since 1971 but it was so restrictive and poorly written, that until it was revised in 1978 or 1979, none were developed.

Mr. Val West, 4344 Cedaroak Drive, said regarding the variance application, that it probably should be treated as 9 separate applications and he does not object to this. He stated that since lots are so similar, he would submit identical reports for all 9 lots, that the engineering material would be identical, the soils report would be identical. He said he would like to process the applications as soon as possible. He said the structures to be put on the lots are not in question at this point. The Planning Commission agreed there should be 9 applications.

D. Wustrack moved that Mr. West restate his variance request as 9 separate variance requests, he will pay 9 separate fees for Tax Lots 500, 600, 1100, 1200, 1300, 1400, 1500, 1600 and 1700, Assessor's Map 21E 23DB and they will consider all 9 requests tonight. M. Gosling seconded the motion. The motion passed unanimously.

D. Darling said the Planning Commission could hold one public hearing on 9 requests. Chairman Madson opened the public hearing. D. Wustrack submitted a photo of the lots for the record.

M. Butts gave the staff report. He said to add to the staff report, he checked the clear vision area and there are no problems. Also he said the provisions of approval for the subdivision are included in the amendments to the staff report, and off-street parking is the only one that pertains to this issue, the roadway was reduced in size and parking and sidewalks were allowed only on the upper-side of the street. He said staff feels the 4 off-street parking spaces were adequate. He went over other setback and/or height variances that were granted. He said the staff recommends approval of an 18 foot variance and they suggested that staff have the authority to look at each one on a case-by-case. He said either a height variance or setback variance would be required on these lots.

Mr. Val West, 4344 Cedaroak Drive, said without the setback, they will be building 20 feet of bridge and he objects to that. He said there are no across-the-street enterances which will conflict with these lots. He said he feels stilts are not necessarily attractive construction and they would not sell as well. He said the structural engineers he has talked to, object to stilt designs. He said he would like to include Tax Lot 100 but since it was not part of the submittal, it is not under consideration tonight. He said the problem was considered to be handled as a variance at the time of tentative subdivision approval. He said he was not asking for a PUD, only R-10 zoning when he proposed the subdivision. He said he did not intend to put high density on these lots. Also, he said the street design was moved three different times and one time it was at the City's request. He said he felt he is entitled to develop the ground as R-10 since that is the zoning. He said he will be building spec homes on the lots.

Russ Lawrence, Civil Engineer and Land Surveyor, said he would like to give some information on this issue. He said he has been on the lots to do some surveying work, He said Rawhide street is in the least offensive place it could be. He explained slope to the Planning Commission.

There were no opponents.

D. Wustrack explained the picture she submitted, she said it was taken from lot 1300 facing lot 1200. Discussion followed regarding the amount of slope for each lot. Also discussion took place about staff being able to consider the variances on a case-by-case basis. Chairman Madson asked about the possibility of Design Review approval as a condition of approval. D. Darling said this would not be possible. She suggested granting a lessor variance and he could then come back for more of a variance if this was not acceptable.

M. Gosling moved to closed the public hearing. D. Wustrack seconded the motion. The motion passed unanimously and the public hearing was closed.

Discussion followed. M. Gosling said there are a lot of non-standard situations in the City which will require variances, this may require code changes; he would prefer to have more details for the houses proposed on each lot. He feels it could be done when house is proposed. S. Weiss said they should be granting the minimum variance and she feels it is difficult to believe that 18 feet is the minimum for all 9 lots. L. Kellerman said he feels the requested variance for lots 13, 14, 15, 16 and 17 probably warrant the variance, but that lots 500, 600, 1100 and 1200 do not merit the variance, that they could have been platted differently; He would like to see more detailed data about each lot, D. Wustrack suggested continuing the hearing to a future date wherein they could get more specific data on each lot, she would rather not grant a blanket variance, and feels they do not have enough information to grant the variance. Chairman Madson said he agrees with the suggestion to continue the hearing.

D. Wustrack moved to re-open the public hearing for the variance application for WESCO, Inc. M. Gosling seconded the motion. The motion passed unanimously.

Chairman Madson told Mr. West what the Commission would like to see as additional information. He said they would like to see specific site data and architectural concepts for each lot, and the amount of variance that would be the minimum amount required for each lot, for the number of lots he would like to have considered.

D. Wustrack moved to continue the hearing for a variance request from WESCO Development, Inc, dated August 4, 1983 for tax lots 500, 600, 1100, 1200, 1300, 1400, 1500, 1600, and 1700, Assessor's Map 2-1E - 23DB, until the regularly scheduled public hearing on September 19, 1983 at 7:30 pm and that Mr. West, WESCO Development, Inc., support this request with more specific information:

1. presenting the specific variance request for each of the 9 lots, supporting this request with the distance from the property line back to where the slope begins, and including the slope of each lot and supporting his request with information on where the foundation would be placed on each specific lot, and with architectural drawings that would indicate the off-street parking, garage, and proposed residences with dimensions included and also showing how the house will set on the lot. L. Kellerman seconded the motion. The motion passed unanimously.

5. Sunburst II, Phase 3, Final Plat Approval - K & F Development

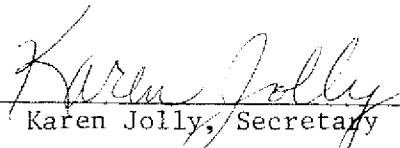
M. Butts gave the staff report. He said the only change from the tentative plan is that they are requesting 19 townhouses versus 23 originally requested. He said the reasons for this are that the streets have been realigned, and swimming pool added. He said staff recommends approval with two conditions, that approval of this phase does not constitute approval of subsequent adjustments to overall plan.

M. Gosling said he felt there was a substantial change in the plan as submitted compared to the original application, in the layout of the units. L. Kellerman questioned the transfer of the 4 units to a later phase.

Applicant, Herb Koss, K & F Development, stated proposal, said they have added swimming pool and tennis courts for marketability, he mentioned they lost 18 units in the last phase, and will not be increasing the density in Sunburst, that overall will be 4.2 units per acre. He said the street realignment was done to facilitate water, sewer and street construction at the City's request, He said the lots are a little bigger than planned. He said they are taking a commercial area and turning it back into residential use. He said he should have a chance to submit a new plan for the unused units.

Chairman Madson suggested that these subdivisions should be considered phase-by-phase and if the developer chooses to give up density, then they give up that density and cannot pass it on or transfer it. He asked that some thought be given to this idea.

L. Kellerman moved that based on the situation and findings of fact and the finding that the proposal that the new Phase 3 of Sunburst II is in substantial compliance with the preliminary plat submitted March 1, 1982 and approved April 28, 1982 that the Planning Commission approve this final plat. S. Weiss seconded the motion. L. Kellerman amended the motion to include the staff report recommendations. S. Weiss seconded the amendment, The motion passed unanimously. The meeting was adjourned at 11:50 pm.


 Karen Jolly, Secretary

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September 12, 1983

Chairman Madson opened the regular meeting at 7:45 p.m. Members present were S. Weiss, T. Hoard, L. Kellerman. Absent were R. Olson, M. Gosling, D. Wustrack. M. Butts, Planning Director and K. Jolly, Secretary were present. Also, J. Hammond, City Attorney was present.

1. Minutes of July 18, 1983 Regular Meeting and August 1, 1983 Special Meeting

L. Kellerman moved to approve the July 18, 1983 and August 1, 1983 minutes as submitted. T. Hoard seconded the motion. The motion passed unanimously.

2. Edwards Industries, Inc. Hidden Springs Ranch #8 A and B Reconsideration

S. Weiss declared that she is a resident and property owner in Hidden Springs Ranch area and opposed the May 17, 1983 request from Edwards for a rezone of the subject property, but felt she could make an impartial decision in this matter.

J. Hammond said they could combine the public hearings if they wanted to; Chairman Madson said they would do that; the applicant said they preferred this be done.

M. Butts gave the staff report. He said Items 2 and 3 of the staff report will be recommendations to the City Council and they will hold a public hearing on these on Wednesday, September 14. He summarized the original 1973 proposal from Edwards. He said the present proposal involves, in area A, 65 single family units, and up to a maximum of 221 multi-family units for area B, which represents an 84 unit reduction and dropping of the commercial area. He said according to the City Engineer, the roads that are presently serving the area are able to handle the anticipated growth. Regarding the fire hall, he said he cannot justify a request for the land, however, Edwards has offered to sell a site to the City for a fire station. He said they need to dedicate a 3.67 acre neighborhood park to meet the requirements. He also requested that 10 foot pedestrian/bicycle easements be required between certain lots. He feels the outstanding issue is the requirement for the neighborhood park to meet the recreational needs.

J. Hammond suggested that additional conditions for approval be added; that, one, dismissal by Edwards of the LUBA appeal be required, and two, that the pending circuit court lawsuit regarding annexation fees be dismissed with prejudice by Edwards.

Applicant, Rob Ball, representing Edwards Industries, 101 S.W. Main Street in Portland, briefly stated the chronological order of the applications for Hidden Springs Ranch, and specifically, No. 8. He said they have negotiated with the neighborhood group, as recommended by the City Council. He said these discussions have led to two agreements, which are submitted with their application. He said the agreement between Edwards and the City was that if an agreement could be reached between Edwards and the neighborhood group, the City would support a resolution on the basis negotiated. He said the agreement was not binding on Edwards until Edwards received approvals from the City and depending on any conditions attached to these approvals. He briefly explained all the submissions that are in the record for Hidden Springs Ranch No. 8. He also briefly explained the proposal for both areas A and B. He said the development of area B is unknown at present and will depend on the market, they are asking for a fixed rate of density and an unlimited time for the multi-family development. He said they would agree to drop the LUBA appeal if they receive approval, however, he felt it inappropriate for the Planning Commission to attached this to an approval because they have an agreement with the City Administration to do this if they receive approval. He discussed the staff report, and said they feel the density discussion is inaccurate, the fire station site request is ambiguous and needs further clarification, the recommendation about the park site and amenities they think is factually incorrect, and also the water line installation should require further study. He discussed each item, and stated that because of a deadline with their LUBA appeal, he should urge the Planning Commission to act on this proposal tonight.

Gordon Davis, Wilsey & Ham, stated the proposal for this last phase, as it relates to the whole Hidden Springs Ranch development. He said each amendment to each phase has been before a full public hearing, and they are here asking for actually less than what was approved in 1973. He gave a slide presentation showing the development of Hidden Springs Ranch, phase by phase, including the proposal

for Hidden Springs Ranch No. 8, which called for attached housing, garden apartments, a neighborhood commercial center; a request for 365 units. Tonight he said they are asking for 286 units. He discussed the dedication of park and open space for the project, originally 59 acres was planned, and because the City requested, after Phase 6, that no more land be dedicated to open space, the development was redesigned to incorporate more land into private ownership, and now 43 acres have been dedicated. He discussed specific neighborhood park sites which were dedicated. He went over the recommendations and conditions of the staff report. Regarding the 16 inch water line installation, he said the City's consultants state that the present system is adequate, and Edwards feel this should be resolved by their engineer and the City Engineer. He asked that the conditions of the September 9, 1983 letter be attached to the conditions of approval.

Gary Katsion, traffic engineer for Wilsey & Ham, responded to questions, he said considering all the developments in the area, the volumes and capacity are well within the projections for the existing roadways. He said the criteria for determining this information is based on driveways, roadway curves and grades.

Gary Newbore, representing the Hidden Springs Ranch Neighborhood Association, 2421 Pimlico Drive, said there are items in the presentation they do disagree with and he wanted to preserve their rights on these items. He said they have had several discussions with Edwards and they have reached an agreement. He explained the items in the agreement. He said they are asking for a 4-way stop at Santa Anita Drive and Horton Road; also, they are asking for a stop sign at Tack Court and Clubhouse Drive; a 4-way stop at Pimlico Drive and Palomino Way; and a 3-way stop at Sorrel and Pimlico Drive. Regarding the water pressure, he said they would like to have assurance this will be resolved by the City. He said they had additional conditions and that they would recommend approval of the project.

L. Kellerman suggested that they should be concerned that all the stop signs on Pimlico would reroute the traffic to Hidden Springs Road, which may overload Hidden Springs Road. He said there should be a mechanism to ensure that this does not happen when the City considers these stop signs.

Opponent, Jim Rommel, 19442 Wilderness Drive, said he is concerned about the capacity on Hidden Springs Road, and he is concerned about any agreements with Edwards that are not in writing, he said Edwards are not responsible, they have built even though they know there is a drainage problem. He said because of their drainage situation, his property has flooded. He does not feel they should be allowed to develop this subdivision.

Rob Ball, applicant rebuttal, said regarding Mr. Rommel's testimony, there is litigation pending, and the appropriate place to resolve these issues is in the litigation. He said regarding the swim and tennis center, that Edwards had fully intended that this be developed as proposed in 1973. He said these were opposed by the neighborhood, and the City determined that the site size be reduced. He said regarding density transfer, they are not asking for a density transfer now, he said this was approved in 1973, as it should be in a planned unit development. He said the amenities were also approved in 1973, but the changes were made by the City and approved by the Planning Commission and City Council.

T. Hoard moved to close the public hearing. L. Kellerman seconded the motion. The motion passed unanimously and the public hearing was closed.

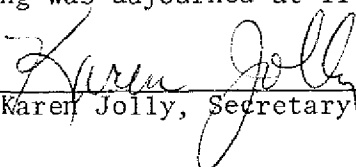
Discussion followed. T. Hoard asked about the application and how a motion should be formed. J. Hammond explained a procedure for either approval or denial by the Commission. L. Kellerman said he is concerned about the density for area 8 B being granted in perpetuity and the park site and fire station site. He said he does not want to grant an indeterminant time for the multi-family zoning for 8 B. He also said he feels there is room for additional amenities, as a fire station site, in the area, and a park site. S. Weiss said she is concerned about the park site and the need for more park space. Chairman Madson said he feels they are coming to a balancing of the books at this last phase. He said he does not support that the developer was given a density right at the start, and changes in amenities or design have no affect on the ultimate density, he believes the trade off for concentrating density in one area is providing amenities elsewhere. He said the

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issue of the density transfer should have been addressed at the specific phase of the subdivision when changes were made. T. Hoard suggested the park site should be big enough for the needs of the area rather than just a "tot lot". L. Kellerman suggested reducing the park site and add in the 1.5 acres for the fire station. J. Hammond said this would not be correct to ask for dedication of the fire station site, that they needed evidence in the record to support it, that the staff report also states there is no justification for this. Chairman Madson said he feels the ordinances sometimes preclude negotiations on certain items which could be agreed upon. He said the Planning Commission must address the concerns and impact on all citizens in West Linn not just the residents in Hidden Springs Ranch. Chairman Madson asked for comments on the park space dedication. T. Hoard said he feels the Oppenlander property probably meets the needs of the area, that he would rather have the 3+ acres in the development be used for houses, in order to pay the taxes. L. Kellerman said he agrees with the staff report on their recommendation. S. Weiss said she agrees with the staff report, that this is needed to make up whatever was left out earlier. Chairman Madson said he also agrees with the staff report for the recommendation of park space, that they are precluded from recommending that the fire station site be dedicated, also, he suggested that the City and Edwards agree to some form of compulsory arbitration of the issue of the fire station site. L. Kellerman said he is still concerned about the indeterminant time period for the density in phase 8B. He said he would like to put a time frame on it, such as 10 years, after which time it could be reviewed again by the Planning Commission if it is still undeveloped. There was no further discussion.

L. Kellerman moved, subject to the staff report of the Planning Staff dated September 6, 1983, subject Hidden Springs Ranch #8 Plan Approvals; subject to the supplemental application materials dated August, 1981 on Hidden Springs Ranch #8 prepared by Wilsey & Ham, and Ball, Janik and Novak; and subject to the agreement or the certain provisions of document from Ball, Janik and Novak to Timothy Ramis dated September 9, 1983; and subject to the Planning Commission's determination that density transfers as a right are not automatic with the concomitant transfer of the obligation which initially entitled the developer to that density; he proposed that the preliminary development plan for Hidden Springs Ranch No. 8 A and B and that the final development plan for the subdivision in No. 8 A be approved as presented in staff report with the following specific recommendations and amendments: (J. Hammond said all of these documents are in the record and the motion should just be the decision and findings.) He, therefore, recommends that the zone change from R-10 to R-10 PD be approved, as well as on Page 11 and 12 of the staff report under request #1, recommendation A, which is for the dedication of a 3.67 acre park; recommendation B, for entitlement to an option for the City to purchase only as opposed to purchase and/or lease; recommendation C, as amended to state in the initial part of C, that subject to the City's determination, the 16-inch water line will be installed, as opposed to a definitive statement there; and recommendation D, be incorporated for the sewage treatment permits; and under requests No. 2, 3, 4, on page 12 of the staff report, that recommendations A; B, amended to only include options to purchase as opposed to lease; C, subject to the City's interpretation; D; E; and F be recommended for approval as well as subject to City Council's and the developer's approval of this recommendation; the developer will dismiss with prejudice the pending LUBA appeal and will dismiss with prejudice the pending circuit court lawsuit pertaining to annexation fees, with reference, let us state that the subject's September 9, 1983 letter is incorporated by reference with the following amendments, page 1, item #2, instead of an indeterminant time for the subject's density approval to be guaranteed, they will guarantee the subject maximum density figure for a 10 year period commencing with final approval of this recommendation by City Council; on page 2, item #3, the term "stop signal" shall be changed to "stop sign" and that the recommendations for stop signs be subject to approval by the City Engineer pursuant to a study of the traffic flows on both the hilltop area, Pimlico and Hidden Springs, with a determination that these stop signs will not cause an undue increase in traffic flow on Hidden Springs Road, item #4, on page 2, shall be deleted. G. Madson suggested adding items sub a and sub c as legitimate land use issues in the additional commitments of the September 9, 1983 letter. L. Kellerman also added the tentative plan approval for Phase 8 A, so that the four land use issues on the first page of the staff report are considered. S. Weiss seconded the motion. The motion passed, the vote was AYE: Weiss, Kellerman, Madson NAY: Hoard.

There was no further business and the meeting was adjourned at 11:30 p.m.


 Karen Jolly, Secretary

September 19, 1983

Acting Chairman Gosling opened the regular meeting at 7:30 p.m. Members present were T. Hoard, S. Weiss, L. Kellerman. Absent were D. Wustrack, R. Olson, and G. Madson. M. Butts, Planning Director and K. Jolly, Secretary were present. Also, D. Darling, City Attorney Representative was present.

1. Minutes of August 15, 1983 Regular Meeting

L. Kellerman moved to approve the minutes of the August 15, 1983 Planning Commission meeting as written. S. Weiss seconded the motion. The motion passed unanimously.

2. Universal Pacific and E.A. West - Minor Partition Request - Carriage Way and Wildwood Drive

M. Butts gave the staff report. He said the applicant is requesting a minor partition for three lots from a large lot that was created by a lot line adjustment on property adjacent to this lot. He said water and sewer service is available, and recommends approval subject to utility easements being recorded and the standard condition about availability of sewer treatment capacity.

Applicant, Russ Lawrence, 4961 Prospect Street, said he is a surveyor representing the applicant. He said the quit claim deed has been filed for the utility easement vacation for the lot line adjustment on the adjacent property. He said the three lots are buildable, and Lot 1 will not require a variance for setbacks. He said the ownerships varied and configuration left these mis-shaped lots.

There were no opponents.

L. Kellerman said that contours on Lot 1 look like it could require a setback variance and he asked staff if Lot 1 could be economically built on without a variance.

M. Butts said he could not answer that question until he knew what was going on the lot.

R. Lawrence said the ground is only steep for the first 30 feet, but he would not commit a future owner to not ask for a variance. He said there were other houses in the area which did not require variances. L. Kellerman noted that he hoped they were not creating the need for a variance in the future.

T. Hoard moved to approve the minor partition based on the staff report dated September 9, 1983 for Universal Pacific and E.A. West, and to include the staff recommendations. L. Kellerman seconded the motion. The motion passed unanimously.

3. WESCO Development, Inc. - Variance Request - Robinwood Estates No. 3
(Continued public hearing)

Acting Chairman Gosling declared the public hearing open. M. Butts gave an amended staff report. He said a 19 foot variance has been requested for the front yard of one lot, Lot 16, versus the original application for 9 lots. He said the applicant has submitted the additional material requested by the Planning Commission. He said staff recommends approval since the variance request meets the criteria established for the variance.

Applicant, Russ Lawrence, representing WESCO, Inc., said he has run a topo of the ground which will give an idea of the slope; the lot is very steep.

M. Butts said the Building Inspector said that the closer to the top of the hill a building can be put, the safer it will be.

Bob Losch, architect, 22018 S. Central Point Road, Canby, said he was a former resident of the City, said the variance will enable him to design a house, that each house will be specifically designed for each lot. He said the variance is a way to resolve a problem, to design a building that is aesthetically feasible. He said the ground cover is brush and he would recommend that it stay on the lower end. He said 19 feet is the minimum setback they would require. He said he has designed houses on steep hills before, and they are still there.

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Applicant, Val West, 4344 Cedaroak Drive, said he had a soil report from Northwest Testing Laboratories. Also, he said he made a survey of subdivisions in the City and found that there are 83 lots with the same situation that he has in Robinwood #3. He suggested the Planning Commission give the staff authority to allow progress to continue so these variances can be given administratively. He said he would like to alleviate the structure setting up in the air, that safeness is in the engineering and architecture. He said he would be the builder of record on these lots. He showed the soils test to the Planning Commission and said he would make it available to the staff.

Mr. Lawrence said that either the architect will accept the soil test or they will get another one. He said that the material that has been shoved over the side of the road is holding on the hillside. Mr. Losch said that once an architect designs a building, they assume the responsibility for it for the life of the building.

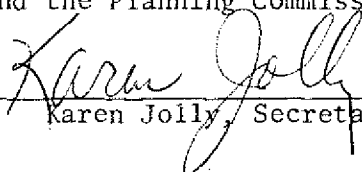
L. Kellerman moved to close the public hearing. T. Hoard seconded the motion. The motion passed unanimously and the public hearing was closed.

Discussion followed. T. Hoard asked about a fault line in the area. R. Lawrence said he understood that West Linn had no fault line. T. Hoard asked about the administrative process for granting a variance. He also said he feels the architectural design is favorable to the application. S. Weiss said that the applicant has met the requirements for the setback application. M. Gosling suggested that the City may have to change the setback rules since many of the flat lots are gone. L. Kellerman said this is the type of information they needed to make a decision and he questioned if the total 19 foot is necessary.

D. Darling suggested adding a height limitation to the motion.

L. Kellerman moved, subject to the findings of fact and the recommendations of staff, as well as the slope maps, vicinity maps and examples of buildings attached to the staff report, that they approve the 19 foot frontyard setback variance on Tax Lot 1600 of Robinwood Estates #3. The motion was seconded by T. Hoard. The motion passed unanimously.

The meeting was adjourned at 8:40 P.M. and the Planning Commission went into a work session on the Comp Plan.



 Karen Jolly, Secretary

October 17, 1983

Chairman Madson opened the regular meeting at 7:30 p.m. Members present were M. Gosling, T. Hoard, D. Wustrack. Absent were L. Kellerman, R. Olson and S. Weiss. M. Butts, Planning Director and K. Jolly, secretary were present. Also D. Darling, City Attorney Representative was present.

1. Minutes of September 12, 1983 and September 19, 1983 Meetings

M. Gosling moved to approve the minutes of the September 12 and 19, 1983 meetings as written. T. Hoard seconded the motion. The motion passed unanimously.

2. Brian and Nan Steenson - Annexation Request - Rosemont Road and Arena Lane

M. Butts gave the staff report. He said there was 10.63 acres in the original proposal, but the applicant has requested withdrawing one acre of the proposal. He said there is an agreement wherein the Applicant will make full improvements on Arena Lane which abuts his property upon development. Also, he mentioned a letter from the neighbors requesting the property be restricted to single family and buffered from their property. He said they recommended approval, but this approval does not approve any development on the land, this would be done when applicant applies for a zone change.

Applicant, Brian Steenson, 595 Marylhurst Drive, said the one acre parcel was being purchased and the purchasers requested this property be annexed, however the

purchase fell through and that is why it is not being considered for annexation. He explained the realignment of Arena Lane, and that this required refinancing for his house, which is one reason they would like to Annex, also since their property is half in the City and half out, they would like to bring it all into the City. He said the property is for sale, and they have no plans for it, however some discussion of commercial uses has been made.

There were no opponents.

D. Wustrack moved to close the public hearing. M. Gosling seconded the motion. The motion passed unanimously and the public hearing was closed.

D. Darling suggested adding that the applicant execute agreement that sewer rights are not guaranteed, and have this recorded against the property. M. Butts said the Tri City Sewer District has informed the City that they do not need to be concerned about this, since construction for the new sewer plant is underway.

M. Gosling moved to approve the annexation of Tax Lots 1200 and 1201, Assesors Map 21E23C based on the findings that the lots are within the Urban Growth Boundary, that sewer and water are available and that it lies within the growth boundary of West Linn, subject to the agreement that the Planning Commission is not putting in place any zoning. T. Hoard seconded the motion. The motion passed unanimously.

3. DeWitz Construction - Variance Request - 1347 Tamarisk Dr.

M. Butts gave the staff report. He said the property drops off dramatically 46 feet off Tamarisk Drive, into a drainage culvert. The applicant has completed plans to relocate the culvert and obtain a new easement. He said staff recommends approval, since the topography of the parcel creates a hardship. He said the applicant also has a soil test which helps substantiate the hardship.

Applicant, Scott DeWitz, 9435 N.E. Marine Drive, Portland, said he had nothing to add to the staff report, he added that the letter from the N.W. Testing laboratory has been corrected to state the correct street and set back. He said the drainage easement as it is now, makes it nearly impossible to build a house on the lot. He said the house plan he has is a split level, 1400 square feet.

There were no opponents.

M. Gosling moved to close the public hearing. D. Wustrack seconded the motion. The motion passed unanimously and the public hearing was closed.

T. Hoard moved to approve the application for a variance for Tax Lot 2600, Map 21E34AA, as per the findings of the staff report and the recommendations of the staff report dated October 5, 1983. D. Wustrack seconded the motion. The motion passed unanimously.

4. Carl Edwards - Variance Request - 3680 Mapleton Drive

Planning Director, M. Butts gave the staff report. He said the property contains 17,300 square feet and the applicant wishes to divide the property in two parcels and develop both parcels. He said there is an existing sewer line which goes down the middle of the property and he cannot extend his house over the sewer easement. An engineering study showed that there is no way the utility can be relocated along the back of the lot. He said the sewer line does not serve Mr. Edwards' property. He said staff recommends approval with the conditions that (1) a 15 foot easement be established along the sewer line, (2) 6 foot utility easements be established on interior lot line, (3) curb and sidewalk be developed along Highway 43, and the applicant is to sign a waiver of remonstrance agreement for any future L.I.D.'s for roadways, (5) approval of this request is conditioned on approval of the minor partition request, (6) access is to be restricted to Mapleton Drive. He said the four criteria have been met for the variance. He said the other lots on Mapleton Drive are actually two lots, but the back lots are not developable because they do not have access or frontage.

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Applicant, Carl Edwards, said he did not have anything to add to the staff report, but said they are outgrowing the 700 square foot house, there are four family members. He said he intends to build on the new lot, and would sell the other house. He said he has owned the property since 1975 or 1976. He said he did not deed the sewer easement to the City, the previous owner did. (Mr. Edwards showed the easement document to the Commission.)

Opponent, Mike Gentry, 32465 Estates Post Road, Wilsonville, attorney representing five property owners on Mapleton Drive, said he had letters from the property owners which he submitted for the record. He said these property owners have two main concerns, first, the potential use of the new parcel. They are concerned that the parcel could be used for commercial purposes. Second, they are concerned about why the variance is being applied for, that Mr. Edwards was aware of the sewer easement in his property. He said it seems unclear that the application was made because Mr. Edwards could not expand his house as he wanted to. He said the lot is simply not large enough for two lots. He said expansion possibilities might be explored which would not cause the necessity for a variance. He said the other lots are larger than normal lots, and he believed this was the first lot in the area which has requested division, that other lots can only have one house on them. He said the sewer easement does not cause a hardship. He said his clients are concerned also about the upkeep of the lot. He submitted pictures of Mr. Edwards' house for the record. He said the City has had problems with the storage of up to three automobiles on his property, and a problem of a fence because of what was on the property. He said his main concern was if this is an appropriate application for a variance, if he wants to build a house of a different shape.

Chairman Madson asked if the maintenance of Mr. Edwards' home should be a factor as to whether or not a variance should be granted.

Mr. Gentry said it would give an idea why the residents are concerned about Mr. Edwards owning another lot on the street.

T. Hoard asked if the neighborhood group was concerned more about maintenance or about having two structures on the property.

Mr. Gentry said their concerns are (1) starting to vary lot sizes. He said the average lot size may be 16,000 square feet; this variance may cause other partitions. (2) The second concern is how it will be maintained. The third concern is the use. He said the site plan looks like it will have a garage which could occupy a great percentage of the new house, that Mr. Edwards repairs cars; they are concerned about a commercial use.

D. Wustrack asked if the neighbors have heard specifically that a commercial use could happen on the property.

Mr. Gentry said he had not heard that Mr. Edwards had made statements about this directly.

Opponent, Mrs. Bilyeu, 3711 Mapleton Drive, said that Mr. Edwards is an absentee owner, that he has not lived in the house for three years except once a month, that the neighbors are concerned about getting construction completed; what benefit will they have by dividing the property.

T. Hoard asked if a structure was put on this front lot and finished, would that upgrade the neighborhood.

Mrs. Bilyeu said no, that she was told Mr. Edwards could erect anything he wanted on the property and she has a general lack of confidence that they would see anything completed there at the direction of the City.

Opponent, Raymond Nodurft, 3708 Mapleton Drive, said they have lived there about ten years, next to Edwards. He said Mapleton Drive was known for large lots, and was a nice place to raise kids. He said the surroundings next door have deteriorated because of the old cars, tall grass and log piles. He said they are appalled at the City Planning staff's recommendation for approval. He said the average lot size of the nine smallest closest lots to Edwards is 17,000 square feet. He said he does not feel the sewer line is relevant, they all have limitations on their property, that Edwards' knew about the sewer easements. He said they do not feel two substandard lots are what they need or want.

Opponent, Monte Merritt, 3701 Mapleton Drive, lives across from Edwards', said he is concerned that the property may be used for commercial purposes and he does not want to see this. He would like to see the property upgraded. He said Mr. Edwards had mentioned that maybe he could rezone the new lot for commercial. He said he did not state any opposition to Mr. Edwards then.

Rebuttal, Mr. Edwards said he had no intention of zoning the property commercial, that he wants to put up a new house and remodel the old house. He said he is working at Hanford to support his family. Regarding the cars, he said when he gets laid off, he can put the old cars back together. He said he has never tried to walk on his neighbors and he can't believe this. He said he has been at Hanford since December, 1981 except for twice when he was laid off. He said he does not want to move because he likes the neighborhood and hopefully someday he will be back home for good. He said no one else lives in the house when he is gone. He said the house that is there now could be an ideal home for a married couple with one child, but it is too small for his family. He said he plans on doing some repair work to the house to make it more presentable. He said there are 700 square feet in the house. He said to enlarge the house, he would have to go out the back of the property and he would have only 20-30 feet from the neighbor's fence to his back door, with a large side yard which would be difficult to keep up.

Mr. Gosling asked M. Butts if the new Comp Plan designated this low density. Mr. Butts said yes. He also asked if a sewer in Highway 43 could have served the Sleeman property. Mr. Butts said the topography is wrong and this could not be done.

Chairman Madson asked about the drawing proposed on Parcel B, about the size of the garage.

Mr. Edwards said he can work on cars, but it is for his own personal use, but has not done work for other people. He said in the new house, he is only planning a double car garage.

T. Hoard moved to close the public hearing. D. Wustrack seconded the motion. The motion passed unanimously and the public hearing was closed.

Discussion followed. Mr. Gosling said he felt the sewer line does create a hardship which precludes development on the other property which means there is a vacant lot sitting there forever. He said possibly if another house was built, there could possibly be better maintenance of the lot. He felt commercial uses would be precluded since there is no designation for it. He said smaller lots do not preclude a good quality house going on it. T. Hoard feels he does not want to leave a piece of property just sitting there, but the other lots in the area seem to be set up this way. He was concerned about the integrity of the neighborhood. D. Wustrack said that Mr. Edwards knew about the sewer line; that the neighbor's concern about upkeep is not germane to the issue; the lots are average 17,000 square feet or greater and subdividing this lot would create two substandard lots; she said Mr. Edwards would be gaining an advantage over the other neighborhood lots since they cannot be divided. She felt the integrity of the neighborhood should be maintained. She thought Mr. Edwards could expand his house without dividing the lot.

D. Darling, City Attorney Representative, said she felt that the conditions for variance approval do not deal with surrounding properties and should be concerned with only this property, that the City created the hardship by putting the sewer line through the property.

D. Wustrack moved to deny the request of Carl Edwards for a variance on Tax Lot 1300, Map 21E24BC to divide the lot into two lots of 8,650 square feet based on the following findings: (1) that Mr. Edwards has not shown a hardship, (2) that Mr. Edwards has not fully explored the problems of his current residence being too small, remodeling or adding on to the current residence, and (3) that granting the variance would create two substandard lots in an R-10 zone where the average size of the lots is a little over 17,000 square feet. Also, that the minor partition request be denied. T. Hoard seconded the motion. The motion passed. The vote was AYE: Wustrack, Hoard, Madson NAY: Gosling

5. Donald and Mary Jolly - Rezone Request - 21151 S. Horton Road

M. Butts gave the staff report. He said the property contains 4.91 acres, there is a single family residence on the property, there is sewer and water available. He said it is designated low density residential on the County Comp Plan, and the applicant is requesting R-10 zoning which is consistent with the zoning in the area.

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Applicant, Donald Jolly, 21151 S. Horton Road, stated the proposal, and said the zoning is consistent with that in the area.

There were no opponents.

D. Wustrack moved to close the public hearing. T. Hoard seconded the motion. The motion passed unanimously and the public hearing was closed.

M. Gosling moved to approve the rezone of Tax Lot 100, Map 2-1E-26A to R-10, 10,000 square foot minimum lots based on the findings that water and sewer are available and it meets the Comprehensive Plan designation, and subject to the findings of the staff report. T. Hoard seconded the motion. The motion passed unanimously.

6. Donald and Mary Jolly - Subdivision and Minor Partition Request - 21151 S. Horton Road

Applicant, Donald Jolly, said they withdrew the parcel with the house in order to sell this parcel without waiting for the subdivision to be completed. He said there is allowance in the description for a 5 foot strip to widen Horton Road on the south. He said the legal description takes into consideration a future partition of the parcel with the house on it. Regarding the subdivision, he said they have made provisions to widen Horton Road by 5 feet on the north, there would be 6 foot utility easements on interior lot lines, a 10 foot walkway for access to the open area to the plat on the west. He said all lots comply with the 10,000 square foot lot size, and sewer and water is available. He said there would be no change in traffic patterns because of the subdivision.

D. Darling said a condition that the division between property lines between Lots 1, 2 and 3 be moved over one (1) foot to retain one (1) foot of ownership adjacent to the road to the parcel that is minor partitioned, and that the conditions of the subdivision be placed on the minor partition parcel.

M. Gosling moved to approve the minor partition of Tax Lot 100, Map 2-1E-26A, based on findings, that it meets applicable City codes, and that any further subdivision of this parcel should have conditions placed on it similar to La Golondrina Subdivision, that 6 foot utility easements be placed on all interior lot lines, and a one (1) foot strip should be reserved unto the applicant adjacent to the east side of the public right-of-way of Horton Road, and the applicant should apply for vacation of the public road, and any private restrictions on La Golondrina should be placed on further partition of the smaller lot. T. Hoard seconded the motion. Discussion followed regarding staff report recommendations. The motion passed unanimously.

M. Gosling moved to approve the 13 lot subdivision, La Golondrina, based on the following findings, that utilities are available, it meets the minimum lot size requirements of the R-10 zoning, that there are minimum street frontages; subject to the following conditions: that a 5 foot right-of-way be dedicated along the north side of Horton Road; that a one (1) foot strip on the west side of Lot 1 be excluded and interior lot lines between Lots 1, 2 and 3 be adjusted so as to ensure minimum lot size requirements; that the existing single family house be connected to existing utilities on development of the subdivision; that 6 foot utility easements be dedicated on interior lot lines; and all conditions and restrictions applied to the subdivision shall equally apply to the minor partition. D. Wustrack seconded the motion. The motion passed unanimously.

7. Lena Nixon - Major Partition Request - 6074 Barclay Street

M. Butts gave the staff report. He said the parcel is 2 acres in size, the applicant is dividing the parcel into three properties. He said staff has requested the applicant dedicate enough land so there is a 35 foot right-of-way the entire length of Hammerle, that the applicant pave an additional 20 feet, making Hammerle a 29 foot wide pave road. He said they are not asking for any curbs or sidewalk improvements. He said staff recommends approval with conditions that 6 foot utility easements be required, and a non-remonstrance agreement be signed against any future L.I.D.'s for curbs and sidewalks.

Applicant, Larry Doerrie, 1773 16th Street, West Linn, representing the applicant, said he would like to continue this request so he can talk to staff about the requirements. He said they feel the 29 foot of paved area is over-development for the area. He said most of the streets in the area do not exceed 20 feet of paving.

He said the development of those lots would be toward the back of the lots, so there would be long driveways and no need for on-street parking. He said they would agree with 20 feet of paved area and 9 feet of gravel area. He said they agree with the rest of the staff report.

M. Butts said staff feels this is a fair condition for approval.

Mr. Doerrie said he guessed there would be no reason to continue this request, so it can be considered tonight, but he does not feel there is need for 29 feet of paved road.

Discussion followed. M. Gosling said regarding the need for the extra paving, that the right-of-way is important, but the paving may be excessive. Chairman Madson said he would support the staff requirement. D. Wustrack also supported the staff requirements.

D. Wustrack moved to approve the major partition request for Lena Nixon, Tax Lot 1000, Map 2-1E-25AC, based on the conditions 1 thru 5 of the staff report dated October 5, 1983, subject to the situation and findings of fact of the staff report. T. Hoard seconded the motion. The motion passed unanimously.

8. Jack McIsaac - Minor Partition Request - 3300 Rosemont Road

M. Butts said the parcel has 3.24 acres and the request is for three parcels. He said he asked the applicant to show future division of the three parcels. He said the applicant's latest submittal came in tonight and he did not have time to review it. He would suggest continuation of the request.

Applicant, Jack McIsaac, 3300 Rosemont Road, said he has sold one parcel on which the buyer would like to build a house in the middle of the lot, and his house and a parcel of land one acre in size have also sold, leaving the third parcel. He said the new buyers have no intention of subdivision, the last submittal was only done because he was asked by staff. He said he has three offers for this property and would hope for a decision tonight.

M. Butts said staff would require more time to review the application. He said the Planning Commission could consider continuing this request to Monday, October 24, 1983 before a Comp Plan workshop. This was agreeable to Mr. McIsaac.

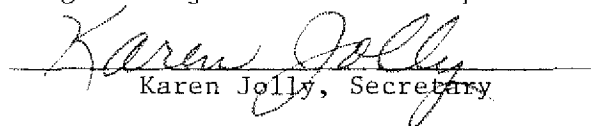
9. Miscellaneous

Chairman Madson discussed the Comp Plan work schedule.

M. Butts talked to the Planning Commission about the requirement for a public hearing for Design Review items; and the proposed changes in the plan review fee schedule.

D. Wustrack said there are no parking places at the sales office on Carriage Way. Also, she said the Park Advisory Board will be sending out questionnaires to citizens asking for interest in swimming pools, etc, and will consider independent funding.

There was no further business and the meeting was adjourned at 10:50 p.m.


Karen Jolly, Secretary

October 25, 1983
Special Meeting

Chairman Madson opened the special meeting at 7:30 p.m. Members present were T. Hoard, L. Kellerman, D. Wustrack, M. Gosling. Absent were R. Olson, S. Weiss. M. Butts, Planning Director and K. Jolly, Secretary were present. Also, D. Darling, City Attorney Representative was also present.

1. Jack McIsaac - Minor Partition Request - 3300 Rosemont Road
(Continued from October 17, 1983 Meeting)

M. Butts gave a revised staff report. He said water and sewer are available off

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Rosemont Road. He said the applicant asked to partition the property into three parcels, and staff asked Mr. McIsaac to look at future divisions of the three parcels. He said the roadway was not adequate, so staff developed a design which would give access. He said they would request that Shannon Lane be dedicated and Mr. McIsaac indicated this is already in the works. He said the applicant should dedicate the 50 foot of roadway between Lots "A" and "B" and "C" now because the City may never get it later. He also said Shannon Lane has a row of trees in the Middle of it, and that it is private, but Mr. McIsaac has use of it. He said the staff report did not address paving.

Applicant, Jack McIsaac, 3300 Rosemont Road, asked if he would need to survey for the whole subdivision or just the three lots proposed. He said when Lot "B" comes in for a minor partition it could be looked at then. He said Shannon Lane is graveled and there is not much traffic there. He said he has acquired the dedication of the 30 foot roadway to the City. He said the buyer of Parcel A is planning a house and driveway access off Rosemont Road, and there are no other houses planned for Parcel A.

Discussion followed. There was a general consensus to allow access off Rosemont Road for one more house, but not for any future partitions, and not to require improvements at this time.

M. Gosling moved to approve the minor partition of Tax Lot 1100, Map 21E25, in accordance with the map shown as Exhibit "C" on the staff report dated October 6, 1983 with the dimensions to be more or less as shown, based on the findings of fact, that sewer and water are available to these lots, the property is within the City Limits and is zoned R-10 and these lots exceed the minimum lot size requirements; subject to the following conditions:

1. That the applicant dedicate the east 30 feet of Shannon Lane at Rosemont Road to the northwest corner of Lot "C";
2. That the applicant name and dedicate a 50 foot right-of-way running east-west along the center line of the partition between Lot "C" and Lots "A" and "B" with the added provision that further subdivision of Lot "C" will require an additional dedication of the cul-de-sac to get access to the northern part of Lot "C";
3. That the applicant establish 6 foot utility easements on all interior lot lines;
4. That access be committed from Rosemont Road for one single family dwelling on Lot "A" but that any future partitioning of any of the lots will require access to be off Shannon Lane or off the new road, and said restriction is to appear on the deed;
5. That any future development of Lot B would be accessed to the new east-west road to be included in the deed of sale;
6. That this partition is granted subject to the availability of sewer connections and no guarantee is made that sewer is available;
7. That the applicant sign a waiver of remonstrance agreement which will run with the lots, agreeing to join in any future Local Improvement District for roads and other improvements.

L. Kellerman seconded the motion. D. Wustrack asked about amending the motion to refer to Exhibit "E" instead of "C" in Item 2 for Lot 5. M. Gosling agreed to amend the motion. L. Kellerman agreed to second the amended motion. The motion passed unanimously.

2. Miscellaneous

Chairman Madson suggested changing the regular Planning Commission meeting to November 14, 1983, since the City Council is meeting on November 21, 1983, the regular meeting date. He said the work session would be held at 7:30 p.m. and the meeting would be at 8:00 p.m. The Planning Commission agreed to change the meeting date.

(R. Olson joined the meeting at this point)

Agenda Items 1. A. 1 thru 8, Issues having October 19-20, Council/Commission Consensus.

D. Wustrack moved to accept the preliminary consensus approval. T. Hoard seconded the motion. The motion passed. The vote was AYE: Wustrack, Hoard, Olson, Madson, Gosling. NAY: Kellerman

Agenda Item 1.B Issues not having consensus

- 1) E.A. West Elderly Housing Density Bonus Provision

D. Wustrack moved to approve an elderly housing density bonus provision such that there is no overlapping of density bonus in this zone; apply to MR-4 and HR-4 zones; add to end of sentence on 8-11.01 "integrity of existing neighborhoods"; add to Section H, end of section 8, before the word buffering, "adequate site and sound"; add to Section M, change Hearings Officer to Design Review Board; that congregate dining facilities be included, omit "without kitchen facilities in the units" from section E.

Motion passed. AYE: Wustrack, Olson, Madson
NAY: Kellerman, Hoard

- 2) Bessie Klokkevold - Territorial Drive zone change request from (proposed) LR-10 to Multifamily zoning

D. Wustrack moved to approve the staff recommendations for MR-5 zoning for this area. T. Hoard seconded the motion. Motion passed unanimously.

- 3) Home Builders Association (Major Issues)
(a) Land Donation and Park Fees

D. Wustrack moved to recommend that they adopt the policy in the Public Facilities Section which says they will update the Comprehensive Plan and research the feasibility for land donation and/or park fees for acquisition of park development. T. Hoard seconded the motion. The motion passed unanimously.

- (b) Maximum Lot Coverage

R. Olson moved to remove the maximum lot coverage requirement from all single family residential zones and retain on multifamily residential zones. M. Gosling seconded the motion. The vote was, AYE: Olson, Gosling, Hoard NAY: Madson Kellerman, Wustrack Motion failed.

L. Kellerman moved to retain the existing maximum lot coverage criteria. Wustrack seconded the motion. The motion passed. The vote was, AYE: Wustrack, Kellerman, Hoard, Gosling NAY: Olson

- (c) Amount of Information Needed for Plan Review

D. Wustrack moved to leave as is. L. Kellerman seconded the motion. Motion passed unanimously.

- (d) Staff Approval of
(i) Major Partition
(ii) Variances
(iii) Alterations and Non-conforming Uses and Structures
(iv) Home Occupation

M. Gosling moved to leave all approval items as they stand. T. Hoard seconded the motion. The motion passed unanimously.

- 4) Robert Winkel - Zone Change Request from R-10 to R-715

D. Wustrack moved to not recommend a zone change for this property and to look at redevelopment of the entire area at a later date. T. Hoard seconded the motion. The motion passed unanimously.

- 5) P.G.E.

- (a) Allow Minor Utility as use Permitted Outright:
(i) Office Business Center (OBC)
(ii) General Industrial (GI)

Has been taken care of per M. Ames. Also state clearer definition of what (1) underground facilities and (2) new construction are -- can be done per M. Ames.

- 6) M.S.D. Issues

Park Lands - Already covered;
Future Employment for population - Taken care of per M. Ames;
Pynn's Island - Annexed but outside U.G.B. - Will be taken care of by M. Ames;
Map Changes
Archeological sites vs. construction

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7) "Accessory Structure" Amendment

T. Hoard moved to accept the staff recommendation. M. Gosling seconded the motion. The motion passed. The vote was AYE: Gosling, Olson, Madson, Hoard
NAY: Wustrack, Kellerman

8) Stein Oil Company Zone Change

T. Hoard moved to zone the property as General Commercial. L. Kellerman seconded the motion. The motion passed unanimously.

9) Mobile Home Park vs. Subdivision

M. Gosling moved that the Planning Commission accept the recommendations in the memo from Ames Associates dated October 24, 1983 to amend Section 36 as follows: (1) minimum size, 1,000 square feet; (2) provide minimum 10 foot wide buffering with site obscuring fence or wall, or 15 foot wide solid planting; (3) lot size, 4,500 square feet; (4) to be on permanent foundation and delete reference to skirting; (5) that it is new construction, that is manufactured within the previous 12 months; (6) placement will be prohibited on individual lots except in designated subdivisions. D. Wustrack asked to amend the motion to say more stringent regulations. R. Olson seconded the amended motion. The motion passed. (T. Hoard abstained.) (L. Kellerman left before the vote.) (Planning Commission asked staff to let City Council know this is their second class vote.)

10) Historic District Boundary Designation

T. Hoard moved that staff contact Charles Awalt to petition the property owners within the designated boundaries of the Historic District and if two-thirds are in favor, then the boundaries can be adopted. R. Olson seconded the motion. The motion passed unanimously.

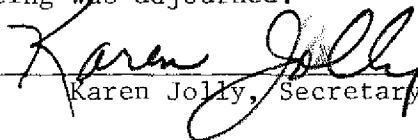
11) Mike Gosling's Memo regarding Campus Industrial

T. Hoard moved to accept Mike Gosling's recommendations, in principle, for campus industrial standards. M. Gosling seconded the motion. The motion passed unanimously.

2. Proposed Plan Review Fee Changes

T. Hoard moved to approve the recommended plan review fee schedule with the addition of a \$300 Design Review fee for a public hearing and some adjustment for consolidation of applications. M. Gosling seconded the motion. The motion passed unanimously.

There were no further proposals, and the meeting was adjourned.


Karen Jolly, Secretary

November 14, 1983

Chairman Madson opened the regular Planning Commission meeting at 7:30 p.m. Members present were D. Wustrack, T. Hoard, R. Olson, S. Weiss, M. Gosling. Absent was L. Kellerman. M. Butts, Planning Director and K. Jolly, secretary were present. Also D. Darling, City Attorney Representative was present.

1. Minutes from October 17, 1983 Regular Meeting and October 24, 1983 Special Meeting

R. Olson moved to approve the minutes of the October 17 and 24, 1983 minutes as written. T. Hoard seconded the motion. The motion passed unanimously.

2. Minutes from October 19, 1983 Joint Planning Commission and City Council Public Hearing on Comp. Plan and Development Codes

Chairman Madson said the Planning Commission did not have a quorum at this meeting, therefore, they will not approve the minutes.

3. Sunburst II, Phase 4, - Final Plat Approval - K & F Development, Inc.

M. Butts gave a summary of the application, he said Phase 4 is for 4 attached, single family units. He said the last paragraph of the staff report should be deleted, and that staff recommends approval of the final plat for Phase 4.

Neither applicant nor a representative of the applicant were present.

D. Wustrack moved to approve the final plat for Phase 4 of Sunburst II Subdivision for K & F Development, Inc., according to the situation and finding of fact of the Staff report dated November 8, 1983, with the following conditions:

1. That as shown on Exhibit "D", Tract F will be dedicated to the Homeowners Association and will not be used for any dwellings;
2. That since Tract D demonstrates four building lots, that the fifth lot that had been shown in the preliminary plat of Phase 4, that it will not be transferred into any future phases of the subdivision.

D. Wustrack amended the motion so that condition 1. reads: 1. That as shown on Exhibit "D", Tract F will not be used for any dwellings.

R. Olson seconded the motion. The motion passed unanimously.

4. Builders Group Realty - Conditional Use Request - Willamette View Estates, Lot 4, Block 2

M. Butts gave the staff report. He said the request is for a temporary real estate office. He said the structure is already located in the subdivision but is not being used until they receive approval from the City. He said Design Review has already given approval, conditional on the approval by the Planning Commission. He said staff recommends approval for one year, with a possible extension for six months.

R. Olson, Planning Commission representative to Design Review, said there is an unusually wide street in this area and there is not much traffic at this time, he would recommend the structure meet the setbacks, and that some temporary landscaping be done, and that the applicant barkdust around the structures.

Applicant, Bob Bailey, Builders Group Realty, 15950 S.W. Oak Meadow Lane, Tigard, said he had nothing to add to the staff report. He said the structure has been there about thirty days. He said they hope this will only be a temporary use and they had considered moving the building if this lot is sold.

M. Gosling moved to close the public hearing. T. Hoard seconded the motion. The motion passed unanimously and the public hearing was closed.

Discussion. M. Gosling suggested reduced fees for any future applications as long as conditions are met. R. Olson suggested that the next hearing could be approached so that any lot could be used and charge a full fee at that time and then no further notices would have to be mailed. D. Wustrack was concerned about the lots all being equally level. T. Hoard said he was in favor of the cost factor, but was concerned about the future owners and their opportunity to be able to give testimony.

T. Hoard moved to approve the Conditional Use request for Lot 4 Block 2, Willamette View Estates, Tax Lot 500, Assessor's Map 21E35DB, based on the staff recommendation as written in the staff report dated November 8, 1983, to include that on additional applications for moving the structure, the fees be waived. D. Wustrack seconded the motion. T. Hoard amended the motion to say that the fees not be waived. D. Wustrack seconded the amended motion. The motion passed unanimously.

5. Reconsideration of the Land Use Designation for the Sand Pit on 7th Avenue

Chairman Madson said this was not a public hearing, however, they decided they would like to hear anyone who wishes to speak in this reconsideration. He asked that remarks be limited to 5 minutes and that the Planning Commission's task was to deal with the pit as it exists.

Property owner representative, Spencer Vail spoke, saying he was speaking for Jerry Jennings who owns the property, and that they support the Campus Industrial

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designation, that it cannot be developed at an R-10 designation realistically. He said his client would do everything possible to protect their investment in the development of the property, that they would consider roads, drainage, etc. as part of the site improvements. He asked if he could have the opportunity to rebut other testimony.

No one else spoke in favor of the campus industrial designation for the sand pit.

Jack Nunn, 1158 Bexhill Street, said there is an agreement between the City and the land owner that calls for R-10 zoning and he would recommend that it be held to R-10 zoning because of traffic patterns and for neighborhood property values. He said he lives about 200 feet from the site and he also supported the designation of park facilities.

Chairman Madson said that by taking the industrial designation away, the property goes back into the vacant buildable lands inventory.

John Seaver, 1111 Bexhill Street, asked what the correct zoning should be for the property, and said the Planning Commission should consider that the excavations occurred when the land was zoned R-10, and R-10 is the surrounding area, and the people in the neighborhood have expected R-10 zoning.

Marshall Fox, 1870 Ostman Road, said he felt they were bypassed as homeowners, that they were told by Dave Richey that this area was being prepared for R-10 zoning. He said there is an overabundance of high density in the Willamette area. He said before this property can be developed, it must meet the original guidelines, he does not feel all these have been met. He said they have been deceived too many times to agree to anything less than R-10.

Hans Madson, 6817 N. Hodge, Portland, said they bought a lot in the area, asked how many acres were really buildable. He said he would like to see the 2-3 acres of slope which are not buildable, be taken from the total and the remainder zoned R-7.5.

Andy Rocchia, 957 7th, said he is in favor of R-10 zoning, and he suggested possible ways to make the pit more attractive, possibly changing the roadways or consider a trade-off of City property with Bonstan Construction.

Mr. Vail, rebuttal, said that he was not the applicant and they have not given any input to the recommendation. He said according to the policies already adopted, they feel the Campus Industrial has tighter restrictions.

Discussion followed. T. Hoard feels there are many unanswered questions which should be discussed and he feels the best use would be park land, that he is not in favor of MR-5 zoning. His recommendation is for splitting the property so that LR-7.5 would be a buffer.

D. Wustrack said she feels the R-10 designation is the most appropriate density, but in light of the LCDC requirements and residents' wishes she would support a recommendation for buffer areas of lower density with higher density in the center.

R. Olson said he feels modular housing is becoming a necessity, that there is a natural buffer there now, between the existing R-10 and the pit, and more landscaping would be helpful.

S. Weiss reserved comments at present.

M. Gosling said that he feels the property meets the criteria for Campus Industrial and this would provide a tax base for the City and the business group supports this. He said this could be an area where no one would be interested in buying homes, that he does not want to go with residential development, but possibly could support 8 acres zoned LR-7.5 away from 7th Avenue and 4 acres HR-4.

S. Weiss said she does not feel park land is realistic; that funds are not available, and if they are going to rezone it, they should come up with another piece of land tonight for industrial zoning.

Chairman Madson asked that they separate the mobile home issue from density and he concurs that there has been a lack of citizen input for the whole process. He suggested some proposals the Commission could consider.

1. Reaffirm to the City Council that the highest and best use is Campus Industrial zone; or

2. That its next best use would be to have it in public ownership for public facilities, and the City could explore acquisition for its use;
3. Zone the property MR-5 (eight units per acre);
4. Suggest the actual zone for this property be deferred so that a public hearing for the zone change would be held when the property development is considered.

Brief discussion followed.

M. Gosling moved to reaffirm to City Council, the Campus Industrial zone designation for the sand pit. R. Olson seconded the motion. The motion failed. AYE: Gosling, Madson, Olson NAY: Hoard, Weiss, Wustrack.

T. Hoard moved to recommend to City Council that the City acquire the land for public facilities. The motion passed. AYE: Gosling, Olson, Madson, Wustrack, Hoard, NAY: Weiss.

M. Gosling moved to recommend to City Council to split zone the property into seven acres LR 7.5 and 2.54 acres HR 4 with the HR 4 adjacent to the highway. T. Hoard seconded the motion. The motion failed. AYE: Gosling, Olson NAY: Wustrack, Weiss, Hoard

D. Wustrack moved to recommend to City Council that the property be zoned, one-half the buildable acres, 4.75, zoned LR 7.5 and the other half be zoned MR 4.5, to produce a total density of eight units per acre and the higher density to be contained in the interior of the property, away from the existing single family dwellings, and the LR 7.5 density to serve as a buffer between the higher density and the existing single family dwellings. The motion failed. AYE: Wustrack, Hoard NAY: Gosling, Olson, Weiss

M. Gosling moved to recommend to City Council that the property be zoned MR 5. R. Olson seconded the motion. The motion failed. AYE: Madson, Olson, Gosling NAY: Weiss, Wustrack, Hoard

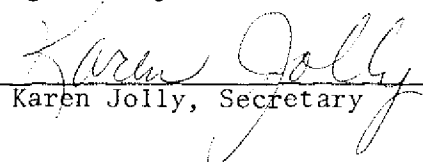
T. Hoard moved to recommend to City Council to leave the property zoned as it is, R-10, and use another area for the higher density. D. Wustrack seconded the motion. T. Hoard withdrew his motion.

S. Weiss moved to recommend to City Council to zone the property MR 4.5. D. Wustrack seconded the motion. The motion failed. AYE: Weiss, Wustrack, Gosling NAY: Hoard, Madson, Olson

D. Wustrack moved to recommend to City Council that the property be zoned MR 5 unless, upon adoption of the Comprehensive Plan, MR 5 becomes the zone wherein mobile homes are allowed as a conditional use, and in that event, then this property would be zoned MR 4.5. R. Olson seconded the motion. The motion passed. AYE: Weiss, Wustrack, Gosling, Olson, Madson NAY: Hoard

M. Gosling moved to recommend to City Council that the zoning on this site be deferred and not put in place at the time of the adoption of the Comp Plan until such time as the conditions of the Soil Extraction and Materials Removal Permit or any prior permits which may be applicable have been complied with to the satisfaction of City Council. G. Madson seconded the motion. The motion failed. AYE: Gosling, Madson NAY: Weiss, Wustrack, Hoard, Olson

There was no further business and the meeting was adjourned at 11:40 p.m.



 Karen Jolly, Secretary

December 19, 1983

Chairman Madson opened the regular Planning Commission meeting at 7:30 p.m. Members present were S. Weiss, M. Gosling, L. Kellerman, T. Hoard. Absent were R. Olson, D. Wustrack. M. Butts, Planning Director and K. Jolly, secretary were present. Also, D. Darling, City Attorney Representative was present.

AAJ161

1. Minutes from November 14, 1983 Regular Meeting

T. Hoard moved to approve the minutes of the November 14, 1983 regular meeting.
M. Gosling seconded the motion. The motion passed unanimously.

2. Minutes from October 20, 1983 Planning Commission/City Council Public Hearing on Comprehensive Plan and Development Code

The minutes for the October 20, 1983 public hearing were not available and will be approved at a later date.

3. Willamette Christian Church - Conditional Use Permit Time Extension / Plan Review - 13th Street between Blankenship Road and Greene Street

M. Butts gave a summary of the staff report. He said the proposal was originally approved in December 1981, and a time extension was granted January, 1983. He said since the application was submitted under the old Zoning Ordinance, (#845) he had processed the request for a time extension under the old ordinance. Also, he said the time extension previously granted should not have been allowed under the old ordinance, but since it was allowed and since the applicant has submitted all the required plans and they meet the requirements for parking, utilities, etc., he recommends approval with the conditions in the staff report, plus one other condition, that the applicant sign a waiver of remonstrance for any future L.I.D.'s for roadway improvements along the north side of the property. He said that any future requests for time extensions for the Church would be processed under the new Ordinance, and would require a public hearing. He said the church site was zoned R-10 and is now zoned Office Business Center.

M. Gosling suggested using the parking lot of the church for a Tri Met park-and-ride facility.

Applicant, Dan Fowler, 1103 Washington Street, Oregon City, representing the church, asked about the sidewalk and street improvements. He said they would be in favor of the L.I.D., but they would not be in favor of improving the street now and then later having to redo the street work again.

M. Butts said they would be required to put in the streets and sidewalks, but an extension of time could be given until the L.I.D. could be formed.

Mr. Fowler said it is their intention to make a building that will be useful for more than just Sunday service.

L. Kellerman suggested that just because they have allowed the time extension in the past does not seem like a good reason to allow it again. He said he was concerned with setting a precedent.

S. Weiss said she felt it was okay since the new Ordinance would take care of this.

M. Gosling moved to approve the request and plans dated November 6, 1983, by Harkness Associates, by the Willamette Christian Church for a one year time extension of the conditional use application for construction of the Church on Tax Lot 800, Map 21E35C based on the findings of fact that since the previous consideration of this application there have been no changes in the facts as of the time the application was made, no changes in the policy or applicable standards on which the approval was based; and subject to the condition that the applicant agree to sign a waiver of nonremonstrance for joining in an L.I.D. for the street improvements on the north side of the property; that they agree to at least cooperate with Tri-Met and the City in making the parking lot available to the local citizens, should this be requested; that any future requests will be processed under the new Ordinance and the new Comp. Plan and Codes and that any further extensions or conditions will be subject to the rules and regulations enforced at that time, there will be no grandfathering of any current conditions. T. Hoard seconded the motion. The motion passed unanimously.


4. Miscellaneous

M. Butts gave an informal update on the Comp Plan. He also briefly discussed the proposed budget for the Planning Department and the plans to combine Engineering, Building and Planning into one department called Development Services. He also mentioned that the West Linn Business Group is in the process of proposing changes to the Sign Ordinance.

M. Gosling asked that the Planning Commission be kept up-to-date on the feedback from LCDC on the Plan. Chairman Madson suggested that there should only be one spokesman for the City to the press. T. Hoard asked about citizen input on the Plan and suggested that in certain areas where there was much citizen input against what was proposed, nothing changed. There was discussion about the recommendations from the Citizen Involvement Committee. Since the Commission had just received the recommendations tonight, Chairman Madson suggested that it be put on the agenda for the next meeting for discussion.

Chairman Madson noted that Diane Wustrack's term on the Planning Commission is ending with tonight's meeting and he suggested writing a letter from the Commission expressing appreciation of her efforts. Also, Chairman Madson said the Planning Commission will need to appoint a new representative to the Park Board. L. Kellerman suggested a liaison from the Planning Commission to the Budget Committee.

There was no further business and the meeting was adjourned at 9:05 p.m.


Karen Jolly, Secretary

January 16, 1984

Chairman Madson opened the regular Planning Commission meeting at 7:30 p.m. Members present were M. Gosling, S. Weiss, R. Olson, T. Hoard, L. Kellerman. M. Butts, Planning Director and K. Jolly, secretary were present. Also, D. Darling, City Attorney Representative was present.

2. Business from Audience

Charles Awalt, 1847 S.E. 5th Avenue, spoke to the Planning Commission about the requirement in the new code for a public hearing for Design Review approval for a residential addition in the Historic District and the fee of \$300. He said he feels this is not appropriate and could possibly be an oversight. He said he has talked to the City Council about this. He recommended that the Planning Commission look at setting up new ordinances so that there could be a trial period during which time changes could be made.

D. Darling said it was not possible to adopt an ordinance subject to change, and she suggested changing the dates on which the Planning Commission could make changes to the new ordinances. M. Butts said the City Council has asked for a memo regarding this and that the new code cannot be changed until May. He said he is putting together a recommendation to the City Council regarding changes to the new code. He suggested that the Planning Commission consider this during the public hearing process which will be held in May.

The Planning Commission concurred to put this on a future agenda.

3. Approval of Minutes of December 19, 1983 Meeting

L. Kellerman moved to approve the minutes of the December 19, 1983 meeting as written. T. Hoard seconded the motion. The motion passed unanimously.

4. D.L. Pahlisch - Subdivision Plan Approval - Norfolk Heights

M. Butts gave the staff report. He said the proposal is for 13 lots on 2.79 acres which is zoned MR 4.5. He said the lot sizes range from 5,000 to 11,000 square feet and that the minimum requirement was 4,500 square feet. Regarding water service, he noted a memo from the City Engineer dated January 16, 1984 suggesting that this subdivision project will require the installation of the water main improvements in the Sunset area. He said the estimated cost would be \$57,000. He said staff recommends approval of the subdivision with the seven conditions of the staff report. D. Darling said it would not be appropriate for the Planning Commission to require the developer to put in the new water line, that it was the City's responsibility.

Applicant, Dennis Pahlisch, 5237 Summit Street, asked about condition #5 of the staff report, about the time frame for the City to install the water line. He said he agrees with the staff recommendations.


M. Butts suggested that Mr. Pahlisch talk to the City Engineer about the time frame for the water line installation.

AAJ161

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M. Butts suggested that Mr. Pahlisch talk to the City Engineer about the time frame for the water line installation.

AAJ161

Discussion followed. M. Gosling suggested an English name be used for the street since this would be consistent with the area. L. Kellerman asked about the City's responsibility for the water line. D. Darling said she felt it was the City's responsibility to provide the water as needed. Chairman Madson asked if approval of the project would require the water line to be started. D. Darling said the water line project may have to be started sooner than if the subdivision had not come up, but also she felt they could not hold up the subdivision for the water line installation.

R. Olson moved to approve the tentative plan for Norfolk Heights based on the finding of fact and recommendations presented by staff and included in the staff report dated January 5, 1984. M. Gosling seconded the motion. The motion passed unanimously.

5. Business from Planning Commission

a. Discussion of Citizen Involvement Committee Recommendation

M. Gosling said he felt they were not doing as good a job as they could do in keeping the public informed, that they could make more effort to publicize what is coming up. He suggested a press release from the Planning Commission, he also suggested the cable TV channel may be helpful. S. Weiss suggested that an agenda be listed in the paper, and she does not feel that a spokesperson for the press is necessary, that this is the City administration's job. R. Olson suggested there are not a lot of people at the meetings because there is not a community-wide interest. He said he felt the Pipeline would be the best source of publicity if it could be mailed monthly. Chairman Madson agreed with Olson and Weiss, and said there is no substitute for direct notification to property owners for property zone changes. He suggested that the City could put more effort into the neighborhood association activities. L. Kellerman agreed that they had to communicate better. He felt that two of the Committee's recommendations were worthy of their support, recommendations #2 and #4. T. Hoard said he felt that the paper is the most effective way of notification. He said the cable TV has no scheduling and he feels a lot of effort may not help. He said the land use planning sign is very effective, and he feels comfortable with what they are doing now. Brief discussion followed and there was no group action.

b. Election of Officers, Representatives, Etc.

S. Weiss nominated T. Hoard as chairman of the Planning Commission. L. Kellerman seconded the motion. M. Gosling nominated G. Madson, but G. Madson declined the nomination. There were no other nominations and T. Hoard was unanimously elected as Chairman of the Planning Commission for the 1984 year.

R. Olson nominated M. Gosling as Vice-Chairman of the Planning Commission. L. Kellerman seconded the nomination. There were no other nominations and M. Gosling was unanimously elected Vice-Chairman of the Planning Commission for the 1984 year.

T. Hoard volunteered to be the Park Board Representative and M. Gosling volunteered to be the temporary Design Review Board Representative.

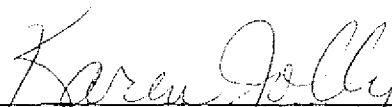
6. Miscellaneous

R. Olson removed himself from the Planning Commission in order to give a presentation to the Planning Commission regarding variances on steep hillside lots. He said there is a lot of property in the City that is steep and which will require a variance to the setback in order to be built on. He presented graphs with setback variance information for lots in Robinwood Estates No. 3. He suggested the reduced setback makes a better looking development that is safer, less expensive. He suggested it would be in the City's best interest to make a provision in the ordinance for setback variances on residential lots that have a 25% grade or steeper that there could be staff approval based on the applicant furnishing the following information: 1. Topographic map by registered engineer; 2. Soils study by registered soils engineer; 3. Foundation designed by registered engineer or architect; and 4. Complete set of working drawings. He said this would expedite development, for residential development, not commercial or multi-family; that the variance procedure is lengthy because of the Planning Commission meeting schedule.

L. Kellerman suggested that he would rather see the developer come in with the setback variance request when he comes in for subdivision approval, he feels the Planning Commission and staff judgement are both necessary. Mr. Olson said this could be done in the future, but his concern is about the lots that have already been subdivided. T. Hoard said that the Planning Commission does not always have the technical expertise to make a decision and he feels the Planning Director and City Engineer could make a better decision. M. Gosling said he feels they need to change the code and he suggested staff should work on a revision proposal. S. Weiss said she supported changing the ordinance and said she agrees with the staff as to their ability and expertise to approve these variances. Chairman Madson said an ordinance change would require a public hearing and thus allow more discussion, he is opposed to administrative approval of major variance requests. He said he is supportive of starting the process of ordinance changes. There was consensus of the Planning Commission members to go through the ordinance change process.

7. Adjourn

The meeting was adjourned at 9:35 p.m.



 Karen Jolly, Secretary

February 21, 1984

1. Chairman Hoard opened the regular Planning Commission meeting at 7:30 p.m. Members present were G. Madson, T. Conser, S. Weiss, L. Kellerman, R. Olson, Absent was M. Gosling. M. Butts, Planning Director and K. Jolly, Secretary were present. Also D. Darling, City Attorney Representative was present. Chairman Hoard introduced and welcomed new member, Tim Conser.

2. Business from Audience

A question was asked about the construction of a wall on East A Street which will obstruct the view. M. Butts said there are five houses being built there and that the City has no ordinances which protect the views. He told her to come in during the day to discuss this with the building inspector, that he did not have any further information on it.

3. Minutes of January 16, 1984

G. Madson moved to approve the minutes of January 16, 1984 as written. R. Olson seconded the motion. The motion passed unanimously.

4. Randy and Diane Stewart - Expansion of a Non-conforming Structure- 1824 Lewthwaite Street

M. Butts gave the staff report. He said the existing structure is located 9-10 foot from the unimproved alleyway on the southwest side of the property, and the Code would define this alleyway, even though it does not exist, as a street and, therefore, require a 15 foot set back. He said the applicant would like to add on to the house and continue to build within the setback, as the house already exists. He said the enlargement will not increase the non-conformity, nor will it violate any existing ordinances. He said staff recommends approval of the request.

Applicant, Randy Stewart, 5271 Broadway Street, said they would like to continue the line of the house if they buy it. He said this would be their residence.

Mrs. Dunfee asked about the alleyway and if this would have an effect on putting in a roadway.

There were no opponents.

L. Kellerman asked if the map from the applicant is appropriate for their findings. M. Butts said it was.

AAJ161

L. Kellerman moved to close the public hearing. G. Madson seconded the motion. The motion passed unanimously and the public hearing was closed.

L. Kellerman moved that pursuant to the staff report and based on the findings that the proposed addition to the structure at 1824 Lewthwaite Street will not enter into the setback any more than the current structure is already entering into the setback, that the request be approved for an expansion as proposed. G. Madson seconded the motion. The motion passed unanimously.

5. Business from Planning Commission

Chairman Hoard requested that the agenda be changed so that Business from Audience be placed at the end of the meeting. M. Butts suggested a time limit could be put on audience business, or cards could be used, which would give the nature of the business.

6. Miscellaneous

M. Butts explained a memo he gave to the Planning Commission regarding slope easements. He said it was still in draft form and he would like to have Ralph Olson look at it further and do some more design work, and with further discussion, they could come up with a set of numbers that would be very clear for administrative processing. L. Kellerman asked about uphill slope. M. Butts said this only deals with downhill slope.

M. Butts gave the Commission members copies of the new land use application forms being used in the Planning Department.

There was no further business and the meeting was adjourned at 8:25 p.m. to a work session with the Design Review Board.


Karen Jolly, Secretary

March 19, 1984

1. Acting Chairman M. Gosling opened the regular meeting at 7:30 p.m. Members present were G. Madson, S. Weiss, L. Kellerman, R. Olson, T. Conser. Absent was T. Hoard. M. Butts, Planning Director and K. Jolly, Secretary were present. Also Jack Hammond, City Attorney was present.

2. Minutes of February 21, 1984

G. Madson moved to approve the minutes of February 21, 1984 as written. R. Olson seconded the motion. The motion passed unanimously.

3. Fosses & Koss Investment Company - Tentative Development Plan (PUD) and Subdivision - Arena Lane and Suncrest Drive, Sunburst II, Phase 6

M. Butts, Planning Director gave a staff report. He said the applicant has requested an amendment of their preliminary development plan and the tentative subdivision plan for Phase 6. He said initially the developer was allowed 166 units, but through the phase process, they have lost 18 units, and that Phase 5 has yet to be submitted for final approval. He said in reviewing for the Design Review approval, there was a need for a revised staff report. He listed seven deficiencies for the tentative subdivision plan approval which were included in the revised staff report dated March 16, 1984. He said the applicant has submitted additional information in response to the staff report. He said that since there were so many changes, he had recommended postponing the decision; but since the applicant is attempting to address those concerns and would like to get a decision tonight rather than delay the decision, he said he did not recommend a postponement but that they make a decision tonight.

Applicant, Herb Koss a partner in Fosses and Koss, said they were apprised of the new rules in the development code during the Design Review process. He went over the list of changes they are proposing.

J. Hammond mentioned the density of the property to the south of the property, he said it will most likely be considered for R-5 zoning, that it is in the County now. He said the Commission would not be setting a precedent for the zoning of this property

in the future. He said the setbacks should be dealt with by the Planning Commission.

Proponent, Nan Steenson, owner of property to the south, said their property is being annexed. She said they have no plans for the property and do not know what it will be zoned. She said they have no objections to the applicant's proposal.

Barbara Hartfeil, chairperson of the Traffic Safety Commission, asked about the traffic on Rosemont Road and whether there were warrants for traffic lights, she said she feels it will not handle the traffic. She said the Traffic Safety Commission would like to see consistent attention paid to the traffic problems. She said Rosemont Road is in the County and is not the City's to upgrade. She said the Traffic Safety Commission would be glad to join with the Planning Commission in this. She asked that the Planning Commission supply the Traffic Safety Commission with the information, and they will submit their concerns to the Planning Commission.

M. Butts said they are going to study the impact of traffic, sewer and water because of the new zoning that has been assigned.

L. Kellerman moved to close the public hearing. S. Weiss seconded the motion. The motion passed unanimously and the public hearing was closed.

G. Madson discussed the density along the southern border. He said he was concerned about assuming that it will be R-5 zoning, that he would more likely assume R-7.5 or R-10, and he felt they should not assume any future zoning for other property. He said he supports the applicant's suggestion for the size of the RV parking.

L. Kellerman asked about the density of the property in the County, he felt it was reasonable to assume this would be zoned at a higher density. He said he was concerned about the RV parking area and would like to see this retained by the Homeowner's Association and not turned into a commercial enterprise in a residential area, that this was designed as an amenity. He suggested that the Homeowner's Association have a first right of refusal on the RV property.

R. Olson said he had no difficulty with the plan as proposed, that it would not give the appearance of a high density project from Arena Lane, he would prefer the landscaping on the exterior of the fence for the RV area. He said he felt the Fire Chief could work out the hydrant requirements.

T. Conser said he was concerned about the assumptions of an increase in the density in the 100 foot range and he is not comfortable with this. He agrees that the Homeowner's Association should have the first right of refusal for the RV parking area.

S. Weiss moved to approve the request for a revised development plan and tentative plat approval for Sunburst II, Phase 6, for Tax Lots 202 and 204, Assessor's Map 21E23C based upon the findings and facts in the Staff Report dated March 7, 1984 and the revised Staff Report dated March 16, 1984, and with the following Amendments and additions to the Staff Report: Recommendations 10,12, and 14 are to be worked out successfully with the City; That no-parking signs be posted in the cul-de-sac area; That first right of refusal be given to the Homeowners Association for the RV parking lot; That the two units that have been dropped from Phase 6 will not be able to be transferred to another phase; That they accept the proposed changes in the parking arrangement as designed on the March 19, 1984 revised plan; That the setback be five (5) feet for the storage facility; That they accept Recommendation 2 based on the assumption that the land to the south and west of the project would come into the City as R-5 zoning.

R. Olson seconded the motion. G. Madson suggested an amendment to the motion to exclude Recommendation 6 and that Recommendation 4 be changed to limit the type of housing to duplexes. R. Olson seconded the amendment.

L. Kellerman suggested amending the motion to say that the RV storage area be limited to use by only Sunburst II residents. S. Weiss did not agree to the Amendment. The amended motion was voted on and passed unanimously.

4. Stan Schwabauer - Expansion of a Non Conforming Structure - 1771 Buse Street

M. Butts gave the staff report, he said the applicant is requesting to add on 750 square feet to the structure. He said the proposed addition meets the criteria of the Ordinance, and staff recommends approval.

AAJ161

Applicant, Mr. Schwabauer said his intention is to use the lines of the existing house which is about 50 years old. He said there would not be any windows on the west side where there is a house, that there would be windows on the 3 foot setback side.

Mrs. Comegys, who owns the lot on the east side of Mr. Schwabauer, asked if this addition would restrict any building on her lot.

R. Olson suggested there was a violation in the existing structure because of the windows within two feet of the property line and that if he is remodeling, it should be brought up to meet the Code.

G. Madson moved to close the public hearing. R. Olson seconded the motion. The motion passed unanimously and the public hearing was closed.

G. Madson moved to approve the application for expansion of a non-conforming structure for Tax Lot 6500, Assessor's Map 22E30CA subject to the situation and findings of fact as outlined in the staff report dated February 28, 1984. L. Kellerman seconded the motion. The motion passed. The vote was AYE: Madson, Kellerman, Weiss, Conser
NAY: Olson

5. Homecraft Construction - Front Yard Setback Variance Request - Apollo Drive

M. Butts said the applicant is requesting a 10 foot front yard setback because of topography of the lot. He said there was an amended staff report which was based on amended topographic reports. He said the garage is on the top floor level and at grade with the street. He said they looked at the options, either 12% grade for the driveway or a split level design. He said staff felt a 14 foot set back was appropriate, and staff recommends a 6 foot variance rather than the 10 foot variance as requested.

Applicant, Herb Koss said he agrees with the staff report, that they could drop the driveway and the 6 foot variance would be fine.

M. Butts said the 12% grade for the driveway is reasonable based on the recommendation of the Building Official.

T. Conser asked about the slide area nearby. Mr. Koss said this lot is not part of that area.

L. Kellerman moved to close the public hearing. G. Madson seconded the motion. The motion passed unanimously and the public hearing was closed.

L. Kellerman moved to approve the 6 foot variance at 3925 Apollo Drive, Tax Lot 108, Assessor's Map 21E25BD based on the situation and facts contained in the February 29, 1984 staff report as revised in the subsequent report and based on the fact that the five criteria for a variance have been met. R. Olson seconded the motion. The motion passed unanimously.

6. WESCO Development - Front Yard Setback Variance Request - Robinwood Estates #3

R. Olson said he would abstain from voting since his firm prepared the documentation for the applicant, and there could be a possible conflict of interest.

M. Butts gave the staff report. He said this is one of the nine lots the Planning Commission looked at before. He said the applicant is asking for a 10 foot variance to the 20 foot setback. He said the street is smaller than normal due to topography, and parking is only allowed on one side of the street. He said the structure does not exceed any height limitations and the five criteria for a variance are met. He said the applicant has submitted the revised soils test, as requested, and staff recommends approval.

Applicant, Val West, 4344 Cedaroak Drive, said the staff report covers his comments.

T. Conser asked if the drainage in the area had been addressed. M. Butts said this will be addressed at staff level. R. Olson said the soils report addresses this problem. G. Madson asked about the cost of the soils report. Mr. West said it was \$500 - \$700 per lot. L. Kellerman said this information was exactly what the Planning Commission was looking for.

L. Kellerman moved to close the public hearing, G. Madson seconded the motion. The motion passed unanimously and the public hearing was closed.

L. Kellerman moved to approve the 10 foot variance for Tax Lot 1000, Assessor's Map 21E23DB based on the situation and findings of fact in the planning staff report and based on the fact that the five criteria for such a variance appear to be met. G. Madson seconded the motion. The motion passed unanimously. R. Olson abstained from voting.

7. Business from Audience

Jack McIsaac, 3300 Rosemont Road, said that several months ago the Planning Commission granted him a minor partition, and this situation made a portion of his property impossible to sell. He said this was the requirement to dedicate a 50 foot road and a cul-de-sac. He said this made the property too small to market.

M. Butts said the cul-de-sac was not required to be recorded, only dedicated. He said Mr. McIsaac has received support from the neighbors for R-20 zoning. He said one neighbor's property is coming in at R-10 zoning. He said that looking at R-20 zoning, there would be four parcels and the new street would be vacated. He said he could authorize a lot line adjustment and the new minor partition, but the street vacation would need to go before the City Council. He said he thought the City Council would like to have the Planning Commission's recommendation in this. He said this plan is workable and agreeable to Mr. McIsaac, and he asked for a consensus and their input.

Mr. McIsaac said the neighboring properties do not want development of their lots. He said he does not want to subdivide his property, he is asking to make it more saleable.

G. Madson said he was concerned that they may block development in the future, that they were committed to serve R-10 development.

The Planning Commission reached a consensus that City Council should vacate the street and allow the lot line adjustment as suggested, with the conditions that one further partition per lot development be allowed.

Charles Awalt, 1847 5th Avenue, asked about the setback off alleys, which is 20 feet. He said on a 5,000 square foot lot, and the Historic District is in this category, there is a problem for a builder who wishes to put a two car garage on these lots. He said he has a garage 6 feet off the alley and would like to add a shop on, but would have to apply for expansion of a non-conforming structure.

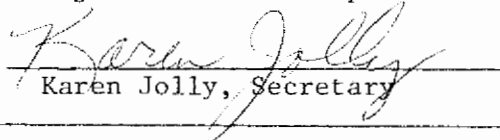
M. Butts said, regarding an accessory structure, a street is considered an alley and they could redefine alley or make an exception applicable to the Historic District. R. Olson suggested that a double car garage off the alley would make less required on-street parking.

The Planning Commission reached a consensus that they support differentiating between alleys and streets and not just in the Historic District.

8. Business from Staff

M. Butts commented about his memo regarding his requested amendments to Section 99.000 of the Community Development Code. He said he has tried to establish three different notification categories which will considerably scale down the process. He said he feels his proposal allows reasonable notification.

There was no further business and the meeting was adjourned at 11:15 p.m.


Karen Jolly, Secretary

April 16, 1984

1. Chairman Hoard opened the regular meeting at 7:30 p.m. Members present were M. Gosling, G. Madson, S. Weiss, T. Conser. Absent were R. Olson and L. Kellerman. M. Butts, Planning Director, K. Jolly, Secretary, and D. Darling, City Attorney representative were present.

2. Minutes of March 19, 1984

G. Madson moved to approve the minutes of the March 19, 1984 meeting as written. M. Gosling seconded the motion. The motion passed unanimously.

3. O'Neal Development - Variance/Subdivision Request - Southwest End of Perrin Street

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M. Butts gave a staff report. He said the request was for a six lot subdivision which had been previously approved, but the time had expired. He said the variance request would allow the houses to be able to come forward since the lots slope at the back. He said the applicant is asking for tentative plan approval and a variance to the sidewalk requirement and a variance to the required 50 foot cul-de-sac radius. He said staff recommends denial of the variances and approval of the tentative plan.

Applicant, Shirley Bissell for O'Neal Development, said regarding the sidewalk variance, that there are no sidewalks in the area, the neighbors do not want sidewalks because they would lead no where. She said she felt the City was in favor of the variance.

Tom Tye, Compass Corporation, engineer for the project, said this was previously approved for a minor partition of the lots. He said they were concerned that the area for building, because the lots slope, is such that with a 45 foot radius there would be room for a 20 foot setback. He said a compromise of a 45 foot right-of-way and a 5 foot utility easement would satisfy the engineering requirements for utilities, and this would help them in their building. He asked for approval of the variances, he said the sidewalks would be an additional expense to the houses. He said they would be paying for an off-site water line and for the fire hydrant.

Mrs. Bissell estimated the value of the houses built on Perrin Street to be about \$55-70,000 and the proposed new houses on these lots to be about \$85-90,000 and they will not be spec homes.

G. Madson asked about the street tree plan, when would they be installed, and Mr. Tye suggested they should be a condition of the building permit.

There were no opponents.

M. Gosling moved to close the public hearing. G. Madson seconded the motion. The motion passed unanimously and the public hearing was closed.

Discussion followed. G. Madson said he felt the street trees could be installed when the building permit is issued and construction is nearly completed. M. Gosling said he felt it was a matter of economics that they do not build out of line price wise, he feels they have justification for the variance request; he does not think the neighborhood lends itself to a split level house. He said he cannot see that sidewalks are required. G. Madson said regarding sidewalks, they provide a nice place for the children to play, he feels the subdivision should be constructed to City standards with sidewalks. S. Weiss said she concurs with the staff report. T. Conser said he agrees with the sidewalk concept, that it should be done now, he does not feel the 50 foot right-of-way would be required.

G. Madson moved to deny the request for a variance to the 50 foot radius on the cul-de-sac based on the findings that the applicant has not proven an unreconcilable burden, and the fact that staff has demonstrated that the applicant can build on his lots and construct a 50 foot radius cul-de-sac. S. Weiss seconded the motion. The motion failed. The vote was AYE: Madson, Weiss. NAY: Gosling, Conser. Chairman Hoard voted NAY to break the tie.

M. Gosling moved to approve the applicant's request for a variance from the required 50 foot radius to a 45 foot radius. Based on the topography of the site because it creates a hardship on meeting the setback requirements, conditioned on tentative plat approval, and provided that the developer grant an easement for sidewalk and utility purposes sufficient to meet the City's requirements. T. Conser seconded the motion. G. Madson suggested that as per the staff report dated April 16, 1984, Exhibit 2, that regarding Lot 2, the most constrained lot, that staff has shown the ability to build a reasonably designed house without a variance. The motion passed. The vote was AYE: Conser, Gosling. NAY: Madson, Weiss. Chairman Hoard voted AYE to break the tie.

T. Conser moved to deny the request for the sidewalk variance in this subdivision based on the fact that the Planning Commission has moved the cul-de-sac radius down and allowed an easement for proper distance for sidewalks. M. Gosling seconded the motion. T. Conser added to his motion that the findings of the staff report substantiate the requirements for sidewalks. M. Gosling seconded the addition to the motion. The motion passed unanimously.

G. Madson moved that the application for tentative subdivision approval for Tax Lots 1500 and 1600, Assessor's Map 22E30BD be granted based on the situation and findings as outlined in the staff report dated April 5, 1984 with the following changes and staff recommendations: (A) be changed to read 45 feet; (C) be

changed to read Lots 4 and 5 be adjusted to a minimum 35 foot frontage; that one additional recommendation (H) be added, street trees to be planted at the time of sidewalk construction; and (I) added, that the subdivision plan include the 5 foot easement along the radius of the cul-de-sac for construction of utilities and sidewalks. M. Gosling seconded the motion. The motion passed unanimously.

4. Amendments to Comprehensive Plan and Community Development Code (Sign Code, Procedures Chapter of the Code and LCDC Amendments)

M. Butts gave a staff report. He said his memo dated March 13, 1984 outlines the primary amendments and he stated these. He said there were also amendments from the West Linn Business Group and some from the work sessions held between the Design Review Board and Planning Commission.

Proponent, Steven Housel, 19080 Pacific Highway, said he was chairperson for the West Linn Business Group and said they supported the amendments Mr. Butts presented on behalf of the Business Group. Jill Thorn, President of the Business Group, 18740 Pacific Highway, handed out an editorial that was in the Tidings and asked that it be included in the record.

There were no opponents.

G. Madson mentioned the letter from Allen Pynn dated March 1, 1984 with four recommendations for changes. M. Butts said this would be included in the record. G. Madson said he found it difficult to respond to Mr. Pynn's letter because of the references. Chairman Hoard read a letter from the Greater Robinwood Neighborhood Association (Exhibit B). M. Butts said that Larry Kellerman asked him to express that he (Kellerman) did not support the reader-board in the Sign Ordinance. Discussion followed.

G. Madson moved to close the public hearing. M. Gosling seconded the motion. The motion passed unanimously and the public hearing was closed.

G. Madson said that the West Linn Business Group has done an outstanding job in addressing the Sign Ordinance. He said he had a problem with the off-premise sign, but feels the amendment is appropriate. He said he supports readerboards for commercial centers. S. Weiss said she also felt the Business Group did a fine job in their recommendation, she felt they were conservative. T. Conser said he had concerns about promoting traffic safety, he feels changeable copy signs distract from traffic safety. He said he was concerned about the standard white background for readerboards. He asked about the liability for banners. G. Madson said he felt the license for real estate should be included for education and control.

G. Madson moved that the Planning Commission recommend that City Council adopt the Sign Code discussion draft as presented with the following changes:

1. Staff report dated April 16, 1984, recommendation to delete the requirement for real estate agents to be licensed is accepted (page 11, Section 52.103(B);
2. Rework to read: "Shall be removed when less than 40 percent or 10 lots and/or dwelling units, whichever is less, remain unsold per phase." (page 24, Section 52.300(F)(4);
3. Okay in entirety (page 34, Section 52.400(J), add the following between #2 and #3 and renumber accordingly: "2. Shall be located on the premises, and in the case of a multi-tenant or shopping center, shall be placed on the building of the respective business or within ten (10) feet of the building.")

M. Gosling seconded the motion. The motion passed. The vote was AYE: Madson, Gosling, Weiss. NAY: Conser.

M. Butts explained the proposed notification process and appeal process recommended in the amendments to the Procedures Chapter of the Development Code as per his memo dated March 13, 1984. Brief discussion followed.

T. Conser moved to close the public hearing. G. Madson seconded the motion. The motion passed unanimously and the public hearing was closed.

M. Gosling submitted a list of changes he recommended be made to the Development Code. G. Madson mentioned the issue of notification, he is opposed to the reduction from 300 feet to 250 feet. He said they should keep the neighborhood association on the notification list for Class C Notice. He said he agrees with M. Gosling's suggestions. T. Conser said he felt any person who requests it should be notified. S. Weiss said she felt the Planning Commission could not

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act on everything that happens in the City, that it was an overkill and there is enough to read now. G. Madson said he felt it was premature to change the requirements for notification, let it run for a year and if it does not generate the need for any appeals, they could look at changing it later.

G. Madson moved that the Planning Commission recommend that City Council amend the Procedures Section of the Development Code as outlined in the staff report dated March 13, 1984 with the following additions and deletions:

1. That the area of notification for Class A Notices remain at 300 feet;
2. That neighborhood associations continue to be carried on the Class C Notice notification list;
3. And that in reference to the letter dated April 16, 1984 from Michael Gosling, that his recommended changes on pages 75-1 and 75-2 be adopted; his recommended revision on Section 99-160(C)(2) be adopted with the stipulation that the notification to Planning Commission and City Council be by mail as it currently is;
4. That the change to Section 99.130(A) be accepted; and all subsequent recommendations (of Mr. Gosling's letter) be accepted, and add to the letter, that Section 99.080(A) add "1. The applicant or his agent." to Class C notification.

M. Gosling seconded the motion. The motion passed. The vote was AYE: Madson, Gosling, Conser. NAY: Weiss.

M. Butts summarized the DLCDC report of April 26-27, 1984 recommending changes to the Plan and Code.

Opponent, David Ransier, 1170 Swift Shore Circle, said he had concerns about the proposed amendments, he asked about the R-5 Zone and the property next to Pynn's island. He asked about the open space zoning and if this could be filled. He also asked about the enforcement mechanism for fill in the area. He said he had strong objection to the protection of the island as a wet land. He suggested the island could be zoned as open space, not R-20 which would require a public hearing to change the zone. He asked for a statement of justification for the R-20 zone.

Opponent, Paul Wolff, 1013 Snidow Drive, said he felt the area near the island could still flood, he said he does not understand how the flood plain could be changed.

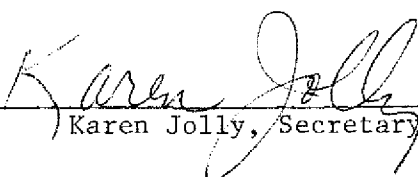
G. Madson asked about rezoning the island that there should be notification. He said he is not comfortable in closing the public hearing until they have had more time to look over the materials received on this matter.

G. Madson moved that in order to fulfill their function as recommending body to City Council, they need more time to properly evaluate this matter and they continue the public hearing until Monday, April 23, 1984 at 7:30 p.m. T. Conser seconded the motion. The motion passed. The vote was AYE: Madson, Weiss, Conser. NAY: Gosling.

M. Butts summarized the proposed miscellaneous changes to the Development Code. The minutes hereby show that no one was present in the audience for the hearing.

M. Gosling moved to approve the Miscellaneous Amendments to the Community Development Code dated April, 1984, with the exception of the reference to (page 26-1) Section 26.020(E)(1) which is deleted (all property owners of record within 250 feet ...), and the addition of cross reference to (make consistent with) the Sign Code (for) Section 37.020(A)(5). G. Madson seconded the motion. The motion passed unanimously.

G. Madson moved to adjourn the meeting to April 23, 1984 at 7:30 p.m. S. Weiss seconded the motion. The motion passed unanimously. The meeting was adjourned at 11:20 p.m.



Karen Jolly, Secretary

July 16, 1984

WEST LINN PLANNING COMMISSION
SIGN-IN SHEET

Please sign below if you wish to establish party status and have "standing" to pursue an appeal or seek review.

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>
Clare C. Zoller	1595 SW Bland St West Linn	656-6581
Eric M. Zoller	1595 SW Bland St, West Linn	656-6581
Sherry Chapman	5742 Portland Ave West Linn	655-6876
David Chapman	5742 NW W. PORTLAND AVE WEST LINN OR	
Debbie Jett	5748 Portland Ave West Linn	656-6123
Leslie Hatfield	5774 Portland Ave. West Linn	655-9495
Jerry Hatfield	5774 Portland Ave West Linn	655-9495
Bill Hobbs	2902 Rawhide S.T. West Linn	635-9579
Doog Bowerman	600 SE MARION ST. #410 PORTLAND Ore	231-4830 97202
Kern Peters	5828 NW Portland Ave West Linn, Ore	656-6080
Veronica J. Peters	5828 NW Portland Ave West Linn	656-6080
TIMOTHY M GILMER	5794 N ROBERT MOORE WEST LINN	655-9784
Batricia A. Gilmer	5794 NE ROBT MOORE WEST Linn	655-9784
John R Flynn	2914 S.W. Blue Grass Wy W. Linn	657-6075
Louise Sturges	5796 N.W. Portland Ave.	656-3650
A.H. Allen	543 Maryhurst Dr	636-3074
Gladys N. Allen	543 Maryhurst Dr.	636-3074
Bill Sherman	5718 Portland Ave	655-1350
Alan Akobian - English	10817 89th W. Milwaukee Or	97222
HAROLD + BARBARA OGBURN	2510 Hinchest Ct West Linn	636-0967
Myrth Williamson	19930 Bluegrass Circle West Linn	655-0505

April 23, 1984

Chairman Hoard opened the continued meeting at 7:30 p.m. Members present were S. Weiss, T. Conser and G. Madson. Absent were M. Gosling, L. Kellerman and R. Olson. D. Darling, City Attorney Representative, M. Butts, Planning Director and K. Jolly, Secretary were also present.

1. Amendments proposed by LCDC to the West Linn Comprehensive Plan and Community Development Code (public hearing continued)

There were no proponents.

Opponent, Betty Wolf, 1013 Snidow Drive, asked that Ken Fink, of the Lower Tualatin Valley Homeowners Preservation League be able to speak for the Willamette Neighborhood Association since their speaker could not be present.

Ken Fink, 6250 S.W. Prosperity Park Road, in Clackamas County, said they have been looking at this situation for sometime, the area is in their recognized citizens interest group area. He said when the filling started, the property in question was in the County. He said the fill was illegal at that time. He said the County did not do anything about it because the property would be turned over to the City of West Linn and the City would do something about it. He said the filling included two causeways across the highwater channel of the river. He presented the latest flood plain maps he could get from FEMA which were dated 1977, two years prior to the filling. He gave the address in case anyone else wanted a copy of the maps. General Services Administration, Region 10, General Services Administration Center, Auburn, WA 98002, Attn: Bob Freitag.

Chairman Hoard asked if their group agrees or disagrees with the proposed zoning information.

Mr. Fink said this should be spoken to by the Willamette Neighborhood Association people. He said they take exception with the word "former" page 2, Exhibit A of the memo dated April 16, 1984. He said if the flood plain is developed this will harm the wild life situation, he asked the Planning Commission to keep the island isolated. He said the Corps of Engineers said it could be done.

Chairman Hoard asked Mr. Fink his opinion of the proposed wording. Mr. Fink said access does not permit the island to be a sanctuary and anything in the way of a resonable flood could occur anytime and would take out the river channel if the flood plain is inhabited, it could cause damage to everything that is there.

Opponent, Bill Cox from Western Pacific Construction Materials spoke regarding Cedar Island zoning. He said the island does not look like what the City map shows, that it is now horseshoe shaped. He showed the Planning Commission an up-to-date map. He said they are a dredging company and they own the island, they have used it since the 50's as a source of rock for aggregate and concrete. He said they will eventually move out of the river. He said there is a conflict of uses, boat use, lots of people during the summer, they are there during the high water. He said they will never mine the whole island. He said they do not feel the suggested R-20 residential zone is appropriate for this type of island, it is in the flood plain and there is nothing there to build upon, construction would not be allowed. He said there is moving water between the island and the land until very low water. He said they do not feel that aggregate extraction is appropriate for a residential zone, it would be better off to be an openspace zone. He would suggest that the City not put a residential sticker on it. He said it was probably all under the 100 year flood plain. He said he did not think it would be possible to fill it in the future and make it possible to put residential uses on it.

There were no further opponents nor proponents.

T. Conser moved to close the public hearing. S. Weiss seconded the motion. The motion passed unanimously and the public hearing was closed.

Discussion followed. T. Conser said regarding the islands and the residential zoning, it concerns him and bothers him to zone them residential, however he does not feel the City wants to buy the property. S. Weiss said she feels there are so many restrictions against making it buildable, she has no problems with residential R-20 zoning. G. Madson asked how many properties were zoned R-20 and if the owners of the islands had been notified of the zoning. M. Butts said there were no properties zoned R-20 and the extraction use would be a conditional use. D. Darling said there has been official

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notification, not individual notification. G. Madson asked if the density could be transferred to another parcel. T. Conser asked about the possibility of sewage pumping for any of the islands. G. Madson said he is troubled by the lack of other zoning alternatives, he is uncomfortable with the residential designation and attaching the aggregate extraction use.

M. Butts said Ames Associates felt the R-20 zone was the best with all of the other constraints to accomplish this. T. Conser asked about Abernethy Island, that Publisher's has settling ponds built on it, and that industrial zoning would be more appropriate. He said he does not want to restrict the owners and yet wants the zoning to be compatible with what they want it to be, he would like to see more alternatives. G. Madson asked about the archeological sites and future development on them. M. Butts said City staff knows where they are located.

G. Madson moved that the Planning Commission recommend that City Council adopt the proposed amendments to the West Linn Comprehensive Plan, Inventories and Community Development Code based on the situation and findings of fact as outlined in the staff report dated April 4, 1984, addendum dated April 16, 1984 and additional addendum April 23, 1984 with the following changes to the staff recommendations:

1. April 16, 1984 addendum, cover page recommendation on zoning for the four islands, not three, to be zoned R-20 and all four islands to be designated open space on the Comprehensive Plan map; on page 18, Exhibit A, top of page, item #2, the word "former" to be stricken from the reference to the river channel seperating Pynn's Island from the main land.
2. April 23, 1983 Addendum to be accepted with no additions or changes;
3. Recommended change on page 13-2, Section 13.050, the addition to Section 13.050 is accepted with a corresponding deletion of Section 13.030(5).
4. April 16, 1984 Amendments Exhibit B, page 61 change the single asterisks from Imperial Drive/I-205 to Borland Road/Tualatin River.

S. Weiss seconded the motion. Under discussion, G. Madson said that he is still very uncomfortable with the residential zoning on the islands, he does not feel they were provided with alternatives, he will support staff recommendations with reservations. The motion passed unanimously.

G. Madson moved to request staff to notify the owners of the islands regarding the new zoning proposed tonight in time for them to respond prior to the hearing by City Council. T. Conser seconded the motion. The motion passed unanimously.

There was no further business and the meeting was adjourned at 9:00 p.m.



Karen Jolly, Secretary

May 14, 1984

1. Chairman Hoard opened the regular meeting at 7:30 p.m. Members present were M. Gosling, T. Conser, G. Madson, R. Olson. Absent were S. Weiss and L. Kellerman. M. Butts, Planning Director and D. Darling, City Attorney Representative, were also present.

2. Minutes of April 16, 1984 Regular Meeting and April 23, 1984 Special Meeting.

The minutes were not prepared, so they will be approved at the next meeting.

3. Hidden Springs Ranch No. 8, Phase II - Fosses and Koss Investment Company.

M. Butts summarized the staff report. He said the applicant is requesting preliminary development plan approval which is a revision of the plan submitted by Edward's Industries. He said they are asking for subdivision approval of the single family units, and for approval of a zone change. He went over some changes on the staff report regarding right-of-way and pavement and sidewalk width. He said the applicant has also proposed a redivision of the land to the north, which meets staff approval. He said he had an addendum to the staff report regarding density calculations and the open space requirements. He said the applicant would explain their proposed changes. He explained the proposed change in the curb and gutter requirements.

Applicant, Herb Koss, partner in Fosses and Koss Investment Company, explained the proposal. He said they have met with the property owners in the area in an effort to develop the property and better the liveability of the neighborhood, keep the residents of the area happy and keep the City staff happy. He said he feels they have worked out a good plan, they have reduced the density from 286 to 164 units. He thanked the Commission for scheduling them ahead of their regular date for meeting.

Rick Givens, engineer for Compass Corporation, 7451 S.W. Coho Court, Tualatin. He discussed access of Tract A, how it has been revised; He said they are requesting to delete the pathway requirements, that neighborhood residents have had difficulty with them. He said they had no difficulty in renumbering the lots and blocks as required by staff.

Tom Tye, Compass Engineering, 6564 S.E. Lake Road, said they concur with the street widths and right-of-way widths as recommended by staff; he said they were concerned about the requirement for the water line location, that they agree to the 16 inch water line in Churchill Downs, with the City paying for the oversizing, but do not feel a water line off-site would benefit this project. He said they object to putting in utility easements on all lot lines, only where they are needed.

Scott Talbert, landscape architect, 7451 S.W. Coho Court, explained the landscape and park proposals. He said they would prefer to be able to get occupancy permits prior to planting of street trees if, because of weather, they are unable to plant. He said they could put money in an escrow account if required. He explained the proposed landscaping along Santa Anita Drive and the schedule. He also explained the park concept.

Herb Koss, went over the proposal and staff recommendations. Regarding street names, he said they have come up with some different names as requested. He said they would like to work with Clackamas County on the Rosemont Road improvements. He said that since they are giving the City an improved park, they would like to cut down the size of the park requirement. He said they would maintain the park through the neighborhood association. He said they would ask the City to maintain the fire hall site.

Discussion followed with member of the Commission asking questions of the applicant and staff.

Proponant, Gary Newbore, 2421 Pimlic Drive, representing the neighborhood association, said this plan delights the community, they are pleased with the density reduction and traffic pattern. He said they feel the smaller park site is adequate as a trade-off. He said they would prefer a 32 foot width road. He asked what the schedule was for the new water tank. He said they are still having water problems. He asked that the recreation site be dedicated to the neighborhood recreation association. He said they think this is an excellent plan and the neighborhood supports it. He said if the project goes through as proposed, they would sign off on any litigation with Edward's Industries. He also said there are only six foot sidewalks on Santa Anita.

Ted Phillips, 2168 Clubhouse Drive, said he felt this is a great improvement, he suggested the multiple units should open to the outside rather than the inside.

Mike Glanville, 6211 Tack Court, said he borders the property, and he is delighted with the plan. He suggested there is a problem with maintenance of the parking strip. He said the tree plan should be consistent with what is there now. He said he does not think the paths are necessary.

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Don Schwindt, 6251 Tack Court, said he thinks the plan is good, he feels the park area should be dedicated to the neighborhood association for maintenance purposes. He said he is against any changes in the RV restrictions, and he would like to see compliance.

George Adams, 2635 S. Rosemont Road. He said the plan is better than what he saw last year. He asked about the bike path requirements. He said they have no plans for development of their six acres at present. He said the multifamily units would block his view, and that possibly they could give consideration to not putting the seven parking spaces in and putting in a border. He said the applicant said there would not be any fill needed in the corner of Santa Anita and his property. He said he feels there should be no more access onto Rosemont Road. He said he thinks it is a good idea that Churchill Circle does deadend on his property. He said he would put his thoughts on paper and send them to the Planning Commission. He said he may look at annexing to the City for police and fire protection because of the increased population.

Chairman Hoard read a letter from a property owner at 6214 Tack Court. The letter was in opposition to the 35 foot street requirement, asked the Planning Commission to approve the plan proposed.

Herb Koss said they do not object to changing the trees to what is there now. He said they could set up an architectural screening process for RV parking on their property.

G. Madson suggested they provide, between Tract C and the current phase, a temporary turn around facility. He asked about the Tract B lot sizes. R. Olson asked about the requirements for RV screening.

Deanna Gianville, 6211 Tack Court, said that requiring a certain type of tree may obstruct some views. She suggested weeping cherry trees.

G. Madson moved to close the public hearing. M. Gosling seconded the motion. The motion passed unanimously and the public hearing was closed.

Discussion followed. G. Madson suggested the pathways between cul-de-sacs, for security purposes, be dropped in this development. He said they should follow City ordinances for RV's. He suggested asking for dedication to public ownership of the pathway portion of the bike path, which would be a beginning of the bike path. T. Conser said he did not think they could limit access to the public to the 50 foot strip. M. Gosling suggested an easement. Chairman Hoard said the facilities should be available to the public. Herb Koss said the basketball area would be private money and should be kept private; they have no problem with the community using the jogging path. Gary Newbore said the neighborhood association wants the facility built and owned privately. R. Olson said he agreed the tennis courts should be private. M. Gosling said he felt the facilities should be provided and since there is no public money right now, it should be private. G. Madson said he felt private recreation facilities would mean more "no" votes for public facilities. M. Gosling suggested there is a consensus of the Commission that Tracts D and E of approximately 1.3 acres should be deeded to the Hidden Springs Recreation Association, the balance of that property along Rosemont Road should go to the Homeowner's Association of Hidden Springs Ranch No. 8 with suitable legal wording to give the public the right of access and use and enjoyment of the jogging trails. A vote was Madson - opposed; Conser - agree; Olson - agree.

Discussion of other items regarding the proposal followed. Chairman Hoard went over the list of staff recommendations in the Staff Report. There was discussion on the following items. #2, G. Madson suggested one access off Santa Anita Drive. There was agreement on this. #3 was dropped. #4, G. Madson suggested the street closure could extend to within 12 inches of the southern property line. #6, the landscape architect described the Thundercloud plum and Weeping Cherry and Yoshino trees considered. G. Madson recommended the plum trees on the connecting streets to the existing streets that have plum trees and shifting to the cherry trees on streets that are unique to this development. There was a consensus to go with the staff recommendation on #6 adding that funds could be placed in escrow if it is not the appropriate time to plant. #8, there was a consensus to drop this requirement. #9, R. Olson suggested they require the 6 foot wide walk with an 8 foot wide landscaped area. There was a consensus on this. #10, there was discussion regarding a waiver of remonstrance for an L.I.D. through the recreation association. #13, R. Olson suggested scratching "or at an equivalent location ..." from the recommendation. #15, M. Gosling suggested requiring utility easement on the front of lots and as required by the City Engineer. G. Madson suggested

easements can be given easier than they can be received and that they support the staff recommendation. Consensus was to require easements as would be satisfactory to the City Engineer. #16, to the satisfaction of the City Engineer was the consensus. #20, (K&F proposal), G. Madson suggested this be deleted (the cost for water meters not be \$550). D. Darling suggested that developers will provide and install three water meters for landscape irrigation systems at the following locations, and City agrees to waive the development fee for these locations. There was consensus on this. #21 (K&F proposal) regarding dedication of recreational area and Fire Station site, D. Darling suggested dedication of the jogging trails to the homeowners association, dedication of the park to the recreation association and add, the association agrees not to restrict public access to Tract D, the jogging trails; also add, that if the City exercises its option on Tract C they will assume maintenance responsibility for the abutting portion of Tract D. #24 (item 21 on Staff memo dated May 9, 1984), consensus to leave this item. G. Madson suggested an item #25, a temporary turn around at the end of Bay Meadows Drive; and item #26, that a ceiling density on Tracts A,B and C be as suggested in this submittal, 28 on Tract A, 19 on Tract B and 17 on Tract C, maximum. There was consensus on these two additions.

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M. Gosling moved to approve the application for an amendment to the preliminary development plan and program for Hidden Springs Ranch No. 8, to approve the subdivision plan for Hidden Springs Ranch No. 8, Phase II, excluding Tracts A,B and C and the zone change from R-10/R-2.1 to R-10/R-2.1 P.U.D., Tax Lots 700 and 800, Map 21E26, in accordance with the recommendations made in the Staff Report dated April 23, 1984 and May 9, 1984 with the amendments as follows: #1, right-of-way width to 50 ft. on all streets, pavement width to 34 feet on Churchill Downs, 31 on all others; #2, access for Tract A limited to one on Santa Anita Drive; #3, omitted; #4, Churchill Circle be extended to the southern property line with a 12-inch street plug to be installed by the developer, #5, as in Staff Report; #6 add, "with the condition that if weather does not permit planting at the time, that funds can be put in escrow; #7 omitted; #8, omitted; #9, sidewalk along Santa Anita Drive to be extended to Tract A at the time of development; #10, as in Staff Report and add that developers give waiver of remonstrance to the property abutting Rosemont Road; #11, dedication to HSR #8 Homeowners Association of Tract D, the jogging trail, and dedication of Tract E, the park, to the HS recreation association at time of approval of final development plan of HSR #8, 2.4 acres, applicant shall have the responsibility concurrent with the park site dedication to grade and seed the same as approved by the City Engineer, and the Homeowners association and recreation association agree not to restrict the public use of the Tract D, the jogging trail area; #12, the applicant shall reserve the 1.5 acre fire hall site at the northeast corner, adding that if the City exercises its option on the fire station site of Tract C, that the City will be deeded the abutting portion of Tract D, as submitted; #13, at the time of Development of HSR #8, Phase 2, the applicant shall install 16 inch water transmission line on Churchill Downs Drive from Santa Anita Drive to Rosemont Road. City shall reimburse the developer for the proportionate share of the cost for oversizing; #14, as in the Staff Report; #15, utility easements will be provided where required to accommodate utilities per City Engineer's approval; #16 change to read, all raindrain connections shall be provided to each lot at street or storm drain system to City Engineer's approval; #17, amended to require the developer to relocate and install memorial sign on HSR #8 so as not to obstruct clear vision areas; #18, as written; #19, as written; #20, as proposed by the applicant, would be added with the further stipulation to read, "The developer would provide an install three water meters for landscape irrigation systems at the following locations: (A) the basketball area, water costs to be billed to HSR Recreation Association, (B) the landscaped jogging path, water costs billed to HSR #8 Homeowners Association, (C) landscaped parkway along Santa Anita Drive, water costs to be billed to HSR #8 Homeowners Association. The City further agrees to waive the development fee for these three meters; #21, Homeowners Association will be formed as per the developer's letter of April 27, 1984 (Exhibit H) and City will be relieved of the maintenance of the areas: #22, set backs for all single family units within HSR #8 shall be as follows: Front, 20 feet, Rear, 20 feet, Street Side, 15 feet, and Interior, 5 feet; also add that the units abutting Rosemont Road are considered interior lots and therefore would get the 5 foot setback; #23, install sidewalks along Chestnut Court adjacent to existing residences; #24, adjust the lot lines of Tract A to ensure the south western three lots shall each have a minimum 5, 625 square feet; #25, developer would provide a temporary turnaround at the north end of Bay Meadows Drive; #26, maximum density to be as proposed on Tracts A,B and C. R. Olson seconded the motion. G. Madson said he is supportive of the 26 conditions except the issue of public verses private ownership of the park and recreation lands, and for this reason he would vote NAY. The motion passed. The vote was AYE: Olson, Gosling, Hood, Conser NAY: Madson.

4. Recommendation for Two Acre Zoning Within Urban Growth Boundary (General Item)

M. Butts gave the staff report. D. Darling said that even though the property is outside City limits, it is inside the U.G.B. and the City plans for it, that there is an agreement between the City and County. M. Butts said Commissioner Schumacher wants a response from the City on this. Discussion followed.

G. Madson moved that, based on the Staff Report of May 14, 1984 that they recommend to Clackamas County that this property remain in its current FU-10 zoning for reasons outlined in the Staff Report of May 14, 1984. T. Conser seconded the motion. M. Gosling said he thinks they should not be discussing it since it is outside the City. Chairman Hoard said the property owner is his dentist and during a dental appointment, he explained his request to Chairman Hoard. The motion passed.

There was no further business and the meeting was adjourned.


Karen Jolly, Secretary

June 18, 1984

1. Chairman Hoard opened the regular meeting at 7:30 p.m. Members present were G. Madson, S. Weiss, R. Olson, L. Kellerman, T. Conser. Absent was M. Gosling. M. Butts, Planning Director, K. Jolly, Secretary and D. Darling, City Attorney Representative, were also present.

2. Minutes of May 14, 1984 and April 16, 1984 Regular Meetings and April 23, 1984 Special Meeting.

G. Madson moved to approve the minutes as written. T. Conser seconded the motion. The motion passed unanimously.

3. Benkendorf Associates, LTD. - Conditional Use Minor Partition and Design Review for Kinder-Care Learning Center - Lazy River Drive.

M. Butts gave the staff report. He recommended approval subject to the conditions of the staff report. He recommended an eight (8) foot setback for the parking area, screening along the entire length of the northeast side line, the entire roof have architectural shingles. He said they are not requiring that the applicant do the street improvements at this time, that they can be requested at a later time.

Applicant's representative, Mary Dorman, planning consultant with Benkendorff Associates, 522 S.W. Fifth, Portland, introduced the other members of the firm who would help with the presentation. She gave a background of the Kinder-Care Association, and described the specific characteristics of the site in West Linn. She said there are public facilities currently available, and they would provide full half-street improvements along Lazy River Drive and their property on Hwy 43. She listed the operational characteristics for the facility, and said there would be only limited evening and weekend use. She said they are asking for an eight (8) foot setback, that they do not want to reduce the playground area anymore than possible. She responded to the staff recommendations, and said they agree except for #5, that they would like to keep the red roof in the front. She said they are only asking for equitable treatment.

Mr. Baker, also a representative of the applicant, said the State has regulations for day care centers and that Kinder-Care cannot afford to be a bad neighbor. He said they have a fence to take care of the noise. He said a demographic study was done for the proposal within a three mile radius. He said he has not seen any of the schools in his area have a night-time event. He said the food delivery would be done by a van-type delivery truck.

Earl Ekholm, of the West Linn Family Clinic, asked about the noise factor and the distance of the playground setback from the Clinic, and if this would affect their Clinic.

Mr. Baker said he does not have any noise level settings. L. Kellerman suggested putting a limit on the noise levels.

Proponent, Bob Thorn, 18740 Pacific Hwy, said he has the commercial building to the south of the proposal, he said he drives 10 miles every day to find day care and he and his wife are in favor of the facility. He said they have had past experience with the Kinder-Care Centers.

There were no opponents.

R. Olson moved to close the public hearing. G. Madson seconded the motion. The motion passed unanimously and the public hearing was closed.

Discussion followed. G. Madson said, regarding noise, that he feels they cannot do anything subjective, possibly there is a need for something in the Ordinance for this. S. Weiss said she feels there is a need for quality day care in the City. L. Kellerman said he does not think there is a noise problem, he feels it would be appropriate to leave open the ability for the Planning Commission or City to take ameliorative action if there is a problem for one year after the operation begins if there are complaints. D. Darling said she did not think this would be enforceable at a later date. T. Conser said he would rather hear children than industrial sounds. He said he feels the roof falls in the same category as a sign, that if they allow the corporate symbol, it should be allowed for other businesses. R. Olson said he agrees with the staff recommendation for the cupola, that earth-tone roofing be used, not the bright red. Chairman Hoard said, regarding the red cupola, that he does not have any problem with this, that each proposal needs to be looked at individually. G. Madson said that he does not find anything in poor taste about the red roof.

L. Kellerman moved to approve the Conditional Use, Design Review and Minor Partition for the subject Kinder-Care Day Center subject to the following conditions: that the parking area be granted an eight (8) foot setback from the public right-of-way; that screening be extended along the entire length of the northeast side line; that one-way signage be provided, that the sight-obscuring fence be a minimum of six (6) feet in height above any ground or retaining wall beneath it; and that the entire roof has earth-tone architectural roof, pursuant to the staff recommendation; and that the parking area planters be allowed to remain a planter as opposed to the request for a pedestrian ramp. G. Madson seconded the motion. The motion passed. The vote was AYE: Olson, Conser, Kellerman, Madson; NAY: Weiss

4. Imperial Development, Inc. - Variance Request to Omit Sidewalks in Imperial Oaks Subdivision.

M. Butts gave the staff report. He said the applicant is requesting to omit sidewalks on the south side of Rockridge Drive. He said staff recommends denial, that based on the five criteria, a variance is not justified.

The applicant was not present.

Proponent, Robert Richardson, 4395 Riverview said he does not understand the purpose for a sidewalk at this location. He is building on Tax Lot 1100, corner of Rockridge and Riverview, and he said they would be the only house facing on Rockridge, all others will face on Imperial Drive.

There were no opponents.

L. Kellerman moved to close the public hearing. T. Conser seconded the motion. The motion passed unanimously and the public hearing was closed.

Discussion followed. L. Kellerman said he agreed with staff recommendation for reasons of safety and consistency. S. Weiss said she feels the sidewalk should be required. G. Madson said lots with right-of-way at both the front and rear are not the optimum, he does not feel the variance should be granted.

T. Conser moved to deny the variance request for sidewalks for Tax Lots 3200, 3300, 3600, and 1100, Assessor's Map 21E36DB, on Rockridge Drive, based on the findings of fact of the Staff Report dated May 24, 1984. R. Olson seconded the motion. The motion passed unanimously.

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5. Tri-City Service District - Conditional Use Request for Sewage Pump Station - River Street

M. Butts gave the staff report. He said the property is zoned R-10 and the applicants proposed alternative #2. He said the driveway is the focus of attention by the neighborhood. He said they recommend approval of the facility and will leave the driveway decision to the Planning Commission.

Chairman Hoard read a letter into the record signed by twenty-five property owners on River Street. He also read two other letters from property owners, Gary and Joyce Starke and Edwin and Katherine Roake.

Applicant, Dave Abraham, Utilities Director for Clackamas County DES, said he was glad to see commercial development in the City. He said there will be three of these pump stations in the City, and they are concerned for the people who would be directly affected by the site. He said they would make every possible effort to minimize the effects, that they are prepared to make modifications. He said their plans have to be approved because of the flood plain, that this is an EPA requirement. He said he was concerned that any changes made tonight be reviewed by the neighborhood people who were at a meeting they held a couple of weeks ago.

Charles Liebert, Program Manager, said when they first contacted the owners of the property for the project, they were not in favor of it, but they retained an architectural firm and are trying to make it blend in with the site. He said they are waiting for the conditional use permit in order to close the sale.

Mr. Abraham said the old pump station will be abandoned and removed if it is a condition of approval. He said this belongs to the City of West Linn. He said the pump in the new station will be less noisy than the old ones. He said the standby generator will have a higher noise level, when it does go on. He said they would make every effort to muffle that sound. He explained the emergency procedures for standby generator failure. He said they have not had any problems with vandalism in the past. He said a 3/4 ton pickup will visit the site once a week, and there is a flusher truck that they use on a monthly basis. Also they have a 1 - 1/2 ton service truck they could use if they had to pull a motor. He said there would be continuous monitoring.

Mark Lasswell, Century West Engineering, said they would like to give a little more margin of safety, that they would prefer the wider driveway. He said the slope and length are for aesthetic purposes.

T. Conser asked about curbs and sidewalks. M. Butts said they looked at what was there; there were none on River Street.

Opponent, Wilbert Sanders, 1471 Burns Street, said they live directly behind the Pump Station, said he does not have any particular objects to the Pump Station, but does object to the curved driveway. He thinks it could turn out to be a hangout for teenagers and maybe some vandalism, also. He thinks the curved driveway is unnecessary and also expensive, that a straight driveway will handle the traffic they predict. He feels the site is already secluded. He said he would like to see as many trees stay as possible.

R. Olson moved to close the public hearing. L. Kellerman seconded the motion. The motion passed unanimously and the public hearing was closed.

R. Olson said he feels the straight-in driveway would alleviate many of the problems and would preserve the trees and be the least cost. He said he felt the wider driveway was necessary. G. Madson said he felt the extra width was necessary and he had no problems with the straight-in driveway. He said he was concerned about the noise, he asked if the applicant could provide further information on the noise, he suggested this could be a Design Review function. There was a consensus of the Commission to allow Design Review to consider the noise.

R. Olson moved to approve the Conditional Use request for the River Street Pump Station located as shown on Tax Lot 2800, Assessor's Map 22E30BD, with a straight-in driveway twenty (20) feet wide, thereby preserving vegetation and trees, in accordance with the findings of fact and the public testimony, with added security lighting. S. Weiss seconded the motion. L. Kellerman suggested

that perimeter fencing would be a better option than lighting. R. Olson added to his motion that some device be installed to prohibit non employees from going on site and Design Review to review this condition. The addition was seconded by S. Weiss. The motion passed unanimously.

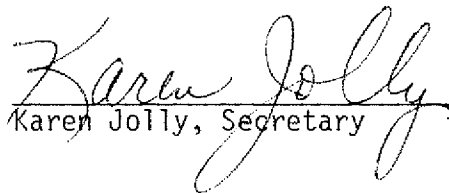
6. Business from Staff.

D. Darling mentioned that Commission members should be reporting any significant exparte contacts they have, and this should be asked by the Chairperson during each public hearing procedures.

7. Business from Planning Commission.

G. Madson said that Mike Butts deserves a special award for his work on the Comp Plan.

There was no further business and the meeting was adjourned at 10:45 p.m.


Karen Jolly, Secretary

June 25, 1984

1. Chairman Hoard opened the special Planning Commission meeting at 7:30 p.m. Members present were G. Madson, R. Olson and L. Kellerman. Absent were M. Gosling, T. Conser and S. Weiss. M. Butts, Planning Director, D. Darling, City Attorney Representative and K. Jolly, Secretary were also present.

2. Minutes of May 14, 1984 Regular Meeting.

G. Madson moved to approve the minutes of the May 14, 1984 meeting as written. L. Kellerman seconded the motion. The motion passed unanimously.

3. Jerry and Lois Tolbert - Variance to Front Yard Setback and Minimum Lot Size - 1621 Britton Avenue.

M. Butts gave the staff report. He said the applicant has a house that is on a lot that has 4,931 square feet, and the structure is set back 2 1/2 to 3 feet. He said the applicant is requesting to move the house, which would result in setback changes and therefore the proposal is required to meet the code regarding setbacks and lot size. Staff recommends approval of the variance because of the unusual lot shape. He said any improvement in the setback is better than what was existing.

The applicant had nothing to add to the staff report. There were no proponents nor opponents.

L. Kellerman moved to close the public hearing. R. Olson seconded the motion. The motion passed unanimously and the public hearing was closed.

Discussion followed. R. Olson said he felt that with the irregular lot, this was a good compromise. G. Madson said that the purpose of the 20 foot setback is to provide off-street parking. He said Britton is very narrow and was concerned about preventing a problem there with the parking issue. L. Kellerman said that even though this proposal was not perfect, it was an improvement of the situation existing prior to this and would allow one or two cars to park off-street. R. Olson asked about the large area on the back and left side of the house, if it would accommodate some off-street parking. Chairman Hoard said he wondered why the house was not moved to the left and the addition added to the back, which would provide parking on the side of the house, he said he did not know if they were in the position to tell them where to put the house on the property. R. Olson suggested that the Development Code requires two off-street parking spaces.

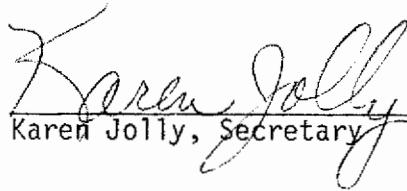
G. Madson moved to approve the application for a front yard setback variance and minimum lot size variance for Tax Lot 4600, Assessor's Map 31E2BB subject to the findings and facts and conditions outlined in the Staff Report dated May 18, 1984, including the recommendation of adding an additional condition that the applicant add two off-street parking spaces in a method determined satisfactory to the Planning Director. L. Kellerman seconded the motion. The motion passed unanimously.

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4. Business from Staff.

M. Butts introduced Mark Hess, the new assistant planner.

There was no further business and the meeting was adjourned at 8:05 p.m.


 Karen Jolly, Secretary

July 16, 1984

1. Acting Chairman G. Madson opened the regular meeting at 7:30 p.m. Members present were M. Skee, R. Olson, S. Weiss, T. Conser, L. Kellerman. Absent was M. Gosling. D. Darling, City Attorney Representative, M. Hess, Assistant City Planner and K. Jolly, Secretary, were also present.

2. Election of Chairperson.

R. Olson nominated G. Madson. L. Kellerman seconded the motion. The motion passed unanimously.

3. Minutes of June 18, 1984 Regular Meeting and June 25, 1984 Special Meeting.

The minutes were not prepared and will be approved at the next meeting.

4. John C. Hutchison and Michael D. Walsh - Conditional Use Permit and Lot Line Adjustment - 5741 Pacific Hwy.

D. Darling, City Attorney Representative, said that due to conflicts, another attorney will be serving in her function. She introduced Kathy Steele who will be available to assist the City in the application.

R. Olson declared he had a conflict of interest, that his architectural firm prepared the plans for this office building. He said he would abstain from voting.

Howard Clyman, 5742 Portland Avenue, said he had written remarks as to whether the Planning Commission should hear this item. He said he knows the applicant personally and professionally. He said he feels there is a conflict because the applicants are the City Attorneys. He said the lot in question is not owned by the applicants. He also stated that the Zoning Map does not show the property as being zoned R-4.5, but zoned R-10. He said the work session held on July 9 should have a written transcript. He said it was impossible for the City Council to be objective in their decisions at the time the property was zoned. He said given the history of the application, it would be inappropriate for this Commission to assume jurisdiction.

Kathy Steele responded, she said the points of ownership should be raised with the applicant. She said she listened to the tapes of the City Council meetings of the hearings when this property was considered for rezone to R-4.5. She said she feels the Zoning Map on display is the one signed by the Mayor and the correct zone is R-4.5. Regarding the posting, she said she felt if it was on one parcel of this property, the posting was sufficient. She said that if no decisions are made at the work session, no transcript is necessary.

L. Kellerman asked who would have jurisdiction on this matter. Mr. Clyman said he did not think an objective decision could be reached by either the Planning Commission or City Council.

John Hutchison, applicant, stated that there is an exchange agreement with the property owner and they have sufficient interest.

Ed Druback, attorney, asked if the exchange agreement is in the County Recorder's office.

Mrs. Clark testified that she is the property owner and there is such an agreement.

Ed Druback also questioned the standing of the Planning Commission to hear this application.

S. Weiss said she felt that if in the acting City Attorney's opinion they have jurisdiction on the matter, they should hear it. L. Kellerman said they should have all the substantive testimony regarding jurisdiction on the record for any future litigation.

Ed Druback, 1790 Britton, attorney in West Linn, said he represents a number of the opponents, said that at the work session, the questions asked and answers given would be kept in a record for the interpretation by both sides. He said the City had been on notice since 1981 that the work sessions should be recorded.

Kathy Steele said she was not familiar with procedures, but did not feel this was relevant to jurisdiction.

Chairman Madson explained the work session procedures. He said there is no deliberation or decision-making on the issues. He said they are public meetings, and occasionally someone will come to their meetings. He said mainly they ask for more information if they see gaps in the staff material provided.

Claire Yoder, 1595 Bland Street, said she challenged the acting City Attorney, Kathy Steele and asked if she was biased. She said she did not think the rezoning of the property was properly done because of the City Attorney's involvement at that time. She asked that Mr. Clyman's points be considered.

Chairman Madson said he feels that any challenges to the Commission's jurisdiction can be on the record, that the Commission does not have the right to decide if they have jurisdiction, that the opponents can establish standing for appeal. He said they would go ahead and hear the application.

Claire Yoder again asked if the acting City Attorney could be impartial.

Kathy Steele said it would be proper for the Commission to decide if they have jurisdiction. She said she is to give legal advice not testimony. She said she was personally acquainted with the members of the firm of the applicant. She said she was contacted by Deanne Darling. She said she has had experience with other cities in the past and is familiar with land use laws.

Claire Yoder said she felt this attorney is not qualified to act for the City.

Eric Yoder, 1595 Bland Street, said he feels the past testimony illustrates the impartiality of the Planning Commission to address this issue.

S. Weiss said she has concerns about the method used to contact the acting legal council, that the selection could not be objective. L. Kellerman said he does not feel it is right to pass this off to another body or agency. He said he agrees with the points brought up. T. Conser said he felt standing has been verified, the rezone went through the proper process, he does not feel the posting failure is appropriate, and regarding the work session, he is not familiar enough with the process to decide. M. Skee said he was aware of the error on the Zoning Map.

Deanne Darling said she talked to John Buol about the selection of an acting City Attorney. She said Mr. Buol asked her to contact Kathy Steele and to discuss the method of payment with her.

S. Weiss said she has difficulties with the selection process of the acting City Attorney. L. Kellerman asked if the rezone was made known to the Planning Commission. Mr. Hutchison said he heard about the public hearing before the City Council only hours before the meeting and it did not go before the Planning Commission. T. Conser said he felt Staff properly notified the property owners. Chairman Madson went over the list of Mr. Clyman. He said he feels the applicant has standing; that the error in the map is a reproduction error; that the property is legally zoned R-4.5; that the notice posting was adequate; regarding neither the Planning Commission nor City Council having jurisdiction, because of exparte contact, he said they would not be able to hear most of the applications, using Mr. Clyman's logic; that he would not give very high scores for procedures on the choosing of an acting City Attorney; he suggested they go ahead and hear the matter, and those who disagree with the decision can appeal it.

S. Weiss said she feels they have jurisdiction but because of the legal counsel selection, she feels they need to get new legal counsel and hear the matter later. L. Kellerman said he agreed, that they need to select another attorney and he said he was concerned about the Comp Plan process and that there was no notification to the Planning Commission on the rezone. T. Conser said he supports a delay

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in the interest that everyone has a chance to a proper hearing. He asked that they look at how the lands in the City can best be used. M. Skee said he agrees with S. Weiss.

The applicants said they have no objection to continuing the hearing until August to select a new attorney.

S. Weiss moved to continue the public hearing until the next regularly scheduled Planning Commission meeting on August 20, 1984, to allow the City time to engage new legal counsel. L. Kellerman seconded the motion. The motion passed unanimously.

D. Darling expressed her concerns to the Commission that she can go on with their good working relationship, that she hoped the previous hearing would not taint their feeling about any advice she may offer in the future. The Commission agreed there would be no problems to continue with the other items on the agenda.

4. Centurion Homes, Inc. - Amendment to Final Plan and Temporary Subdivision Signs - Skyline Ridge Subdivision.

M. Hess gave the staff report. He said the overall density would be reduced from 152 to 141 building sites, the applicant is proposing realignment of Stonehaven Drive and to change the size of the park site. He said the park site would still exceed the requirement for park space per unit. He said staff recommends approval of the request.

D. Darling asked that the Commission incorporate into their motion that all previous conditions of approval are reaffirmed and made conditions of the amendment.

Phil Gentemann, applicant, explained his proposal.

Bill Davis, Chairman of the Park Board, said the Park Board had not reviewed the proposal as a group, he said he was here not as a representative of the Park Board, he felt the proposal was a good trade.

S. Weiss said she would like to see the Park Board more involved in their decision.

Art Allen, 543 Marylhurst Drive, said he would hate to see the opportunity pass for a ball field there, he said it did not have to be fancy and the kids should be given the opportunity. He said all that would be necessary is a backstop.

Stan Skoko, representing his sister who has property in the vicinity, said that parks are something the City does not have.

L. Kellerman asked about paving the play area. Mr. Genteman said it could be done.

L. Kellerman moved to approve the amendment to the tentative plan to the Skyline Ridge Subdivision, in deleting the 12 townhouse units, substitute in their place five (5) single family lots in Phase 2B and deleting said lots in Phase 2A, 3 and 4A, thereby bringing the total number of lots for Skyline Ridge Subdivision to 141, in addition all previous conditions that have been placed upon this subdivision by the Planning Commission are incorporated by reference and in light of staff recommendations, they would also move to approve the realignment of Stonehaven Drive and reduce the park size to two acres, with the following conditions:

1. That the proposed realignment of Stonehaven Drive be adjusted similar to that shown in Exhibit H such that space for formal field sports will be available if and when the community requires those facilities, and
2. That the applicant complete and dedicate twin tennis courts on the park site to the specifications of the West Linn Parks Department within one year of this amendment; and
3. That if said developer finds it in his heart to pave over the playground area, City staff or Mayor send said developer a letter of commendation for his efforts;
4. And include all previous conditions, by reference; and

he included the staff report, and the correction to the findings, and he amended his motion so the changes on the original motion on the second recommendation that the tennis facilities be completed within one year of the final plat approval for Phase 3, that in terms of all previous conditions being incorporated by reference with the deletion of the requirement on the developer for providing \$5,000 to the

Park fund and that with respect to the incorporation of the staff findings, that the last sentence be amended to exclude the final parenthetical clause stating "an option which cannot be realized since that site has been subdivided for residences."

Chairman Madson said the intent of all that is to make the correction in the finding in the staff report, that the Valley View Park site is still an option.

S. Weiss seconded the motion. M. Skee asked if he would amend the motion to say paved surface, fenced and regulation size. L. Kellerman agreed. S. Weiss seconded the amendment. R. Olson asked to include the backstop in his motion.

L. Kellerman amended the initial motion to include amending recommendation no. 2 to read after the words "With one year of final plat approval for Phase 3, such tennis facilities will be paved, fenced and of standard regulation size." S. Weiss seconded the amendment. R. Olson asked if this included the paved area. L. Kellerman said that was in item no. 3 which was in the form of a discretionary action. The motion was voted on and passed unanimously.

M. Hess gave a staff report on the temporary off premise subdivision signs for Skyline Ridge Subdivision. He said the applicant is requesting design review approval of four off-premise signs.

Phil Gentemann, applicant, said he is trying to comply with the Sign Code and has had problems with people locating his subdivision. He showed a sample of the sign.

T. Conser moved to approve the four sign sites for Skyline Ridge Subdivision at Marylhurst Drive and Hwy 43, Marylhurst Drive and Hillcrest Drive, Skye Parkway and Marylhurst Drive, and Hillcrest Drive and Suncrest Avenue as in the shown exhibited signs, as submitted and as per the findings of June 28, 1984 staff report. R. Olson seconded the motion. The motion passed unanimously.

5. WESCO Development, Inc. - Tentative Plan Amendment and Variance Request to Front Yard Setback - Robinwood Estates No. 3.

R. Olson said he had a conflict of interest in that his firm prepared some of the drawings for the WESCO Company.

M. Hess gave the staff report. He said the applicant is requesting a front yard setback for 12 lots. He said if the setback was met, the homes would be up in the air as high as 70 feet. He said the Planning Commission gave a similar variance for other lots in the area in the past. He read the criteria necessary for a variance. He said the applicant has adequately addressed the criteria. He said staff recommends approval and read the recommended variances to setback and height for each lot.

Ralph Olson, representing Olson-Argo Architects, said he prepared the plans for WESCO, he read from their letter of application. He said the variance they have asked for are the minimum variances necessary.

L. Kellerman asked about the architectural concerns about having the whole street of houses right up next to the curb. He also asked about the downhill landscaping from these houses. He said he hoped there was an intent to minimize tree cutting. T. Conser asked about sidewalk placement, and if there were any RV parking facilities. Chairman Madson asked about clear vision area for Lot 11 and 12. Discussion followed regarding the clear vision. Chairman Madson suggested a clear vision requirement.

Val West, applicant, spoke regarding the clear vision, said that for Lot 11, there is twice the frontage of two average 10,000 square foot lots, there is 300 feet between the houses on a curb.

Opponent, John Flynn, 2914 Bluegrass Way, asked questions, said he had no objections to the setback variances, but does object to the height variance. He said when he purchased the property there was a limitation on height and he had to change his plans to meet these requirements. He said the notice was incomplete because it did not define everything that is involved, it should be more specific. Also, he said it was disturbing to see a member of the Planning Commission step down and represent someone.

Opponent, Rob Fellows, 2916 Bluegrass Way, said he is concerned about a Planning Commission member representing a developer also why didn't staff see the topography in the original planning. He asked if the applicant is going to maintain a one and a half story height limit. He said maybe they should not build a house on these sites.

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Opponent, Patrick Green, 2912 Bluegrass Way, asked questions of staff, and said he was not in opposition.

Bill Wolverton, 2902 Rawhide, Lots 2900 and 3000, said that addresses were given on the notice map they received and the Commission is referring to lot numbers which is confusing. He suggested the developer put the sidewalks on the back side of his lot, since he has already put it on Rawhide Street and now it will be required on the back side because of the variance.

Discussion followed regarding the sidewalk requirements. Chairman Madson said there was no connection as to where the sidewalks would be on Wildwood Drive and this variance application, that if he was informed of this, it was misinformation. He suggested they later review the sidewalk requirements of the subdivision.

Doug Bowerman, 2904 Rawhide, asked what one and one-half story meant, he asked about the sidewalks. He said Mr. West indicated that he knew a variance could have been attained when he was doing the subdivision, he feels this should have been done at the time the subdivision was being developed.

Opponent, Harold Ogburn, 2510 Hillcrest Court, owns Lot 4600, asked which lots are being considered, he said he was concerned about the height, he does not mind if the houses are closer, but he does not want them higher.

Applicant Rebuttal, Mr. Olson said there is a house on Lot 300 and it is quite tall off the street, that this is not necessary. He said variances are being requested now because it just was not considered several years ago, but they are going to consider this in the future with future subdivisions. He said all lots are considered buildable by the City.

Chairman Madson read the design concerns the Commission considered, and the variance criteria. He suggested the notification needs to be more detailed. He spoke about the concerns that one member of the Commission stepped down to represent the developer. He said State law only requires that a conflict be stated.

Mr. Flynn said there is a code of ethics involved regarding Mr. Olson's stepping down to represent the applicant. He thinks it is a violation of the ethics of his profession, that it is not proper, it should not occur in the future.

Mrs. Green, 2912 Bluegrass Way, said Mr. Olson's participation with Mr. West is inappropriate.

Naomi Hicks, lives at the corner of Rawhide and Carriage, asked about height. M. Hess answered the question about calculation of height.

D. Darling said regarding sidewalks, there is a letter in the file about the placement of sidewalks, which she read. She said the variance will not have anything to do with the sidewalks.

T. Conser moved to close the public hearing. M. Skee seconded the motion. The motion passed unanimously and the public hearing was closed.

L. Kellerman asked about the sidewalk requirement, he feels he would like to have this information before he makes a decision. T. Conser suggested these sites are buildable, he is concerned about the sidewalk and height requirements. M. Skee said he would like more information from Mr. West about sidewalks.

L. Kellerman moved to reopen the public hearing. M. Skee seconded the motion. The motion passed unanimously.

Mr. West said that sidewalks were required on one side of the street and parking was only allowed on one side of the street. He explained where the sidewalks are required, and said the sidewalks are the responsibility of the builder. He said the precedent is already set, that there is a requirement in the file for sidewalks.

S. Weiss moved to close the public hearing. T. Conser seconded the motion. The motion passed. The vote was AYE: Weiss, Conser, Skee; Nay: Kellerman

Discussion followed. M. Skee said he supports staff's recommendation. He questioned the height measurements. T. Conser said he supports the staff recommendation. L. Kellerman said he is still uncomfortable with the sidewalk situation.

S. Weiss moved to approve the request for a variance and tentative plan amendment for Tax Lots 100, 400, 500, 600, 700, 1100, 1200, 1300, 1400, 1500, 1700, and 1800 Map 21E23DB for Wesco Development, based on the findings of fact and conditions of the staff reported dated July 3, 1984, with the following conditions:

1. That there be clear vision maintained on Lots 1100 and 1200;
2. That a maximum building height shall be 21 feet above street grade for all parcels of this application; and
3. That all previous conditions are reaffirmed and incorporated herein by reference.

L. Kellerman seconded the motion. The motion passed unanimously.

6. Business from Staff.

M. Hess and D. Darling explained the situation with the High School bleacher rebuilding and the parking requirements.

Chairman Madson discussed the letter of request for a transcript of the workshop. D. Darling said she would not participate in this discussion. Discussion followed regarding the worksession. Chairman Madson said they need a legal opinion on this. He asked that it be discussed further at a later meeting.

Also, the impartiality of Planning Commission members was discussed. M. Skee suggested the State Ethics Commission sets the guidelines.

Chairman Madson said they need to fill the position of a Park Board representative from the Commission. S. Weiss moved to appoint M. Skee as the Planning Commission representative to the Park Board. R. Olson seconded the motion. The motion passed unanimously.

Chairman Madson discussed the matter of the Commission seeing more Design Review applications with the consolidation of proceedings process. He said they should have some input from the Design Review Board and he asked for any suggestions.

M. Skee asked about the Commission getting a copy of the notices that are mailed for the applications. He said there should be more detail in the notices.

D. Darling mentioned the Chatacqua Run.

There was no further business and the meeting was adjourned at 1:15 a.m.

Karen Jolly, ea
 Karen Jolly, Secretary

August 20, 1984

1. Chairman Madson opened the regular meeting at 7:30 p.m. Members present were M. Skee, T. Conser, R. Olson, S. Weiss, M. Gosling. Absent was L. Kellerman. Also present were M. Butts, Planning Director; M. Hess, Assistant City Planner; D. Darling, City Attorney Representative; and Jim Coleman, Legal Counsel.

Chairman Madson introduced a new staff person, C. Corliss, stenographer, who will be recording City Planning Commission minutes.

2. Minutes of June 18, 1984 Regular Meeting, June 25, 1984 Special Meeting, and July 16, 1984 Regular Meeting.

R. Olson moved to approve all three sets of minutes as written. T. Conser seconded the motion. The motion passed unanimously.

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3. Appointment of Planning Commission Member to Park Board.

Chairman Madson introduced M. Skee as the Representative from the Planning Commission to serve on the Park Board.

4. Francisco Reynders - Appeal of Planning Director's Decision to deny a Lot Line Adjustment to Tax Lots 6800 and 6900, Assessor's Map 21E23BD - 2015 Carriage Way.

M. Butts gave the staff report. He recommended denial of the appeal and stated that the staff had not run across this situation before and felt that it was a stretch of their authority to go ahead and make the lot line adjustment as requested. He suggested that if the appeal be granted for the adjustment that certain conditions of approval be considered which would be similar in terms to their review petition. He asked if D. Darling had anything to add. D. Darling said, the staffs' statement that it is a definitional problem is addressing the standards, but had nothing to add.

Applicant, Francisco Reynders, stated that he owned two lots and decided to have a lot line adjustment. He stated he went over all the rules and regulations under which he could apply. He went through all the processes and was denied. He said it was not his intention to have a buildable lot, but only to have two acceptable properties. He said he would like this done within the rules and regulations and would like it considered and to have a ruling in his favor.

Chairman Madson asked if there were any questions of Mr. Reynders. R. Olson asked if there were curbs adjacent to Mr. Reynders' property. Mr. Reynders said there were along Suncrest. T. Conser asked if they extended from Carriage Way on. Mr. Reynders said they extended only part way.

There were no more people present in favor of or in opposition to this appeal.

A motion was made to close the public hearing. M. Gosling seconded the motion. The motion passed unanimously and the public hearing was closed.

Discussion followed. M. Gosling stated he thought the one foot strip was originally done to make sure of the hub right-of-way at the point when the property was developed. He was in favor of doing away with the one foot strip, to do a minor partition, and to bring the proposed tax lot up to city code. S. Weiss wanted a clarification of M. Butts' position on the lot line adjustment and wanted to know if he was not recommending it. M. Butts said he was recommending a denial and that the applicant was before the Planning Commission appealing his decision. R. Olson said he felt this matter required a high degree of clarification for the Planning Director's use in future cases because it wasn't clearly addressed. He said he did not have any difficulty with it, but if the appeal were granted the existing lot should be brought up to city standards and the other lot when it was built on to be done the same. T. Conser asked M. Butts if he had any background as to when Tax Lot 6900 was created what the thinking was in having a one foot strip. M. Butts replied he did not have any background. T. Conser asked if there were any existing sidewalks on the abutting Tax Lot 6800. M. Butts said he believed there were. T. Conser asked about a minor petition and what improvements would be required. M. Butts said they look over the area and recommend what improvements be done. T. Conser wanted to know if the area around the proposed Tax Lot 6800 were developable properties or whether they were undevelopable. M. Butts said it was basically undevelopable and didn't suspect it would be redivided in any manner in the future. M. Skee asked M. Butts if he was looking

for the groups' help in setting up a precedent for making future decisions. M. Butts said he felt there was a need for it, and was looking to the Planning Commission for direction of how to judge and make approvals in future cases. M. Skee asked Mr. Reynders if he had any knowledge of how the one foot strip was created. Mr. Reynders said he did not know for sure, but he thought it was left over when an easement was given back to the City to build a road. He said he became the owner of the strip when he bought the property. M. Butts said Mr. Fosses was present and knew the answer. Nick Fosses said the property was left over after the road was built, and that an attorney drew up a deed giving the one foot strip to Mr. Reynders in exchange for a forty-five foot strip. Chairman Madson then encouraged Mr. Reynders to seek a minor partition, have the two lots documented, and allow the Planning Commission to study the requirements for improvements. R. Olson asked for clarification on whether street improvements in that particular area have been completed. M. Butts said they had in the single family areas across from Mr. Reynders' place but that no sidewalks have been developed yet. Chairman Madson brought up a concern about future access in the development of subdivisions in the future, and asked D. Darling about the different definitions of lots. D. Darling stated they had about fifteen definitions. A discussion followed on what constituted creating a lot and what was considered a buildable lot, and what the exact impact would be on future developments in the area.

T. Conser made a motion to deny an appeal for a lot line adjustment on Tax Lot 6800 and 6900, 21E23BD. S. Weiss seconded the motion. The motion passed unanimously.

5. K & F Development, Inc. - Tentative Plan Amendment for Hidden Springs Ranch No. 8, Phase I - General Item.

Chairman Madson wanted to make everyone present aware that he had conversations with Herb Koss and Gary Newbore, the representative of the Hidden Springs Homeowners on this application. He stated Mr. Newbore wanted to remind him in the past hearings of this area that the neighborhood wanted Bridle Way dead-ended rather than a through street. Chairman Madson then asked Mr. Newbore if he would come back to us at this hearing and give us a feedback from the neighborhood association, their feelings about all access, namely, the difference between a cul-de-sac street and possible pedestrian passageway that would connect up this newest Hidden Springs Ranch area to the rest of the neighborhood. Chairman Madson said this conversation would in no way prejudice his decision, and he was willing to hear the matter.

M. Butts then gave the staff report. He said the applicant is requesting the elimination of the through street, Bridle Way. A cul-de-sac would be provided at the end of the existing Bridle Way and a long cul-de-sac would be established in lieu of the through street. He said staff recommended approval on the request because the other options presented were just not practical.

Applicant, Herb Koss, of K & F Development, said he would like to clarify a few things and basically reiterate what M. Butts read in his staff report. He said that they were not aware that the streets in Phase 1 were too steep and not up to standards until the City brought it to their attention and that something needed to be done to rectify this. He said he had talked to Gary Newbore of the neighborhood association. M. Skee asked if it was their intention that Clubhouse Drive go all the way to Churchill Downs. Mr. Koss stated that it was and that it had been approved.

Gary Newbore, 2421 Pimlico Drive, representing the Homeowners Association, said that the situation had come to his attention three weeks ago when Herb Koss called expressing interest in getting the streets in before fall so building could continue in that area. Mr. Newbore talked about

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the traffic flow in the development and felt that there would be no impact at all. He stated nobody in the new area would really be adversely affected. He said they had discussed this with all the people in the area and it's a hundred percent for a cul-de-sac. He said when he discussed this matter earlier with Chairman Madson, Mr. Madson expressed the opinion there should be a walkway so people could walk from one area to another. He again talked to the people in the area, and they expressed a concern about having a walkway and were one hundred percent against such a plan. The neighborhood association is basically in support of the proposal.

Chairman Madson asked to have cleared up the usage of the recreational facilities in the area. It was explained that it was open to all the people in the Hidden Springs development. Chairman Madson expressed a concern that without these walkways there may be more vehicle traffic in reaching the recreational facilities and not enough parking spaces. He did not want to hear about problems a year from now. Mr. Newbore said he felt the parking spaces were adequate and that the walkway would cause problems.

Mike Glanville, 6221 Tack Court, said they would like a cul-de-sac on Bridle Way and would prefer not having a walkway there. He said that most people who use the existing facility at the recreation area could walk up there. He said a lot of people walk and jog in the neighborhood and that parking hasn't been a problem. He said he felt that with a cul-de-sac in that it would be an advantage.

Chairman Madson then read into the record a letter from residents in the development in favor of the cul-de-sac on Bridle Way. Chairman Madson asked if there was any discussion or if a motion was ready to be made.

M. Butts said he had talked to the fire chief and police chief that particular day and since they were going to change that from a through street it would be necessary to change the name. It was recommended that they change it from Bridle Way to Bridle Lane and that Bridle Terrace be renamed totally.

T. Conser said he would like to ask a couple of questions of M. Butts. He asked if the same problem existed at the beginning of Clubhouse Drive. M. Butts said that it's not a problem at this particular time. T. Conser also asked whether Hidden Springs No. 8 would develop the cul-de-sac and also place lots and develop lots adjacent to it. M. Butts said that they would. T. Conser asked whether there would be a large enough turn around at the end of the cul-de-sac for the fire vehicles. M. Butts said their only recommendation was the name changes and that he felt the cul-de-sac would be adequate for a turn around.

R. Olson said it seemed like everyone was in total agreement and would M. Butts say again what the name changes were to be. M. Butts stated that it was recommended that the developer come forward with a totally new name. M. Skee said he would like to ask that whoever makes the motion to include in the motion that its stated that Clubhouse Drive will go through to Churchhill Downs. He said that was one concern that the fire department had expressed that there be an intersection between the two.

M. Gosling made a motion to approve the change to the Hidden Springs Ranch No. 8, Phase 1, as represented in the staff report dated, August 8, 1984, with the additional condition that Bridle Way be renamed Bridle Lane and Bridle Terrace be renamed completely. R. Olson seconded the motion. The motion passed unanimously.

Chairman Madson then brought to the attention of the commissioners that he felt that if the Hidden Springs Ranch was going to be divided into many more phases it should be brought up and discussed at another meeting. It was the consensus of the group that this be brought up at the September 10, 1984 meeting.

6. John C. Hutchison and Michael D. Walsh - Conditional Use Permit and Lot Line Adjustment - 5741 Pacific Hwy.- Continued from July 16, 1984.

Chairman Madson reminded all speakers on this hearing that they would be limited to thirty minutes for each group speaking and five minutes for individuals.

Chairman Madson then introduced Jim Coleman who is the Staff City Attorney for the city of Lake Oswego and has been for the last five years, and he will be acting as legal counsel for this hearing tonight.

The public hearing was then reopened with Chairman Madson asking if anyone wished to abstain from hearing the matter. R. Olson who asked to abstain from last month's meeting also asked to abstain from this meeting.

M. Gosling who was absent at the last meeting made a statement that he had read all the staff reports and correspondence that had been presented to the members of the Planning Commission. He said he felt informed enough to be able to participate in this hearing.

Chairman Madson said he would like to address point four and five which were brought up by Mr. Howard Clyman. Point four dealing with the subject of exparte contact, and point five dealing with the subject of the Planning Commission Workshop of July 9, 1984 at which this application was initially discussed.

Chairman Madson introduced Mark Hess who would be reading a summary of the Planning Commission Workshop. He asked if there were any additions or corrections to his notes. One addition to his notes was a letter dated August 3, 1984, with a request for additional information that the staff provide comparison information on average trip generation on this property under discussion, if it was fully developed at the R-4.5 versus the trip generation.

Jim Coleman suggested that Chairman Madson read the notes that talk about the substance of the discussion that they heard at the meeting that night. Chairman Madson then read the notes and said there were copies available to anyone present who would like to see and study them. Ed Druback asked for two copies of the notes, considering they had first asked for them on July 20, 1984.

Chairman Madson said that the legal staff had instructed him that the proper procedure for dealing with this conflict of interest issue was per section 99-210, section B. Each member of the Planning Commission was to be considered challenged. Each member was then individually polled. Chairman Madson said a vote of AYE would confirm whether each member was impartial. A vote of NAY would suggest they not hear the matter. Each member received an unanimous AYE vote whereby qualifying all members including Chairman Madson to hear the subject of the additional use application.

Chairman Madson read into the record a letter from Patricia Clark, August 8, 1984, dealing with the point that the applicants lack standing and do not have equity interest in the property under discussion as brought out by Mr. Clyman.

Chairman Madson addressed point two of Mr. Clyman's submittal referring to the subject of correct zoning on the property. He read into the record an affidavit of Mark Hess, an employee of the city of West Linn, addressing the zoning subject. An additional memo from Jim Coleman, dated August 17, 1984, was read into the record, specifically addressing the subject of the zoning map designation for the property. It stated the official zoning map of the city designates the property R-10. That designation is in error and should be disregarded.

Chairman Madson then addressed the second part of point two which refers to the fact that the city recorder had not signed the map. Mr. Coleman's memo stated that the city recorder has now signed the map.

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Patricia Clark, 15811 Southeast Cresway, Milwaukie, said that Mr. Hutchison had been her attorney since 1970 or '71 and they were in the process of trading property.

John Hutchison 6541 Failing Street, West Linn, said that he understood from the code that there are two ways you can qualify for making an application. One having some type of legal interest in the property, the other is be appointed as agent for the applicant. He said they also had a signed exchange agreement between himself, Mr. Walsh, and Mrs. Clark which establishes the interest in the property.

Chairman Madson asked when the exchange agreement was signed. Mr. Hutchison said he believed it was in mid-November 1983. Chairman Madson suggested he provide that as part of the record and provide a copy of that agreement stating that it was signed in mid-November. Chairman Madson then asked if there were any questions of Mr. Hutchison.

Ed Druback, counsel representing a number of the opponents, talked about a number of the conflict of interest issues that were brought up at the last meeting. He also wanted clarified who had jurisdiction over this matter in discussion. He said that the question of conflict of interest would best be resolved by the body who made the decision in the first place, the City Council.

Chairman Madson said that for every decision made by a public body there is a court of appeals somewhere and that these are pretty well established by law. He said that the City Council last November or early December had adopted a comprehensive plan and that those who disagreed with the decision had a right of appeal. He then asked Jim Coleman to explain what the appeal procedure would be that was available to those in disagreement.

Jim Coleman said that a petition for review would have to be taken challenging the parts in disagreement.

Ed Druback said that the board had before them an affidavit signed by Mark Hess stating that he had listened to tapes of the City Council's decision. Mr. Druback felt that if there were any answers needed as far as jurisdiction and also with respect to the map problem that they be asked directly of City Council and not of someone who listened to tapes. He also said with respect to the map problem that what was controlling at the time of the application would be controlling at the time of this meeting. Chairman Madson asked if there were questions of Mr. Druback.

T. Conser asked Mr. Druback if he was asking if potential conflict of interest be brought back before the council once it was determined that there might be conflict of interest by the representatives of Mr. Hutchison. Mr. Druback said that if this was determined, then this would be the appropriate body. He said when they looked at the zoning maps available they were shown that the area was zoned R-10 and then found out that this was in error. He suggested that the proper thing to do would be to ask the City Council whether the Planning Commission has the jurisdiction or not under the ordinance. He said he was also going to ask the City Council about this so that the Planning Commission could feel comfortable about proceeding with this matter. Chairman Madson asked if any other members of the Planning Commission had questions for Mr. Druback.

M. Gosling asked Mr. Druback if he had attended the Planning Commission and City Council meetings concerning this comprehensive plan. Mr. Druback said he had attended a few, but not this particular one. M. Gosling asked if he had ever been present when an individual property owner had made application for property they had owned in the city and whether they were doing this in a completely impartial manner. He also said since Mr. Hutchison had made application to the City Council that he obviously had an interest in the property and that City Council would take this into account.

Chairman Madson said that he felt that this was up to the City Council and as he read the affidavit from Mark Hess that the Council did defer decision to allow time for a public hearing on the issue. A hearing was held and all parties to the public hearing were subject to the results of that hearing. He also said it would seem that those who had an interest at the time knew what the Council action was, and the fact that they had a map doesn't seem to be too significant.

Ed Druback said he would like to have put on the record that at the time the testimony was given at the last meeting there were no notices given on the change of the comprehensive plan to any of the individual property owners.

Chairman Madson then read into the record a letter from Claire Yoder reiterating Mr. Clyman's five points suggesting a zone change should be referred back to City Council. Chairman Madson said he was fair in saying that the issues raised by Mr. Clyman and Mr. Druback are now the same issues that are raised in the letter. He asked if anyone else wished to speak on jurisdiction and impartiality of the Planning Commission members.

Claire Yoder, 1595 Southwest Bland Street, said she was speaking for most of the neighborhood concerning the fact that they don't understand what action needs to be taken to determine jurisdiction. She said they feel that the Planning Commission has jurisdiction, but apparently the Commission isn't sure whether it has or not since it received the matter from City Council. She brought up the question of conflict of interest involving the zone change that was applied for by attorneys who were representing the city. She felt that they would be received in a more favorable light because of that. She also said that they had never received notice that the property was being considered for rezoning. They had taken their appeal to City Council and had lost there and that the Planning Commission was all they had left to consider this appeal. She asked that the Planning Commission go back to City Council and tell them something unusual had occurred. She felt it has not been an ordinary issue with lawyers involved who have a vested interest in the property. She wondered if the same thing would have happened if somebody else had been before the Council with the same type of application. She said that she felt that the normal course of appeals did not hold true for them and they had no other recourse but to come to the Planning Commission and ask that the question of jurisdiction be decided.

Chairman Madson asked if there were any questions for Mrs. Yoder. M. Skee asked Mrs. Yoder if she had polled all the neighbors within two hundred feet of the property and asked if everyone had received a notice. Mrs. Yoder said that everyone that they had gone to with a petition had not received a notice.

Eric Yoder, 1595 Southwest Bland Street, said he wanted to add that Mr. Hutchison was the City Attorney at the time of the action in November and that it had been mentioned that he was also the attorney representing the applicants since 1971 and he continues to be representing the applicants and himself at the Council table. He feels this is where the conflict of interest issue comes in.

Chairman Madson asked if anyone had a new point to raise on jurisdiction. B. Rakel, 5661 First Court, asked exactly what was on the official map, was it zoned R-10 or R-4.5. M. Butts said that it was zoned R-10. Mr. Rakel mentioned that this same thing had just come up in the Voters Pamphlet that a mistake had been made and was admitted and the only way to correct it was to go through legal action. Chairman Madson asked if Jim Coleman would like to respond to the testimony. Mr. Coleman said that he had given his opinion and it hadn't changed.

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Chairman Madson said that he was going to conclude that there were no further comments on the subject of jurisdiction, and asked Mr. Coleman if there was any redirect he had at this point. Mr. Coleman said the only point he had raised was jurisdictional or procedural. He said that everyone would have a chance to present all their arguments to the Council.

Mr. Yoder said that they would be limited to appeal at that time. Chairman Madson said it would be up to the petition of review. Mr. Yoder said they could present no more new information than they have presented now. Chairman Madson said that those points are on the record and are the subject of the petition of review.

M. Skee said that Mrs. Yoder mentioned that she had other comments she wanted to make. Mrs. Yoder wanted to know if she could make those comments at this time. Chairman Madson said if they were points other than what had already been raised this was the time to mention them, but if they had to do with the merits of the application itself, then they would get to that or not get to it depending on the jurisdiction decision later in the week.

Ed Druback asked if that was the testimony that was raised with respect to the jurisdiction at the last meeting of the Planning Commission and wanted to know if it was part of the record. Mr. Coleman said that it was. Mr. Druback said that he had not seen any mention of the letter written to the Mayor of West Linn in the staff file when he was reviewing it and wanted that as part of the record. Chairman Madson said that copies were sent to every member and that it was a matter of record.

Chairman Madson then ended the discussion on the subject of jurisdiction. He said they would make one quick round of the members of the Planning Commission for deliberation to see what direction this thing was headed and would like the members to come to some conclusion.

M. Gosling said the point he would like to make is that everyone who comes before the City Council and the Planning Commission has some interest in what was going on to some degree. He said that the map being in error was unfortunate in that particular situation. He said with his experience in real estate that a written description of a property takes precedence over a map. He said this would presumably apply in this case. He also said it was a fact that the City Council records specifically refer to the Tax Lots as being zoned R-4.5. He said that he felt that the Planning Commission was qualified to hear this matter. He said when they adopted the comprehensive plan, they also put this in the place of zoning, and it changed the whole city-wide zoning at that time. He felt for that reason there could not have been two maps. He said the Planning Commission was very unhappy about this but their hands were tied because it was a State law, and they can't do anything about it.

S. Weiss said she felt that the Planning Commission had jurisdiction over this matter. She said that legal counsel had looked at it and then it becomes a legal issue after that.

T. Conser said that points one, three, four, and five have been satisfied both by legal counsel and those that he had heard. He said he felt comfortable in hearing point two, but that he had a problem with whether or not that was done properly. He said the document before him states that Mr. Hutchison appeared before the City Council on November 3, and the Council Chairperson continued it to the next meeting for Public Hearing. He said after reading the document he felt it cleared up whether there was possible conflict of interest. He said he would have to fall back on the Yoders' comments. He said he could not help but support and sympathize with them. If it was his property being changed and he wasn't notified, he would feel much the same way

as they do. He said there was a question as to whether the people had the proper tools and rebuttals available to them. He said he felt that passing this back to the Council to deal with would be a lengthy process.

M. Skee said he would have to go along with T. Conser. He said the zoning change would affect the neighborhood, so he would have to echo T. Conser's comments. He really didn't feel that the people in the area had proper knowledge of what was happening to the property in their neighborhood. He said he had no problem in hearing the case.

Jim Coleman mentioned that they had another right of affidavit, and they could go before the Council, but if they had any new information it would be disallowed.

Chairman Madson clarified at this point that they could not raise any new points of law.

Jim Coleman said that he would assume that if someone was dissatisfied with the decision they could appeal based on the facts in the record. They would be able to discuss those facts and present an argument, but they would not be able to present any new facts into evidence.

Chairman Madson asked if anyone was prepared to offer a motion accepting jurisdiction of this matter. M. Gosling said that he would make a motion that the Planning Commission is qualified at this time to hear the application concerning general policy as it is for Tax Lots 27, 2S2E, section 30 be considered for conditional use and lot line adjustment. Chairman Madson asked M. Gosling if he was accepting the acting City Attorney's memo. M. Gosling said it was based on the finding of the attorney's memo, dated August 2. S. Weiss seconded the motion. The motion passed. The vote was AYE: Skee, Weiss, Gosling, Madson; NAY: Conser.

Mark Hess, then gave a summary of the staff report. There were two amendments to the report one outlining the trip generation details for the site, and the other amendment outlining the comprehensive plan policies which pertain to the site. J. Coleman said he had nothing to add at this time to the staff commentary.

Chairman Madson then read over the concerns presented by the Traffic Safety Commission.

Ralph Olson, architect for the proposed office, said what they were asking for was a conditional use permit for the office building on this site to serve the needs of the city of West Linn. He then made a detailed presentation of the structure of the proposed project. He covered all aspects of the design including parking spaces, landscaping, and visibility factors. He said the lot was suitable for the use that they intend to put it to, and that all conditions as set out by the Planning Commission would be met. He said the trip generation between a residential and an office development site was fairly compatible. After covering all points in the staff report, Mr. Olson said his last request would be approval of the conditional use for this project. Chairman Madson asked if there were any questions of Ralph Olson.

M. Gosling asked if the house located at 5785 Portland Avenue was the one that was going to be removed and whether the other houses were currently occupied. R. Olson said they were currently occupied.

M. Skee said that there had apparently been changes made from the maps for the plot plan.

Chairman Madson asked R. Olson if he could indicate where the new handicap parking spot was to be located. R. Olson indicated on the drawing where the space was to be located and said that it would be twelve feet wide so that a wheelchair could easily be removed from

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a vehicle. He also showed where the access to the building would be located.

Chairman Madson asked R. Olson if he could show him on the same drawing where the access to the upper level would be for the handicapped. R. Olson said the upper level access would be on Bland Street. Chairman Madson asked where the bicycle path would be located. R. Olson indicated on the drawing exactly where the path would be located and stated it would be the required width. Chairman Madson asked what the sidewalk width was. R. Olson said that it was twelve feet wide and that it conformed to city standards.

M. Gosling asked if the two tax lots were in one single ownership. R. Olson said it was basically a separate entity ownership.

Chairman Madson asked Mr. Hutchison if he would step up and respond to the question.

John Hutchison gave Chairman Madson the exchange agreement they had talked about earlier and asked that it be received as part of the record. He said that it outlined the interest Mr. Walsh and himself had in the subject property. He said currently that he and Mr. Walsh were purchasing the piece of property located at 5785 Portland Avenue, and that it consisted of approximately of 150 foot frontage on Portland Avenue. He said there was one residence situated on either side that were occupied by tenants at this time. The house that was situated on this lot was owned by Patricia Clark and that the house had been used as a rental in the past, but was currently vacant. He said if the application was approved, their agreement was to exchange that property for the corner property. He said they would remove the house and develop the office building. Mr. Hutchison also asked that a copy of the amendment dated August 16, be made a part of the record. He said what he was interested in doing and has always been interested in doing was building a professional office for general commercial use. Mr. Hutchison said he had attended the City Council meeting in November and that it was his understanding that as long as certain stated requirements of conditional use were met that the use would be allowed. He asked if he could read into the record a report from the City Council meeting. He said they explained to City Council the use they wanted to put the property to which was professional office building.

J. Hutchison said they outlined areas of people who were required to receive notice of the meeting. Prior to the meeting they attempted to contact everyone in the affected area to see what their feeling was on a zone change. He said some were favorable while others they were unable to contact, some were negative, some were undecided. He said this piece of land on the highway was not really suitable for single family or low density residential. He also said the City Council in making the zone change realized that this really was not a good place for single family homes. He said that an office building in this area would generate more tax revenue and that it would be a good buffer. He said that their main concern was that it fit in with the existing character in that neighborhood.

Chairman Madson said he wanted to clarify for the record that the map Mr. Hutchison had referred to earlier was a reproduction of the tax lots in the immediate area of the application. He said the areas marked in green were those people who had no objection to the application, and those with no color on them were people that were unable to be contacted.

T. Conser asked if he could make a point of clarification for himself. He asked Mr. Hutchison if the conflict of interest was discussed when they brought up the joint exchange. He wanted to know if the fact that the City Attorneys had represented the city for many years had

been brought out as a potential problem at the hearing. Mr. Hutchison said that it had not been mentioned.

Chairman Madson asked what the legal name of the firm was. Mr. Hutchison told him that it was Hutchison, Hammond, and Walsh. Chairman Madson wanted to know who the legal owners were and why Mr. Hammond's name was not on the application. Mr. Hutchison said it was because he and Mr. Walsh had a partnership between themselves.

There were no more proponents present who wished to speak in favor of the application. Chairman Madson then asked if anyone present wished to speak in favor of the application.

Patricia Clark said she wished to speak. J. Coleman said that since she was represented by Mr. Hutchison, her time would fall within the thirty minute time limit so that would give her two minutes to speak.

Patricia Clark said that if this application was approved she was going to trade a house for a house. She said she also had a personal interest in the area because her mother lives a block away behind the real estate building. Mrs. Clark felt that a professional office building in this area would add to the neighborhood rather than detract.

M. Gosling asked Mrs. Clark if she had any plans for development if this application went through. She replied that there was no trust involved, that she and her father had purchased the property. M. Gosling asked Mrs. Clark what plans she had for the property if she kept it. She said they might eventually develop the property but had no present plans.

Chairman Madson read into the record a letter from a resident on West A Street stating that they were in favor of the application because they believed it was the best use of the land.

Chairman Madson asked if there was anyone present, either individual or groups, who would like to speak in opposition of this application.

Ed Druback, counsel representing a number of the opponents, said he would like to make two points, but would first like to allow the residents of the area who were here to make their comments. He would then reserve any time left to present his points. He also said that he had learned that the amended application had been filed some time last June before the third Monday. He said it should have been filed within ten days of the application. He said he still personally felt that after watching Ralph Olson's presentation that there was an area of conflict of interest there, and that he might try to use his influence.

Chairman Madson said that he wanted to make sure he was clear on Ralph Olson's testimony because he was a member of the Planning Commission. He noted that Ralph Olson had said that he had a conflict of interest in this matter and was abstaining from sitting on the Commission to vote at this time.

M. Gosling asked Mr. Druback if he had anything specific as far as how this application addresses the particular criteria for conditional use.

Mr. Druback said what he wanted to make was these two points. First, that Mr. Olson had indicated that he made the presentation on behalf of the proponents. The second was he wanted the points brought up in the amended application and how the Planning Commission was going to proceed on those issues.

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Chairman Madson asked M. Hess when the staff report and the amended application were available to any party involved in this application. M. Hess said they were available just this past Friday and that was why everyone got their packet at that time. He said that was as soon as they were available to the staff.

Mr. Druback said it was the application that they were concerned with. He wanted to make a comment for clarification that it was the rule rather than the exception that as we go through this process the applicants and the proponents keep building evidence and amendments. He said he would like to know what Mr. Coleman's response would be to the concern he's raised and was this a new application. J. Coleman said that it was not.

Sherry Clyman, 5742 Portland Avenue, said that she lived directly across the street from the proposed site. Chairman Madson asked Mrs. Clyman if she was related to Howard Clyman. She said she most assuredly was. She said that she had made copies of her points for the Commission to refer to while she spoke. Mrs. Clyman said she was there to speak in opposition to the proposed application. Her concerns included the amount of traffic that this building would produce that would add to the already existing traffic problem in the narrow stretch along Portland Avenue. She said her concern for safety was a very real one. She was also concerned with what this professional building was going to do to the character of the neighborhood. She commended the Planning Commission on the very fine job they had done in creating the comprehensive plan for their city. What she felt their intention had been was to keep the neighborhood residential, and she thought that the LCDC agreed with them on that point. She felt that the comprehensive plan had been passed knowing that it included areas for all kinds of development, but that maintaining the character of a neighborhood was a concern. Mrs. Clyman said that West Linn was already on record as being a nice place to live. She said she would like to comment on Mr. Hutchison's description of the property on his zoned request application. After that particular document, she felt that they were talking about two different pieces of property. She said that their area was a well developed neighborhood with lots of houses, lots of trees, lots of families, elderly people, and that it was a walking neighborhood. She said when Mr. Hutchison asked to have this area rezoned that he was asking everyone to forget that people were there. She said that they had a lovely, well kept up neighborhood, and that she does not feel that the application complies with the criteria of the comprehensive plan which requires the identity of an established neighborhood be maintained. She also said that when considering this application to keep in mind community need. She did not feel there was a need for such a building in the area. She said she had done some research and found that there were many professional office buildings available in surrounding areas. She said she would like to address another point which the comprehensive plan brings out and that is making sure that there is affordable housing. She said by removing a rental from this property they would be removing a type of affordable property. She said quite a few of the residents in the area are concerned about the value of their property if this zone change goes through. She said that it was initially zoned R-4.5 and was not zoned for commercial use.

Chairman Madson asked Mrs. Clyman where the school bus ran and where it made its stops to pick up children. She said that it comes up each side of the highway and makes a right down along the gas station and picks up children all along the way. Chairman Madson wondered if there would be the same opposition to R-4.5-type housing. Mrs. Clyman said that she was in favor of a residential neighborhood community, and that she believed it would be better for them. Mrs. Clyman said that with the streets being narrow and the traffic problems that exist now, she doesn't believe the zone should be changed from residential to commercial use because it would add greatly to the traffic flow in the area.

M. Skee asked Mrs. Clyman if she had any objection to dogs and kids in the city of West Linn. She said they all had children and recognized the safety problems. She said besides the traffic in the area, there is also the additional problem of flooding during the rainy season. She said with the heavy traffic it would be compounding the problem rather than solving it.

Pat Gilnor, 5794 Northeast Robert Moore, said that their property was located directly in back of the proposed parking area. She made a point of showing the Commission where all the school bus stops were located in that area. She said she would like to cover briefly a few of her concerns. One of them was having this parking area abutting their property. She did not feel the proposed building would fit in with the neighborhood, and did not feel it would provide a buffer as it was a two story building. She said Mr. Hutchison had said that he had contacted a few people in her area, and she would like to explain about those contacts. She said that she felt the residents were not made fully aware of what was actually going on or of the traffic trip generation. She said after this was explained to the people, the majority of them were opposed to the zone change and signed the petition that was circulated by herself, Claire Yoder, and Sherry Clyman. Mrs. Gilnor also expressed her concern for traffic congestion in that area. She felt that besides the existing conditions of the narrow streets and the problems that were already there that this parking lot would greatly increase the problem. She feels that the trip generation presented by Mr. Hutchison was not as accurate as the one she had on the area. Mrs. Gilnor outlined again her concerns on the existing problems with the narrow streets in the area, the safety of the children, and the fact that the whole area was essentially a family neighborhood. She said one of the main factors in buying their home was the fact that the area was quiet and safe for their children. She was very concerned about the fact that a two story professional building was going to be overlooking their back yard, and felt that this would invade their privacy.

Chairman Madson pointed out that the trip generation figures used by the city staff differed with that of the one presented by Mrs. Gilnor.

Claire Yoder, 1595 Southwest Bland Street, said that they were not reluctant to argue about this proposed building in their area as it was not a favorable kind of building to have in a residential neighborhood. She expressed concern about the kind of use this type of building would have, the traffic problems it would generate, and a real concern about the noise level. She said they had collected about seventy names on their petition, and the people they talked to had not supported this issue at all. Mrs. Yoder expressed a concern about the fact that they needed to state every point they could at this meeting for appeal purposes. She felt that they were not being given adequate time to present their side. She also expressed a concern over the fact that they were being rushed through and would not have time to make every point they needed to make.

Chairman Madson explained that the Commission's sole purpose was to hear what everyone had to say and were not going to shut anyone off if they had a point to make. He said they would be given all the time they needed for whatever they had to say.

J. Coleman said he would like to make one quick point so there is no misunderstanding. He said he had communicated with Mr. Hutchison, Mr. Clyman, and Mr. Druback about two weeks ago concerning the discussion they had about the facts. He told them at that time that they were going to have some time limits and anything they wanted to put into the record could be prepared in a written submission.

Eric Yoder, 1595 Southwest Bland Street, said the little niche shown on the map was their property. He said the impact on their lives was

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going to be substantial. He was very disturbed by the loss of their privacy.

T. Conser asked Mr. Yoder if he felt it would be less intrusive if the property was developed with six units. Mr. Yoder said he would be more in favor of that than a commercial development, but that he thought there was only room for two duplexes on that property. He said he was concerned about trip generation if more dwellings were put there.

Chairman Madson explained to Mr. Yoder that it was zoned to allow that without any problem at all. He then asked Ed Druback if he wished to speak at this time.

Ed Druback said that in the interest of giving everyone from the neighborhood an opportunity to speak, he would wait to speak when they were finished.

Larry Tietz, 5748 Portland Avenue, said he lives directly across the street from the proposed development. He said if this proposal went through, he had a real concern about the equipment that would be brought in for construction and the fact that there would not be enough space to adequately take care of everything. He felt that the parking lot was not adequate for the building and the extra traffic this building would generate would be a real problem for the people and the children in the neighborhood. He said they had a bad drainage problem in the area and that it would develop into a real problem if this proposed building went in. He said there was a problem with the proposed left turn lane. He said if it was developed he would lose approximately sixteen feet of his front yard.

Jill Sherman, 5718 Portland Avenue, said she lives directly across the street from the Arco station. She said she and her family have lived in the West Linn area for seven years. She said their home was an older home bought from the original owner. She said that if the proposal went through that it would devalue their home. Her biggest concern was the safety of her children who would be threatened by the increased traffic in their area.

Bill Rakel, 5661 First Court, said he was confused about the size of the building because he thought he had heard conflicting figures. Chairman Madson read the correct figures to him from the staff report. Mr. Rakel also said that he didn't feel the parking area would be adequate. He didn't think there would be enough room to get in and out of the area unless it was designed for compact cars.

T. Conser said he would clarify the parking problem. He said the parking spaces were twenty feet deep and nine feet wide.

Donald Mulberry, 5795 Northeast Robert Moore, said that he lived across the street from the proposed office building. He had a concern over the traffic problem in the area and they did not need the extra traffic that would be generated from a professional building. He said there was already a visibility problem on the corner of Robert Moore and Bland Streets that had caused near accidents.

M. Gosling asked if it would be possible for residents to go around the problem area to reach Highway 43. D. Mulberry said they probably could but they don't think about it.

Tim Gilnor, 5794 Northeast Robert Moore, said he understood the property was zoned R-4.5. He said he would like the problem resolved right here or they might be faced with dealing with it a couple of years down the road.

Chairman Madson read into the record a letter opposing the proposed building stating that a building of this size would cause a lot of

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traffic congestion and crowding on Portland Avenue.

Chairman Madson read another letter into the record. He said the writer had done quite a bit of research on the availability of other locations for a building of this size and that the list had several possibilities.

Chairman Madson read into the record a petition signed by several residents of the area who said they objected completely to the proposed development. They said they were concerned about the traffic and the individual property values.

Ed Druback, representing a number of the opponents, said he would like to settle the situation of the conditional use within the R-4.5 zone. He said that if the application was approved and the conditions put out for the use of this development, it was going to affect the neighborhood. He said they were not trying to outline conditions themselves, and he realized the Commission had the right to do that. He said the purpose of his presentation was to review the comprehensive plan. He said he would like to address the professional standards and conditions in 60.070 says the Planning Commission can approve application for conditional use and the impact this proposed use would have on the adjacent areas. He said there was also the question to consider, whether or not this parcel was the right size and shape for the type of use that was being proposed, and whether the driveway was located in the proper area. He said the proposed use of this property was adverse to that of the residences already in the area. He said he would like to go over the residential section of the comprehensive plan and also concentrate on the commercial comprehensive plan for the city of West Linn. He said he would like to go over several points in the comprehensive plan. He reiterated that he felt that this proposed building would have an adverse effect on the neighborhood. He outlined the points set out by the Traffic Safety Commission for that area. He said the scale of the project should be suitable to the surrounding usages. He felt that the parking spaces represented an absolute minimum. He felt there was no demonstrated need for that type of building in the area. He also said he would like to bring up some technical points with respect to conditional use. He said that this plan was going to be subject to the required set back from the street centerline. He went on to compare the old ordinance figures with the new ones. He said the old ordinance requirements were anywhere from sixty to one hundred twenty feet for set backs and that was what was stated to be needed for a major arterial. Mr. Druback made reference to the map which showed the location of the proposed building along Highway 43. He said that requirements show it should be fifty feet from the centerline plus twenty feet. He said he felt the city engineer had not presented to this Commission what he was supposed to, and he should do it before they make a decision. He said they needed to know that so they could calculate what was going to be needed with reference to the map and point out to the Commission where the proposed building should be located in accordance to the requirements. He said that if the city engineer required differently or if he reports to this Commission differently, then they may not be the necessary requirements.

Chairman Madson pointed out that there is a meeting around the staff people involved in these property reviews prior to the beginning of the staff report and this input goes directly on the initial requirement conditions put on these applications.

E. Bruback asked Chairman Madson if he said the distances were correct. He asked Chairman Madson if he knew that the Oregon Highway Department legal office was indicating that there was going to be a new change which projected the width of bicycle paths.

Chairman Madson said he was referring to information that he was not sure was on the record.

Chairman Madson said he understood that Mr. Druback did not feel that the city engineer had addressed the requirements for the future developments to Highway 43. Mr. Druback said that he did not think the city engineer had presented any of the required information. He said that the Planning Commission could impose the professional conditional use in looking at the overall areas. He said that he felt that it would be the best thing to deny conditional use permit. Chairman Madson asked if there were any questions of Mr. Druback. There were none.

Barbara Hartfeil, 4230 Terra Vista Court, said she was a representative of the Traffic Safety Commission, and that she did not recommend in favor or in opposition of the Commission's approval of this conditional use. She said that there were things that the Traffic Safety Commission would encourage the Planning Commission to consider. She said what she had already heard in the testimony should be part of the information. She said she would like to make reference to the Oregon Department of Traffic Study of Lake Oswego's highways made in 1980. She said it stated that Highway 43 was at service level C. It recommended that the roadway should be three lanes. Another point she would like to raise dealt with the West Linn School District. She also said there was a definite problem with the incline on Bland Street and Highway 43. She said this was a problem not so much in terms of buildings that are on the highway, but in terms that almost all the roads on each side of Highway 43 approach the houses at the incline. She said all these things should be taken into consideration by the Planning Commission.

Chairman Madson said time was getting short, and they still had a rebuttal left by one of the applicants, and also the Commission's deliberations. He was wondering if they should defer the continuation of the hearing to another night. S. Weiss said she thought with the rebuttal and their deliberations that she would like to see this continued to another night. M. Gosling said he would like it to go on until finished.

John Hutchison said as far as their rebuttal, the only thing he didn't say earlier was that they were talking in their office about the traffic generated back and forth between themselves. He said they thought they averaged about two clients per lawyer per day. He said he did not know how that was going to equate any average trip count. He said that as far as rebuttal that if the Commission had any questions based on what the proponents had to say that he hoped they would ask him about it. Chairman Madson asked if there were any questions of Mr. Hutchison.

M. Gosling said he would like to make a point for the record and ask Mr. Hutchison if he had made any attempt to purchase the property from Mr. and Mrs. Yoder dealing with the piece that was cut out. Mr. Hutchison said no he hadn't.

T. Conser said he had two pages of questions and things that he needed to have clarified by Mr. Hutchison and Mr. Olson. He said the first question he wanted to ask was whether a condition for a left-hand turn could be developed at this time or whether it was strictly controlled by the State. M. Butts said that Highway 43 was controlled by the State. T. Conser said this would involve a fifty foot right-of-way over a thirty-five foot radius, and that they were talking about two lanes one going north and one waiting to turn left off Bland. He also wondered if there was adequate right-of-way exiting out of the parking lot of the proposed building. M. Butts said that its a possibility if standard criteria were met. T. Conser asked if it would be possible to restrict traffic down Bland to the east. M. Butts said he did not see why that would not be possible since the same thing had happened in the Robinwood Shopping Center. He said if you exit the shopping center

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mid-block you can only turn to the right.

T. Conser asked R. Olson about fencing and vegetation for this two story building and asked him if he felt that the vegetation they were talking about would be adequate. R. Olson said it would be adequate as a buffer, but would not obscure the mass of the building completely. T. Conser asked what provisions had been made for a garbage truck in the parking space. R. Olson said that he felt that the space would work out.

T. Conser asked if there was any possibility of developing or eliminating the incline at the top of Bland and Highway 43. M. Butts said there was always a possibility, but you have to look at both sides of the street to establish the grade. It said it would be difficult to change what is already there, but it was something the city engineer could take a look at before a condition is made.

Chairman Madson asked if there was anymore rebuttal that anyone wished to offer, and if not he would close the public hearing, on a motion. M. Gosling said that he would move to close the public hearing. S. Weiss seconded the motion. The motion passed unanimously.

Chairman Madson asked if there was a possibility that the Commission could meet later one night this week or next week at the latest. He said that if all members could be there, they would still have a quorum of four to continue their deliberations and decisions. He said he was reluctant to continue the meeting very much longer because it would be unfair to both parties to be deliberating at one or one thirty in the morning. He asked Mr. Hutchison what his feeling was about postponing the hearing. Mr. Hutchison said he would prefer they continue it to a date where all five members who had heard the testimony could be at the hearing because he felt it wasn't fair to either side not to have them there.

Chairman Madson said he had talked to the staff and they had put together a long list of key issues involved. He said they pretty well documented all the concerns that had been raised and needed to be addressed. He said he would like to ask the members one more time what their feeling was on the proposal.

M. Skee said he felt that there was not a need for another office building because there was already quite a bit of valuable space available. He also did not feel that the handicap parking was adequate. He said that the four parking spaces in the corner of the lot were virtually useless. He said he felt that the Planning Commission had to interpret what was said and not on the written evidence. He said that he felt that the group before them tonight had done their research quite well, and just didn't think that that proposal would help the neighborhood at all.

T. Conser said that he was concerned about the strip development of Highway 43. He was confident that the building would be an asset to the community, but not on this particular piece of property.

S. Weiss said that she was concerned about strip development and also understood from the neighborhood that they didn't want the office building there. She said, however, that with the proximity to other businesses along Highway 43, she would be in favor of the office building located on that piece of property.

M. Gosling said he felt they were creating a piecemeal situation and that as much as he was in favor of commercial development in the city, he would be inclined to deny this application.

Chairman Madson said that he had several concerns himself. He said that he was inclined to deny this application also. He felt that the proponents had added to his existing knowledge. He said they had pointed out to him that there were many places in the city of West Linn where there was adequate space available for an office building.

Chairman Madson said he'd like to ask the staff to construct a list of the findings and they needed to agree on some specific issues. He would like them to outline the most significant reasons for their denial. Chairman Madson asked if there were any key issues that they felt should be included.

M. Gosling said they needed some redeveloping in that area on a long term basis.

Chairman Madson asked Mr. Olson if he would give the staff a drawing that showed the topography of the site. He said the Planning Commission had not been presented with it. Chairman Madson said a lot of concerns had been raised about the traffic impact specifically the steep approach of Bland Street and Highway 43.

M. Skee said his concern was the livability of the neighborhood.

Chairman Madson said the consensus of the members at this time would be for the various reasons that were stated. He said they would consider a finding as to that fact at the meeting on September 17.

Chairman Madson said it was the consensus of the Planning Commission that they deny this application. Chairman Madson said the final motion should include the specific findings for denial. He said at this time all they were doing was laying out the motion in the areas of concerns that they have for the denial. Chairman Madson asked Mr. Coleman to respond to this.

Jim Coleman said the members could do it either way. He said he suggested that they follow Chairman Madson's suggestion that the legal staff bring back to the members a written order then they could take action on it which would then become your final decision. He said he thought that was the best way to proceed at this time.

Chairman Madson then said the hearing would be continued to the meeting of the seventeenth of September for purposes of a final order of decision.

S. Weiss asked if all members had to be present on the seventeenth as there was a good possibility she may not be able to be there. Chairman Madson said they would all give it their best effort.

Chairman Madson said they had a couple of quick general items to cover before adjournment. He asked if anyone had a problem with the letter they received regarding procedures in trying to stir up a quorum or report to the contrary.

Chairman Madson said he would like the members to consider an option to notify Mr. Reynders that if he chooses to do so that he could file a partition request and that it can be processed without any motion and end up paying just the petition fee.

7. Business from Staff.

No business from the staff.

8. Business from Planning Commission.

No business from the Planning Commission.

There was no further business and the meeting was adjourned at 1:40 a.m.

Clara Corliss
Clara Corliss, Stenographer

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September 10, 1984

1. Acting Chairman M. Gosling opened the special meeting at 7:30 p.m. Members present were M. Skee, T. Conser, R. Olson. Absent were S. Weiss, L. Kellerman, and G. Madson. D. Darling, City Attorney Representative; M. Butts, City Planning Director; C. Corliss, stenographer were also present.

2. Minutes of the August 20, 1984 Regular Meeting.

Acting Chairman Gosling said the approval of the minutes for the August 20, 1984 regular meeting would be postponed to the September 17 regular meeting.

3. K & F Development, Inc. - Hidden Springs Ranch No. 8 - Amendment to Development Staging Plan - General Item.

M. Butts gave the staff report. He said Herb Koss, applicant, was before the Commission asking for an amendment to the staging plan. M. Butts said that the Hidden Springs Ranch was originally divided into Phase one and Phase two, but now the applicant was asking to change Phase two into five phases with the posted condominium areas not to be posted at this time. He said one of the concerns of himself and the members were that the streets be developed so that there be a continuous flow of traffic through those areas. He also said it is proposed that the development of Rosemont Road right-of-way improvements and development of the lineal trail/park plan be constructed in two phases; the creation of three temporary dead ends in Phase III; and recommended the adoption of the phasing option plan with the condition that the end of Churchill Downs Drive be provided a temporary turn-a-round under Phase II as presented by the applicant in Exhibit B.

M. Butts put on a tape from a previous City Planning Commission meeting that referred to the phasing and the requirements for improvements along Rosemont Road.

M. Gosling said his understanding of the improvements was that the applicants were going to put in a jogging trail. R. Olson said his impression was that they put in an eight-foot wide jogging path and that Rosemont not be improved but that the intersection of Bay Meadows Drive where it enters Rosemont would be improved.

Acting Chairman Gosling thanked M. Butts for giving them a little background by listening to the tapes. He then asked the applicant if he would like to come up and make his presentation.

Herb Koss, K & F Development, Inc., said that the staging options came up when they submitted the section labeled No. 2 to the City Engineer to construct that portion of the improvements. He said when they submitted the entire plat they didn't really change Phase I, that it was Edward's layout. He said they left it basically alone and that the staging portion of the new ordinance was not brought to their attention. He said they did not realize it was a problem until after the City received the engineer's plans. That was when they discovered there probably was a problem and they would have to come back to the Planning Commission to get a staging ordinance approval. He said that Area II was designed for a Street of Dreams and the layout of the street was done to keep traffic away from the neighborhood. He said he discussed with M. Butts the possibility of developing the rest at stages at a later time. He said the way the economic market in Oregon was today, it would be suicide to develop all the remaining lots at once. He said basically what they came up with was the orange area on the map. He said M. Butts recommended they do Phase II Plus, but they did not have the engineering done up to that area, so they would like to ask if they did Phase II Plus if they would have time to work out the engineering and the planning. He said when they designed the

lineal park, they intended it to be a buffer between Rosemont and their project. They said they did not have approval of a water line or streets along Rosemont. He said they were looking at 1500 feet of improvements which would be a lot of dollars. He said at the entrance of Bay Meadows Drive off Rosemont, they found the pavement itself was three feet on the west of the center line and that none of the pavement was on their side of the right-of-way. He said so really they were talking about roadway improvements that the county and city didn't know how much was involved. He said the crown would also have to be changed, and it would be very costly for them. He said the lineal park buffer was an area that benefited not just the people living there in Hidden Springs but others as well. He said he felt that the tape indicated that there was some misunderstanding, and that he believed that the members of the Planning Commission interpreted the tape the same way they did. He said he felt that interpretation was that Rosemont was not going to be improved other than at the entrance.

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Acting Chairman Gosling then read into the record a letter dated September 5, 1984, from Clackamas County to the City of West Linn regarding the subject. In summary, the letter said it now required that construction include widening of Rosemont, providing for an ultimate 36-foot wide road, a section for future left-hand turn at Bay Meadows Drive, and that they requested a drawing made by a civil engineer be submitted for review and that an approval would be issued to the City of West Linn.

T. Conser said he thought that he remembered that the city did not have jurisdiction on Rosemont because it wasn't a city road, so he felt they didn't have a right to ask improvements on it.

D. Darling reminded the members of the Commission that when they make their decision regarding the phasing to make it subject to all conditions that were previous conditions. She said that way the members could determine what the meaning of that condition was.

Herb Koss said that they felt that if they had been aware that the conditional requirement had been made on them, they wouldn't have started the project.

R. Olson asked what would be the most appropriate phase for them to start first.

Herb Koss said that if they were held up at this point, it would probably be the orange-shaded section. He said they would never be able to get that done in time for any housing event. He said that he was a little nervous at this point not knowing where they stood on Rosemont Road, and that he would like to get a decision as time was clicking away.

R. Olson said that he was assuming that they were planning to improve the entrance to Rosemont Road and Bay Meadows Drive.

Herb Koss said they had submitted plans for this area. R. Olson asked if those plans included Phase II and if they included the improvements at Rosemont Road. Herb Koss said that the phase of engineering was all done.

Tom Tye, engineer with K & F Development, said that the improvements were at the entrance only. Herb Koss said there would have been no entrance remonstrance agreement if they had to improve the whole road.

Herb Koss said after listening to the tape he felt that the requirement was written up wrong in the ordinance. He felt it should have said the entrance to Rosemont Road.

R. Olson said there had been no physical determination of what that

entrance consisted of or how much lineal feet there was on any side.

Herb Koss said he felt that Tom Tye could address that issue.

Tom Tye showed the improvements and then pointed out the center line on Rosemont and said they would have to go an additional three feet on to meet the existing pavement because it was that far off.

R. Olson asked if the road was to the west of the center line. Herb Koss said there was no paving on their side of the center line at all. He said he felt that the staging and phasing was totally in the hands of the interpretation of paragraph 110.

D. Darling pointed out that it was now condition No. 6.

Herb Koss reiterated that Ordinance No. 1138 was printed up wrong. He also said if they had to wait another two weeks for a decision, they would have to forget the whole thing until spring.

R. Olson said he had no difficulty, and that it made good sense in the way it was broken up.

Acting Chairman Gosling said the big issue at this point was how much of Rosemont were they talking about at this time.

D. Darling asked if the decision on the extension had anything to do with the approval of that phasing plan. Herb Koss said they did as far as they were concerned.

D. Darling asked if they would redraw those phases if an additional condition came up that they had not anticipated. Herb Koss said that as far as he was concerned it would because if an additional requirement was applied they felt it an unfair burden on the project. He said the curb, storm drains, and sewer were a big issue, and the other big issue that came up was the fact that the city might want them to put in a sixteen-inch water main in Rosemont Road right-of-way. He said it was not part of the original approval. He said they normally don't have to install a sixteen-inch main, but the city informed them the water main needed to be along Rosemont Road. Herb Koss said they would like to have the approval of the staging and would carry out the necessary conditions set out by the city.

M. Skee said that item No. 6 in the original ordinance was about the bikeway requiring an eight-foot width, and further improvements as shall be developed by Clackamas County. He said the seventh item was dedication of the Homeowners Association and he felt they couldn't change anything on that. He said what he was concerned about at this time was the phasing and reminded the members that it had been recommended for approval. He said Herb Koss had offered the city the option of either having a jogging trail or a sidewalk.

T. Conser said that the thing he recalled on that was that the city had agreed that they would rather have a jogging trail and standard curb line since they didn't have jurisdiction on it and that they would allow Clackamas County to direct them on whether the improvements would be now or in the future.

Herb Koss said their interpretation was that they were required by Clackamas County to develop the entry to Rosemont Road.

Acting Chairman Gosling said he agreed with Herb Koss about the entry-way to Rosemont Road, but he also recalled that they didn't know what Clackamas County required and from their point of view that all they would ask was the jogging trail and whatever Clackamas County wanted and when they wanted it.

D. Darling reminded the members that they would have to interpret what No. 6 meant and how it ought to read and that was what Mr. Koss was asking them to do.

Acting Chairman Gosling said his interpretation was that K & F Development would have to improve the access to Rosemont Road and that the whole of Rosemont Road would be between the city and county. He didn't feel they could tell the county what to do.

T. Conser reiterated that his interpretation of No. 6 and what he voted on was again that the entranceway at Bay Meadows Drive would be improved at this time because there was going to be a nice sign out front, curbs, planter, and all of that was going to be done. He said since they had no control Clackamas County could dictate when that section would be done and remonstrance against it. He said since this wasn't in their jurisdiction, it wasn't something they could make rules on. He said they needed at least the entrance to Bay Meadows Drive and the bike path and everything else done for a plan.

D. Darling reminded the members that the county had some requirements on Rosemont that they couldn't control.

Herb Koss said he didn't think they should make it a requirement that they improve the whole road and thought that it would have to be LID.

M. Butts said that UGB was south of Hidden Springs No. 8 there along Hwy 43 both sides of the road were within the UGB, so it would be logical in terms of the Hidden Springs Ranch. He said they would only be looking at one side.

Herb Koss said that was their contention also, but if they were down Hwy 43 they would know it would have to be improved. He said he felt lineal park would add landscaping.

Acting Chairman Gosling said that he felt that the improvements on Rosemont should not be paid for by a small segment of the people, since a large portion of the people all over the city would be using that stretch of road.

R. Olson said he felt that what they should do is to present approval just on the entrance to Bay Meadows, and leave the part standing about the nonremonstrance for future approval of the road.

T. Conser was concerned about the fact that the county may come back later to K & F Development and demand their requirements in conjunction with the other improvements they would have already made.

R. Olson said that Mr. Koss legally could not improve the road beyond the center line and that the center line didn't even go to the existing pavement at this time.

T. Conser said he felt that the county was not appropriately represented in this particular situation. He said his intent was for K & F Development to work with the county and come up with a solution for what they were going to do.

R. Olson moved to amend Ordinance No. 1138, Section 5, Condition 6, as follows: The entrance of Rosemont Road at Bay Meadows Drive shall be developed as required by Clackamas County, and a Class 1 bikeway shall be developed along the northeast side of Rosemont Road, said bikeway to be eight feet in width, furthermore, the developer shall execute a waiver of remonstrance for future improvements along Rosemont Road, and that this developer not be required to develop Rosemont Road. T. Conser seconded the motion. The motion passed unanimously.

Herb Koss indicated on the map the areas where they were planning to put the bike paths and jogging trail and what he understood the city was asking them to do in that regard. He felt they would have a problem with the earth moving and the burning in the area.

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M. Butts said that the plan was to do these conditions as they did each section.

M. Skee asked when they were planning to have the engineering done for the white section on the map. Tom Tye felt they would probably be done in thirty days.

T. Conser asked since they had a nice big dirt buffer by the paved area if they could hold off until they did the other section and do them all at one time. Herb Koss said they could probably barkdust the buffer to keep problems at a minimum. He wanted to know if they were supposed to wait to do the total improvements all at one time.

T. Conser said that was what he was saying so that the park and everything was done all at once if it wouldn't create a drainage problem or erosion. Herb Koss said he didn't think there would be any problem with that because it was quite a bit above the road. T. Conser said what he was asking for was it all to be done including Phase II, Phase III, and the park. He said he would like to see them meet the requirements of conditions all at one time as opposed to chopping them up.

D. Darling said that M. Butts had made his recommendation about getting this all done at one time when they believed they were going to be improving Rosemont Road, but now that it was clear that they were not going to be improving Rosemont Road it was not mandatory.

Herb Koss asked if they could do Area II Plus and the other section Churchill Downs at their option if they could get the plans done. Then they wouldn't have to come back and make this another interpretation if they could get the approval for Phase II as asked for.

D. Darling asked M. Butts to clarify whether he wanted the bike path area done now. M. Butts said whatever phase Mr. Koss was going to develop that was when it should be done.

R. Olson said he would like to make a motion that they approve developing the phase option plan for Hidden Springs Ranch No. 8 in accordance with the line drawn on Exhibit B, dated August 22, 1984, with the conditions that the Class I bikeway along Rosemont Road south of Bay Meadows Drive be included under the phase constructed adjacent to the lineal park, and that the end of Churchill Downs Drive be provided a temporary turn-a-around under Phase II. He said he would also like to include the construction time line as presented by Exhibit B made a portion of this motion. T. Conser seconded the motion. AYE: Olson, Conser, Gosling. ABSTAIN: Skee. The motion passed unanimously.

R. Olson said he would like to make an amendment to the motion for clarification concerning Hidden Springs Ranch No.8 that if the road at any phase extends beyond one lot, it would need to have a temporary turn-a-round. T. Conser seconded the motion. AYE: Olson, Conser, Gosling. ABSTAIN: Skee. The motion passed unanimously.

D. Darling said that this would go to City Council on Wednesday night with the new ordinance rephrasing and for them to adopt the Commission's clarification.

4. Business from staff.

Acting Chairman M. Gosling asked if there was any business from staff.

D. Darling said on the old ordinance No. 1138, No. 5 on page three said the last three words were "of Phase II." She said that was a scrivener error. She said it was agreed that the sidewalks have to be done when Tract A is done. She said the developers would have to put it in and take it out when they put those curb cuts in, so Phase II shouldn't

describe the words "of Phase II." The sidewalk and along Santa Anita Drive in front of Tract A would go in when Tract A goes in.

R. Olson made a motion that they strike the last three words of paragraph No. 5 under Ordinance 1138 that says "of Phase II." T. Conser seconded the motion. The motion passed unanimously.

D. Darling said that she had also called S. Weiss and wanted to let everyone know that she had not had her baby yet but was expecting it any minute.

M. Butts gave each member of the Commission a copy of the Code and asked them to go over the amendments. He said there had been a lot of confusion because of the way it read for zoning commercial.

Acting Chairman Gosling asked if on future amendments they could point out the revisions at the bottom of the page. T. Conser suggested putting a star next to the revisions. M. Butts said they would try to do that.

M. Butts said he had also given them another packet that was proposed new amendments. He said the way the notice reads is that it would include all the items that he made or the Planning Commission proposed.

M. Butts said he also had some topics for future work sessions. One was zoning and land use along Hwy 43. He said several conflicts had come up because of that recently, and they needed to look at the entire corridor. He said he would like this brought up in a work session before next January.

Acting Chairman Gosling said he would like to bring up zoning and land use along the Willamette and Tualatin Rivers. He said all these areas were zoned R-10 at this time.

T. Conser brought up his concern about Planning Commission meeting procedures and the length of the meetings. He said he felt that some of these meetings had been lasting so long that he was concerned about the effectiveness of the members to make sound decisions. He said he would like to recommend starting at an earlier hour with the possibility of having the meetings run no later than 11:00. M. Butts said he did feel that they should have a discussion about the procedures, attendance, and starting on time, and also mechanisms to move the meetings along. He said he would like to see these items discussed at a future work session.

R. Olson made a motion to adjourn the City Planning Commission Special Meeting. M. Gosling seconded the motion. The motion passed unanimously.

The meeting was adjourned at 10:00 p.m.

Clara Corliss
 Clara Corliss, Stenographer

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September 17, 1984

1. Chairman G. Madson opened the regular meeting at 7:30 p.m. Members present were M. Skee, T. Conser, R. Olson, M. Gosling. Absent were L. Kellerman, S. Weiss. M. Butts, Planning Director; C. Corliss, Stenographer, were also present.
2. Minutes of the August 20, 1984 Regular Meeting and the September 10, 1984 Special Meeting.

The minutes were approved with the following conditions:

1. That on page 111, the word not be inserted into Mr. Hutchison's answer regarding the conflict of interest matter.
2. That the law firm name be changed to Hammond rather than Hamilton. M. Gosling moved to approve the minutes. T. Conser seconded the motion. The motion passed unanimously, with R. Olson abstaining from voting on the minutes.

The approval of the September 10 Special Meeting minutes was postponed for approval until the October 15 Regular Meeting.

3. John C. Hutchison and Michael D. Walsh - Conditional Use Permit for Office and Lot Line Adjustment - 5741 Pacific Hwy - Hearing Continued for Decision Only.

Chairman Madson reminded everyone that this was a continuation for purposes of decision only and that R. Olson would be abstaining from the hearing. He asked the members if they wished to put forward for discussion, anything contained in the findings conclusion in the proposed order prepared by Jim Coleman for the Planning Commission on this matter.

M. Gosling said he would like to clarify a concern he brought up during the last discussion and that was the future effect a commercial development would have within an area zoned basically residential. He felt this would be very important in future development on adjacent lots in the surrounding area. He said he thought that future development of the Yoders' property would be practically impossible if the commercial development took place and he felt it would be difficult to develop this piece to a commercial standard at some point in the future.

Chairman Madson said that all the members of the Planning Commission showed a concern based on the testimony that they had heard at the last meeting. M. Gosling said that the testimony was that there had not been any approach to purchase that property from the Yoders and it was leaving a 10,000 foot lot at the north end for residential use. He said he would like to have seen how they were going to be able to develop this commercially at some point in the future.

Chairman Madson asked if everyone understood that the additional finding or denial was that if the property was allowed to be developed it would interfere with future development of adjacent parcels. T. Conser said he would support that fact because he thought there would be a relatively small effect to the development of the properties and that it would not fairly utilize the potential of the area.

M. Gosling said that the Yoders' property would be almost impossible to do any commercial development on. Chairman Madson asked the members again, if they would like to add as a finding, a denial that the development of this property as proposed would interfere with future development of adjacent properties. He said he felt that the point

they needed to consider was that the underlying zone was a residential zone. T. Conser said that he agreed that it was not zoned commercial. G. Madson said the question really becomes whether or not this commercial development would interfere with the future residential development of adjoining properties.

M. Gosling said what he would have liked to have seen was a plan not just developing this portion at this particular time; but, also sometime in the future that they would be able to develop the adjoining parcels in a specific manner.

Chairman Madson said he felt at this time that he could not support that finding. T. Conser said that he did not feel that M. Gosling's comment really applied to this application. Chairman Madson said that they had an obligation to protect and not preclude from development according to the allowed uses in the zone, he is not sure they have the same obligation to protect against all possible conditional uses in a certain zone. He asked the members to make a decision on this particular finding.

M. Skee wanted to know if we were adding something new. Chairman Madson said that M. Gosling was proposing an additional finding in addition to the written material and that his proposed finding was to allow this development and not preclude future development of adjacent parcels. M. Skee said that he could support that. T. Conser said he would rescind what he had said earlier on the basis of underlying zoning. He said this property was residential and he agreed that we cannot make a ruling on additional applications in future situations. He said M. Gosling's point was well taken and should be looked at as recommended by staff and that they feel they have to go along Hwy 43 at some later time. A vote was taken and died for lack of majority.

T. Conser moved that they accept the finding conclusions in the order for the conditional use permit for an office in the R-4.5 zone to deny the Hutchison/Walsh application of conditional use permit for office and lot line adjustment, based on the finding conclusions in the order as presented to the Planning Commission by James M. Coleman, the Acting City Attorney, the document further identified as No. 492C. M. Skee seconded the motion. The motion passed unanimously to deny the application. R. Olson abstained from voting.

Chairman Madson said the applicant had the opportunity to file an appeal on this decision before the City Council and that the appeal must be filed within 14 days of receipt of the written order of this decision. John Hutchison, applicant, said he would like to make one objection to the findings on the record before Mr. Coleman left the meeting. He said he wanted to make two objections on the record to the form of the matters contained in the finding. The first appears on page 3 which makes a reference to a topographical map that was required to be submitted with a conditional use application. He said he wanted the record to be perfectly clear that it was filed with the city. He said the City Staff implied that along with other submittals in the design review file and that it was available. He said they assumed that it was part of the packet and that the materials were submitted on behalf of their application. He said it was not a failure on their part to do so and that Mr. Olson had delivered this to City Hall. He said his second objection was on page 5, paragraph 8, third sentence, stating a concern for safety at the intersection. He said his objection was submitted and that it was testimony and not facts.

Chairman Madson asked if they could bring up for discussion at this time, before Mr. Coleman left, concerns about the proposals for this property. Mr. Coleman said that Lake Oswego City Council had not approved his helping out the City of West Linn on that matter. He said he would be perfectly happy to do it once the request was cleared. John C. Hutchison was asked to sit in as legal counsel for the Planning

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Commission for the remainder of the meeting.

4. Tri-City Service District - Conditional Use and Design Review for Sewage Pump Station - Southeast end of Fourth Street.

M. Butts read the staff report. He recommended approval of the proposed Willamette Pump Station as submitted with the following two conditions:

- 1) That the security light be specified with regard to location and intensity subject to the approval of the Planning Director.
- 2) The barbed wire section of the fence either be moved five (5) feet back from the public right-of-way, or applicant prove the existing fence meets the five (5) foot setback requirement.

Chairman Madson asked if there were any questions. T. Conser asked about the River Road Pump Station that they had reviewed previously and the fact that the security of the building involved allowed them to eliminate the chain-link fence at that site. M. Butts said he felt that the applicant would better be able to answer that question.

David Abraham, Director of the Department of Utilities, Clackamas County, said that the Tri-City Service District was an agency set up to assist the three cities of Oregon City, West Linn, and Gladstone to collectively resolve the sewage waste practices that have existed for the last decade. He said the district serves with the exception of a small area in Oregon City only the property within the city limits of West Linn and Oregon City and about two-thirds of Gladstone. He said it was not regional beyond those city limits, so he said the project was for the benefit of ninety-nine percent of the people. He said each city maintains their own collection service on the extension of the service beyond those areas now served. He said by giving this background he hoped that it would help them to understand their role in this program. He said the first thing he wanted to point out was that the pump station and this would apply to the other application as well are located at the present sewage treatment plant sites. He said at the present time they were having to pump sewage from the existing plants and transporting them to the new plant. He said there was no way to do this without pumping. He said in answer to T. Conser's question about the fence located at the River Street plant was that he was correct that that particular plant was vandal proof at least to the extent that a concrete building could be protected. He said the fencing at the proposed site was not required because of the pump station, that they have them for the protection of the existing city facilities. He said they had reviewed the staff report and looked at the site again in light of the conditions that had been set forth and they find no objections to those conditions. He said they would accept that as part of their requirement to get the conditional use. T. Conser asked if there was a possibility of removing the security fence once there was no longer a need for this security. He pointed out that the sites were owned by West Linn and that the Tri-City Service District had nothing to do with the actual site.

D. Abraham said the only use for the site was for a pump station. He said the land that was there remains with the city, with the exception of the portion that was needed for the pump station. He said the purpose of the plant was to secure the station from unauthorized entrance.

M. Skee wanted to know if the existing sites had barbed wire in place at the present time. D. Abraham said that he recalled that there was barbed wire around the whole perimeter of the plants. M. Gosling asked that they be shown on the map the area where the new plants are to be located. D. Abraham told them that the light, shaded area outlined the structure

of the existing buildings, and that they were not needed as part of the pump station requirement. He said the plants would be abandoned and cleaned up and deeded back to the city.

T. Conser wanted clarified whether the district site had the capacity to handle/sewage within the boundaries. He also wanted to know if they asked the approval authority to bring additional required land into the district. D. Abraham said yes that they did, that the facility land had to be comparable with the land use plan in order to get Federal funding. He said they are required to conserve the density that was allowed in the comprehensive plan, that if they decide to add upon it later, the structure is there without any additional reconstruction.

It was moved that the Public Hearing be closed. M. Gosling seconded the motion. The motion passed unanimously, and the public hearing was closed. Discussion followed.

T. Conser said he would like to have some idea as to what would be done with the existing structures upon implementation of this plan. He said it was his understanding that the need would be eliminated and everything would be processed and pumped to the main district station. D. Abraham said he could not speak for the city, but the arrangements with the three cities and districts was that those properties and structures were to remain with the city as their property. He said they would be compensated on the basis whereby each city gets some credit of the differences in dollars they have vested, but it has nothing to do with the title of the property. He said they still own the property and structures. He said they had not revealed or discussed with him what their plans might be for utilizing the land or the structures.

T. Conser said he realized this had nothing to do with the present application and they'd have to be looked at within the city; that he would like to see something useful done with the abandoned sites.

M. Gosling wanted to know whether the city or the Tri-City Sewer District would own the property that the pump station was being constructed on. D. Abraham said they would own that portion of the site or have an easement from the city to use that portion, but the entire site was much larger than what they needed for the existing treatment plant. He said the city had easement rights from PGE on the site which were transferable in part to the district for the part they need. He said it was through that title that they had the right to build there.

J. Hutchison said they would like it clarified whether the Tri-City Service District only had a legal interest in the property, or had their agency been appointed as an authorized representative to the city for the purpose of applying for this application. D. Abraham said they were getting into some legal question but that he would try to answer. He said the requirement of the EPA was that their legal counsel had to certify that they had a legal right to build the facility on that property. He said their legal counsel had so certified to the EPA. He said it was through this perpetual easement the city had acquired several years ago from PGE that this was certified.

Chairman Madson asked that documentation of that be provided to the Planning Commission. M. Gosling asked about the possibility of removing the existing structure. M. Butts said that if the city decided to remove those structures, they would have to come to the Planning Commission for a permit; and they would have to come before Design Review. He said the city was not proposing to use the vacated site for anything, other than what it was being used for right now.

M. Gosling expressed a concern about the buildings deteriorating over a period of time if they were not going to be used for anything else. M. Butts said he did not think the city would allow the site to become

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an eyesore, and that there was plenty of time to consider reuse of the structure, and that this item was not covered under the application at this time. T. Conser said he realized this had nothing to do with the application, but would there be a possibility of acquainting the City Council with their ideas pertaining to constructive use at the abandoned site.

R. Olson wanted to clarify that the applicant was asking for three things: the conditional use permit for the pump station, the greenway permit, and Design Review approval. M. Butts stated that was correct.

M. Gosling asked Mr. Abraham if the outside of the proposed building was going to be concrete. D. Abraham said that it was going to have a concrete finish and an architectural treatment to it. He said it was exactly the same building that the Commission had looked at for the River Street Pump Station. He said structurally and architecturally that there were actually four of those stations and all four of them were exactly alike.

M. Gosling moved to approve the application by Tri-City Service District for the construction of a pump station on the property known as Tax Lot 1700, Map 21E36; and the granting of a conditional use permit; and the design review approval, subject to the conditions recommended by the staff report.

- 1) That the security light be specified with regard to location and intensity, subject to the approval of the Planning Director.
- 2) That the barbed wire section of the fence be moved five (5) feet back from the public right-of-way, or the applicant prove the existing fence meets the five (5) foot setback requirement.

R. Olson seconded the motion. The motion passed unanimously.

5. Tri-City Service District - Conditional Use and Design Review for Sewage Pump Station - North End of Failing Street.

Chairman Madson asked if any member wished to advise them of an outside hearing contact regarding this matter. T. Conser said that he would like to declare that Mr. Abraham had asked him a couple of questions about the site. He said that Mr. Abraham was clearly asking him a question, and not particularly trying to influence anyone. M. Skee said he would like to advise the Commission that he had contacted his friend, Mr. Bates, to ask him if he had had an opportunity to see the plan because of his work schedule. He said he had come over and viewed the plans, and there seemed to be some confusion about where the property line was. Chairman Madson told him they would get into that later in the public hearing.

M. Butts gave the staff report. He said the proposed Bolton Pump Station represents an improvement over the existing sewage treatment facility; the pump station will eliminate the need for the existing sewage treatment facilities on this site, and the intensity of this incompatible land use will decrease with the new facility. He said they recommended the approval of this application, subject to six conditions that they have outlined on page five of the staff report. These include security lighting; barbed wire fence; and, he said, they specifically specified no more than three inches of fill be placed over the feeder root system of the existing large trees. This restriction applies to a twelve-foot radius around the tree trunks. He said it was going to require some kind of a retaining wall to protect existing trees. They were also looking at replacing the trees that will be removed with new evergreen trees or a visual buffer. That new evergreen crop varieties be planted which would form a hedge adjacent to the existing digester structures; that the ivy or other sight-obscuring climbing vegetation be planted along the new

folds adjacent to the existing house on the Willamette River.

Dave Abraham, Utilities Director of Clackamas County, said that the previous testimony on the proposed Willamette Pump Station would apply to this application also. He said they have reviewed the site, and after receiving the conditions set forth by the Planning Director they again feel that they can comply with all the conditions set forth by the staff report for approval. He said rather than reiterating his previous testimony, he would be willing to respond to questions, and to allow the public to present questions.

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Dave Bates, 6591 Failing, said that he lived on the south side of the Failing Avenue plant. He said he would like to make some comments about the information he had gotten from M. Skee that morning. He stated that he was neither in favor, nor in opposition, to this application. He said one of the issues he had was the movement of the plants. He said there had been three separate surveys done down on the river next to his property. He said that one of these surveys showed the line to run over into what he was told by the previous owner was his property. Chairman Madson asked if he could point out on the map where his property was located. D. Bates said he ~~was~~ located on the south side, along the river. He said he was the closest house to the proposed plant. He said the large map showed that the fencing would be built so that the corner of it would be moved ten feet toward his property from where the existing fence is now. He said again that there were three different surveys and he thought at least two survey crews. He said if they used the plan that showed the encroachment on his property, by putting the fence up there they were going to have to take down quite a number of trees. He said it ~~was~~ mentioned in the site description that there was a laurel hedge along the south side of the property. He said these were actually Portuguese laurel trees, and they were at least thirty-five feet high. He said they were fairly large trees and they would have to wipe all those trees out. He said he didn't believe that they had run the property line correctly, and in view of some statements about not having a fence, it seemed to be ludicrous to him to relocate a fence ten feet toward his property. He said he didn't really understand Mr. Abraham's business about what was going to happen to the property.

Chairman Madson said as a clarification they had heard from Mr. Abraham, and that his comments had been addressed to the previous application, which was over the Willamette area. He said they have information in front of them that speaks about repartitioning the remaining property at the site. He asked Mr. Bates if that was what he was referring to.

D. Bates said all that he was referring to was the prints and the existing structures on the remaining site. He said after talking to the project manager, Mr. Liebert, that it was his belief the existing structures were all going to be removed. All that would remain was the one structure. But, if this is true, he saw no reason to have the fence there; and, if they had to have a fence, to relocate it as the new line shows.

Chairman Madson asked if his concern was that he wouldn't like to see any fence there and the other structure was to be torn down. D. Bates said, "Yes. And I don't want to tear out a bunch of trees that made a pretty effective screen." R. Olson asked Mr. Bates if he had had a chance to review the plan or ask if the particular laurel trees that Mr. Bates was referring to were at the location of the line going into the pump station. He said it looked to him as though they were going to have to rerun the line, pick another spot, or that those trees were going to have to go. He asked Mr. Bates if there was no option of saving those trees. D. Bates said he really had not had much of a chance to study the plan before coming to the meeting. He said he did not have the chance to look at a very detailed plan; but, after looking at the one there tonight that it referred to the hedges, he said there

were a fairly large grove of Portuguese laurels.

R. Olson asked if they were located right where the pump line was going to be put in. D. Bates showed the Commissioners on the map where he understood the line was going to be put in. He also said that he wanted to know whether that was the correct property line that was shown on the map. D. Abraham indicated where the easement was located, that they received from the Homeowners Association. D. Bates suggested that the line be rerun since three different survey crews had come up with three different locations for the line. D. Abraham said he felt that they could resolve some of the points that were brought up by Mr. Bates.

Walter Nutting, 10585 S.W. Century Oak Drive, Tigard, said they were quite interested in this application because they had 214 feet of property in the right-of-way. He said what he was concerned about was the 40-foot construction easement. He said he wanted to know who was granting these easements without notifying the property owners that they were giving easement across the property. He said he did not object to the project because he felt it was an improvement to all of the property, but that he didn't like to have an easement granted without notification or approval.

M. Gosling asked Mr. Nutting if his information was from the Corps of Engineers about the easement. Mr. Nutting said no, that it was from the Title Company; that they had never received a Public Notice of application for a permit. He said through past experiences they had learned to investigate what their riparian rights were. He said all the property owners in his area owned their property to the low water line. He said they had documentation to prove that they had riparian rights, and that there was very little of that on the property, the Willamette River. He said he had no opposition to the treatment plant. He could not understand how they could lease the grant easements when they had no right to grant them.

Chairman Madson asked Mr. Abraham if he had some rebuttal to the points that had been raised here. D. Abraham said that maybe they could work out some accomodation to some of the comments. He said this was the first time they had heard the official comments of the owners. He said with respect to Mr. Bates, he was entirely correct. The fencing was needed in order to protect the existing facility from vandalism. He said rather than dispute the question of survey, which they believed to be correct, there is probably some arrangements they could make with relocating the fence that might accomodate him. He said basically what they want to do is to prevent access to the rest of the site, and use their structure as part of the fence, to accomodate without having to put the fence down that property line. He said they would be willing to work with Mr. Bates and the Planning Director in deciding where the final location would go.

M. Skee asked Mr. Abraham if there was some way to relocate the pipe line to save the laurels, as he felt they provided a major source of screening. Mr. Abraham said it had to go somewhere around in there. Mr. Abraham said that if there was a route that would allow them to go on Mr. Bates' property with an easement that it would protect the trees and that it would avoid removal. He said they would be willing to work with Mr. Bates on this. He said it could not be done until they had a look at it in the field, but that they would be willing to make a modification and that it would require a permanent easement across his property. Mr. Bates said that part of the easement would be on his place and part on a 15-foot strip.

Chairman Madson asked what the ownership of that 15-foot strip was. Walter Nutting said that it had been provided in the original plat for easement to the family who lived on Failing Loop to have access

to the river. He said that it had a tax lot number, but he didn't know who had been paying the taxes. He said he thought that Mr. Bates had been paying for quite a while. Dave Bates said that it had become delinquent, and he and some of the neighbors decided to pay taxes on it.

Chairman Madson said that he felt it would make it quite complicated to try and use that strip of land then. Dave Bates said that he would be willing to talk to his neighbors about this. Mr. Abraham said it looked like there would be a possibility in that direction. He also said on the matter of landscaping that they would work with the Planning Director and the owner. He said that if the trees did have to come out, that they would replace it with something that would effectively protect the screening. Mr. Abraham said they would like to be as cooperative as they could and still not be held up unduly, because he said they did have time schedules and Federal requirements to meet. Chairman Madson said he understood that Mr. Abraham was trying to be cooperative and that this was an alternative that was worth considering.

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Chairman Madson said there had been an issue raised by Mr. Nutting, that of the right-of-way. Mr. Abraham said that the document he was showing the Commission related to and put out by the Corps of Engineers. He said that Mr. Nutting was correct in his facts about the low water line, because he was a homeowner himself along the river there, and that was what he was told. He said those easements in a case like this would have to be acquired from each property owner individually. He said he felt that with all the permits they were required to have, that the Corps of Engineers had sent out their information before the easements had been acquired. He said the EPA requires that they follow certain procedures to negotiate for the easements. He said the County and right-of-way agents have been told that these people have to be contacted, appraisals have to be made, and negotiations have to get under way to acquire these easement rights. He said they were not disputing the question of who has title to it. It is just a process of going through acquisition of easement rights.

Chairman Madson asked if there were any further questions of Mr. Abraham. T. Conser asked if there was any real reason for the copper roof. He asked if that was mandatory with the chemical problem, or was it architecturally desirable. Mr. Abraham said that the copper roof was there mainly because it was cost-effective over a long period of time. He said the EPA suggested that they use the most cost-effective method in their construction. He said another reason for the copper roof was that it was almost maintenance proof and that nothing would have to be done to it for several years. He said from an architectural point of view that the roof color would mellow with age and blend into the green landscaping better.

R. Olson said he would like to bring up a point that Chairman Madson had earlier raised, that of the location of the line. R. Olson said he was wondering whether they could have the line running down the access easement which would be immediately to the south of the laurel hedge of trees. Mr. Abraham said they would work out an agreement with the owner of the strip, and anything that would be acceptable to the Planning Director on behalf of the City's interest, if they could reach those conclusions within a reasonable time.

M. Skee asked Planning Director M. Butts, about condition number six, and wanted to know who would be maintaining the vegetation in that area. M. Butts said that it would be the responsibility of the owners. In this case that would be the Tri-City.

T. Conser asked M. Butts to elaborate a bit on what would be happening to the site after the removal of the existing plant, and how this would effect the marketability of the property. M. Butts said the intent was that when the existing sewage treatment plants were removed, they would

be torn down and that there was a possibility of five lot subdivisions with extension of Failing Street into a cul-de-sac. He also said there was a possibility for an additional four family homes on a site in addition to the lot. He said there was a future proposal that would be partitioning the balance of that line, once the existing station was removed. T. Conser asked if somebody in the city was developing that proposal. John Hutchison said he was vaguely familiar with what was going on, but not specifically. He said what he understood was that the property would eventually be under ownership of the City of West Linn, and that the remainder of the property was deeded by Lynn Latourette to the city when the plant was developed. He said he believed that the portion that contained the reverter would be divided into one or more parcels and swaps would be made so that the city wound up with one or more parcels, and the Latourette heirs wound up with one or more parcels. He said it would then be up to the city and the Latourettes as to what would be done with their property. He said there were no current plans to develop or sell these lots, and that Mr. Butts had indicated that this would be brought up at a later date.

Chairman Madson said that there seemed to be some confusion as to who owned the parcels. He wanted to know if that was because the partitioning process had not taken place yet. John Hutchison said that he had not pursued this particular issue because he did not feel that it was part of the agenda for this meeting. Chairman Madson asked Mr. Abraham if he could shed some light on this subject.

David Abraham said that when they started out that there were two sites that the existing treatment plant was built on. He said the northerly site, which was about one-half of the total of the property, was acquired by the City outright. Their condemnation of the southerly site, which includes the location where the pump station is going to go, was deeded to the city by the Latourettes, with a reverter clause in it, if it ever stopped being used. He said there were negotiations between the City Attorney's Office and the Latourette director. He said the City's implied obligation to the District was that it would provide them the site for the pump station; and that they have since certified, through their legal counsel, that the District does have a legal right to build a pump station on that site. He said they still had additional steps that had to be taken with regard to some things that Mr. Hutchison had indicated. He said he couldn't tell the Commission at this time, whether they would have an outright deed, or whether they would have an easement from the City on this site. But, that there was no question that they had a legal right to build it.

R. Olson made a motion to close the Public Hearing. M. Gosling seconded the motion. The motion passed unanimously. A discussion followed.

Chairman Madson said he was not sure that they should put a limit on the size of the trees; but that he was in favor of minimizing the fence as much as possible, or removing it entirely. M. Skee said that he agreed with M. Butts that they should make every attempt to save the vegetation. T. Conser said that he would have to agree with that comment, also. He said that he would like to see the fence removed and have the site return to a more residential development in the near future, with consideration to the existing facilities. He said he felt that the building would be an asset to what is there. Chairman Madson said another comment he would like to make is that there should be a time limit put on the relocation of the pipe line to save the trees. He suggested a period of thirty days.

R. Olson made a motion to approve the conditional use permit for this application filed under CU-84-5 and DR-84-27 with the six recommendations of the staff report, as outlined in the September 6 staff report, adding the seventh one, whereby the Tri-City Service District will attempt to run a pipe line immediately to the south; thereby saving the other trees

on the sewage plant site, and setting a time limit of thirty days to see if this line can successfully be run in a location, other than shown as described here. At the conclusion of that time, it can convert back to the plan, as shown on the drawing that has been presented to the Planning Commission; that the relocated line, if it happens, should be with the approval of the Planning Director. T. Conser seconded the motion. M. Gosling said he would like to add to the motion that the relocation of the fence be to the satisfaction of adjacent property owners and the Planning Director. T. Conser seconded the motion. The motion passed unanimously.

6. City of West Linn - Proposed Legislative Amendments to Comprehensive Plan and Community Development Code.

M. Butts said that before they get into the proposed amendments, he would like to bring up a request from Claire Yoder to the City Council, asking that they sponsor a rezoning of the Hutchison land. He said he would be requesting that Jim Coleman sit in on any discussion or decision that would come out of this. He said, however, before they could do that they would have to ask the City of Lake Oswego for his assistance to come and be their legal counsel when they discuss this issue. He said the City Council has opened up a Public Hearing for these amendments, and they continued the Public Hearing until October 24. He said that would give the Planning Commission time to look this over before the October 15 meeting, when they would have legal counsel there to represent them.

M. Butts said that as far as the amendments to the Comprehensive Plan and Community Development Code was concerned that he was there to answer any questions that might come up from the members of the Planning Commission. He said some of the recommended amendments center on the following:

- 1) Annexation of unincorporated islands.
- 2) Development on steeply sloped lots.
- 3) Removal of commercial retail development option in the R-4.5 zone.
- 4) Allowing for garages along alleys.
- 5) Clarification of flag lot standards.
- 6) Establishment of street improvement standards for lots of record.
- 7) Additional submittal requirements for Design Review.
- 8) Other miscellaneous amendments.

R. Olson asked M. Butts about item No. 3, the removal of commercial retail development option in the R-4.5 zone. He wanted to know what all that would include. Chairman Madson said he would like to bring before the Commission a conversation with John Hutchison prior to the meeting. He said he did not realize at that time that Mr. Hutchison would be the City Attorney representing the Planning Commission this evening; but that, with the conflict of interest issue, he felt he should advise the Commission of their conversation. He said at the time of the conversation he advised Mr. Hutchison to put his concerns down in writing and present them to the Planning Commission, so they would become a part of the record. He said since Mr. Hutchison was still there acting as their City Attorney this evening that perhaps he could step out of this role, and present his concerns to the members of the Commission at this time, if there was no objection from anyone.

M. Skee said he had no objection. M. Gosling said that he felt that was a Public Hearing, and Mr. Hutchison was entitled to speak, as well as anyone present. R. Olson said that he agreed, and also that the opposition could have been here. T. Conser said he agreed that Mr. Hutchison had a right to speak, but he wondered if this matter might not be better held over to the October 15 meeting, when all parties would be properly represented. Chairman Madson reminded the members that this issue involved the removal of commercial retail development from all 4.5 zones, and he felt it would be better heard at this time.

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Chairman Madson said that they would be willing to hear Mr. Hutchison's testimony at this time, so M. Butts could get back to what was on the agenda. He said they would not go through the usual proponent/opponent approach; but, if there was any individual present who wished to speak, they would be more than willing to hear them.

Dick Simantel, West Linn, said he would like to speak on item No. 4 on the recommended amendments. He said he owned a home in the historical area and had approached the City with a proposal to build a garage on the back side of his property. He said he ran into quite a few problems trying to do this. He said that he was sending a letter to the City asking for a change in the Comprehensive Plan. He said there were two new homes that had been built in the historical district, and the required garages were on the front because of the 20-foot setback. He said neither one of them fit in with the historical theme of the area. He said that back in April or May he had first submitted evidence and documents, and that it had taken this long to get it on the agenda. He said he didn't know what had happened to the documents that he submitted. Chairman Madson asked if there were any questions of Mr. Simantel.

R. Olson asked how far it was from the center line to the proposed garage on Mr. Simantel's site. Dick Simantel said that it was on the alley side. R. Olson asked if this proposed change would allow him to put a garage on his site. Mr. Simantel said yes, that it did.

Al Homrighaus, 5605 Northeast Portland Avenue, West Linn, said he would like to make a comment regarding the revision of the Sign Code, section 52. He said he thought that the way it was rewritten, that it was something that they could live with.

John Hutchison said that he would like to address No. 3, the removal of commercial retail development option in the R-4.5 zone. He said, as he had indicated before, that when Mr. Walsh and himself had bought a piece of property on Hwy 43, the comprehensive plan designation was general. He said the zoning was R-10. He said in 1983 the comprehensive plan changed the classification to R-4.5 which allowed for professional office buildings and conditional use. He said their purpose, from the beginning, when they purchased the property, was to build a professional office building. He said since their conditional use application had been denied that their plans for the property were uncertain. He said they would ~~strongly~~ object to any further restriction on that zone that would curtail any opposition for future development of convenience stores or anything else. He said they would stongly object to any further limitations being put on that property.

Chairman Madson asked if there were any questions of anyone present, or of the City Staff. R. Olson asked M. Butts if he could elaborate on the development on steeply sloped lots. M. Butts went over the revisions that were presented in this staff report, and said that they would be working with individual developers on a case by case basis. Chairman Madson said that he had several questions and comments that he would like to make. Among the items that he would like to bring up was one on page 4 referring to page 40-1, where it speaks of front yard setback and exception. He asked M. Butts if he could clarify exactly where the garage doors should be situated. M. Butts said it depended on how narrow the lot was on where they would be situated. Chairman Madson asked where they had other provisions for off street parking. M. Butts said apparently that it was not listed. Chairman Madson said one of his concerns was having a garage that opened three feet from the street. He said there was no safe way to get out of a garage like that. And his second concern was the off street parking issue, which they had addressed before with the idea of turning the garage sideways. M. Butts said they would go ahead and investigate this problem a little further. Chairman Madson said he needed a little clarification on page 7 on item labeled page 2-8. He wanted to know what mechanism they would use to

prevent someone from using triangular-shaped lots. He wanted to know how they could keep someone to a 35-foot minimum frontage. M. Butts referred him to the section directly under that item: section 93.060.

Chairman Madson said the next item was at the bottom of page 7, subitem 3, saying the lot size shall be calculated exclusive of accessway. He wanted to know if that was a change. M. Butts said there was nothing in the current code to cover this problem. Chairman Madson said that at the top of page 8, the item identified as page 99-30, talking about changes in the Notice of Review. He said it was his understanding currently that anyone who is a party to or has standing or gains standing at one of these Public Hearings, is required to receive written notice of the decision. M. Butts said not since the last amendments.

Chairman Madson said the next item was on page 9, identified as page 99-12, on the consolidation of proceedings. He said he thought this was an excellent idea, but he thought they should discuss all the possible ramifications of it. M. Skee wanted to know if this could be done at a work session. Chairman Madson said he felt it was a big enough issue that it ought to have a good work session with the Design Review, public input from the community and neighborhood groups before they make that change. M. Skee wanted to know if they could have some guidelines to help them with that discussion. He also said that he felt they should get some feedback about the ramifications of making this a mandatory consolidation. He said he would like to suggest that they set up a design review work session.

Chairman Madson asked for a quick consensus on that. R. Olson said he had this statement to make, from the applicant standpoint that it makes a high degree of sense. He said there was still a certain amount of work to review; but rather than do two separate reports, it did help a project if it could be put together and the plan was acceptable to the applicant. Chairman Madson said there would be more discussion and feedback on this item, and that he would like to move on to the next item. He said at the bottom of page 9, concerning changing the Sign Code, he asked M. Butts if this was a change in approval authority. M. Butts said that was correct. Chairman Madson said he thought that these were some of the things that the Planning Commission was making some determination on. M. Butts said, yes, that was correct.

M. Gosling asked about item No. 4 concerning allowing for garages along alleys. He wanted to know if this would permit the construction or development of subdivisions with alleys anywhere in the city. M. Butts said it would be applicable to all subdivisions that have alleys. M. Gosling wanted to know if it would be possible to develop a parcel of land with an alley, rather than a street. M. Butts said the Planning Commission had the right to grant or deny that permit. He said all a developer has to do is provide a minimum of 35-foot frontage. He said there was a standard for alleys, so it would just depend. M. Gosling said another question that he had was on page 1, under the reference to page 81, item b, initiating annexation proceedings for existing unincorporated parcels within city boundaries. M. Butts explained that this meant there were two hearings: one before the City Council and one before the Boundary Commission. He said they have two options to appeal that request.

Chairman Madson said he felt it was appropriate to continue the Public Hearing. M. Butts said, as he stated in the notice, this also opens any amendments that the Planning Commission or the City Council will want to propose. He asked if there were any other issues or problems that they would like to direct to the members of the staff to come back to beyond what they had talked about and the existing ones at this time.

M. Gosling said one thing that he had been concerned about was the river front properties where their current zoning on all of those were

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R-10. He said he felt that this should be looked at and discussed. M. Butts said that at this time they were not going to have the time, but they would have from now until January to go over this.

R. Olson made a motion to continue the hearing to October 15, 1984 meeting. M. Gosling seconded the motion. The motion passed unanimously.

7. Business from Staff.

M. Butts reminded the members that he had given them copies of all the work proposals for the meeting set for Wednesday at 7:30, for that work program. He said he would like to have them focus on that, and that he felt it was a worthwhile project. He said he would appreciate their support for those proposals.

8. Business from Planning Commission.

Chairman Madson said he would like to offer the members of the Planning Commission an opportunity to hear from the Thousand Friends of Oregon, and have them put on a workshop for all those interested. He said he felt that they could help them make good sound planning decisions. He said he had made the initial contact with them, and that they were more than willing to do this with the Planning Commission, and whoever else was interested. T. Conser said it sounded like a good idea. Chairman Madson said they could possibly set this up for sometime after the elections. M. Butts said, along that same line, they had a representative from the Oregon Historical League who was going to put on a lecture about what was good and bad design. He said that would be something that they could be looking forward to.

R. Olson made a motion to adjourn the Planning Commission meeting. T. Conser seconded the motion. The meeting was adjourned at 11:00 p.m.

Clara Corliss
 Clara Corliss, Stenographer

October 15, 1984

1. Chairman G. Madson opened the regular meeting at 7:30 p.m. Members present were M. Skee, T. Conser, S. Weiss, M. Gosling. Absent were R. Olson, and L. Kellerman. M. Butts, Planning Director; C. Corliss, Stenographer; and D. Darling, City Attorney Representative, were also present.

2. Minutes of the September 10, 1984, Special Meeting and the September 17, 1984, Regular Meeting.

M. Gosling moved that the September 10, 1984 special meeting be approved as written with the following correction, that the record show that Chairman G. Madson was absent. T. Conser seconded the motion passed unanimously.

M. Gosling moved that the minutes of the September 17, 1984, regular meeting be approved as written with the following corrections. On Page 128 that the word "remanded" be removed and a period be inserted, and on Page 130 that "next-door neighbor" be removed and "friend" be inserted. M. Skee seconded the motion. The motion passed unanimously.

3. Amendments to Comprehensive Plan and Community Development Code - Continuation.

Chairman G. Madson asked if there was anyone present who wished to abstain from the hearing. M. Skee said he would like to hear the proposals, but that he would like to abstain from the proposed Code Amendment to allow nursing homes in the R-7.5 zone. Chairman Madson said that his point was raised at the right time, and that that question was about to be added to the proposed amendments.

Chairman Madson asked D. Darling if there was some particular way that T. Conser could abstain from voting on the nursing home issue that would allow him to remain for the rest of the separate motions on the other items. D. Darling told the Planning Commission members that they would need to have separate motions just for that. She said they would need to go ahead with the nursing home proposal first and resolve that, and then to continue on with the Public Hearing for the rest of the issues.

Proposed Code Amendment allowing for Nursing Homes in the R-7.5 Zone as a Conditional Use.

Chairman G. Madson read into the record a letter from Leonard Gionet of the Gionet Development Company, dated September 4, 1984, asking for a proposed code amendment allowing nursing homes in the R-7.5 zone as a conditional use.

T. Conser asked to abstain from this matter.

Chairman G. Madson asked M. Butts if he had any input from the Planning Staff on this item. M. Butts said this proposal had come to the City Council last month, but that the applicant, Leonard Gionet, had proposed a meeting with the neighborhood development group. He said if he could not resolve the matter there he would withdraw his proposal. M. Butts said the agreement had not been reached yet at the time of their last Planning Commission meeting, so it had been postponed until this particular meeting. M. Butts asked Chairman Madson to read into the record the results of that meeting.

Chairman G. Madson said he would like to raise a procedural item that he had raised once before that was still a concern of his, and that was the level of public notification that went out to add these amendments to the development code. He wanted to know at what point a line would be drawn in terms of adding any more proposals to these issues.

M. Butts said that if they would refer to the first page that itemized each one of the proposed amendments and the balance of the notice said, "other amendments that may be considered by the City Council or Planning Commission." He felt it was open-ended for adding amendments.

Chairman G. Madson asked D. Darling if there was any limit to what could be added onto the amendments. D. Darling said that legally there was no limit.

Chairman G. Madson then read into the record a letter signed by Mr. and Mrs. T. Conser, and Mr. and Mrs. R. W. Knoefel III, dated October 15, 1984, stating that they would like to register their support for the legislative change in the R-7.5 conditional uses to include a resident care facility for the elderly on the Jolie Point Road access.

Chairman G. Madson then read into the record a letter addressed to the Gionet Development Company, dated October 15, 1984, from Mr. and Mrs. Harvey Baker, stating that after careful consideration they would have no objection to the legislative change that was proposed to the City Council of West Linn for the assisted living center. They had two requests to make of the developer and that was that the approach of their driveway be identified by posts on either side of the road and clearly identified as a private driveway. The other request was that bordering their pasture they would like to have a fence raised to

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discourage anyone from climbing over and disturbing their stock.

M. Butts said they had spent some time that afternoon looking over the City's definitions of nursing homes. He said he felt that they were not only looking over the use of the zone, but also the definition of this particular type of building. He said that after looking over the proposed building that it was one of those facilities that you would want to find a nice site for. He said their recommendation was to allow nursing homes in all residential zones as a conditional use and subject to design review. Also that approved standards for a conditional use be met as per Page 60-3 appear adequate.

Chairman G. Madson asked if that would be subject to all the criteria in terms of the set backs, maximum lot coverage, etc. M. Butts said they were all specified and would be addressed on a case by case basis. D. Darling said that they would be governed by the standards for the specific zoning application.

Thomasina Gabrielle representing the Gionet Development Company, 5331 Southwest Macadam, Suite 205, Portland, Oregon, said that she would like to respond to the recommendations presented in the staff report which they had just received that evening. She said a lot of other jurisdictions had pretty standard lists that combine various types of living centers for the aged. She said they have the same conditional use procedures for all of the different businesses. She said that Portland had just changed their definition to call the kind of facility they were talking about an institutional care facility. She said that Washington and Clackamas County still have the application which fits what they are proposing which is a home for the aged. She said her main concern about just using the nursing home classification was that nursing homes are becoming very well defined. She said that you need to procure and have a certification need for specifically that type of care that would be provided for the elderly. She said they do not come under that licensing order. She said their facility was licensed by a residential care facility license. She said the difference in care was that in residential care it was mostly assistance with living functions, such as bathing, dressing, and eating. She said in a nursing home you have to have the availability of nursing care and medical assistance which they in their case could not provide. She said it was somewhat of a technicality, but that she thought it was important that it be written into their code to allow a facility that isn't quite a nursing home. T. Gabrielle said that one of the things that would be very important to them on this particular piece of property was they would be able to build a facility with roughly a hundred units. She said those units would not be normal size apartment units, but would be basically all studio or one bedroom apartments. At this particular time, she said they were in the process of building a facility in Washington County and the way that Washington County had determined the density was on a per bed basis. She said they required fifteen thousand square feet of land for each additional bed in the facility. She said that turned out to be more than they required on a one hundred twelve units on four acres.

T. Gabrielle then presented to the Planning Commission members a drawing made of the proposed facility that they were building in Washington County which showed a two-story structure to give them an idea of what they were talking about.

She said they had met with the neighborhood groups a number of times and various people had called or written them resulting in quite a few conversations and individual meetings. She said the neighborhood groups have mentioned some of their concerns and they have received some of the concerns in writing. She said they would like to deal with these issues as soon as possible. She said they would like to pursue their plans only if they have the support of all the neighbors throughout the whole process. She said probably the issue that was most important in

their minds was the density issue and being able to have the change to the code which would allow enough density. She said she felt that if they could come to an agreement on any requirements that they might apply that they would not have any problem dealing with it.

Chairman G. Madson asked M. Butts if it were possible in their code to build a hundred plus units on five acres. M. Butts said there was no specific criteria on how many units could be built for that type of use. M. Butts said the requirements were fairly open and that the applicant would have to make a case as to why they think this use and scale is appropriate for this particular site.

M. Gosling asked if they didn't have a density code somewhere for this particular area. M. Butts said that it was mainly for senior citizen-type housing. He said the closest definition they had was for a nursing home, and he understood the applicant was talking about elderly and handicapped facilities.

T. Gabrielle said that she would like to make one more comment in that what they were proposing was a new concept in Oregon and that they fall halfway between a retirement-type housing and nursing home. She said they provide care which is not provided in retirement apartments. She said, however, they do try to maintain their own privacy so that people can feel like they have area to go to containing their own furnishings, etc. She said she would have to agree with M. Butts that they were more on the nursing home side without being a nursing home.

Chairman G. Madson asked what percentage of the facility would be considered living area. T. Gabrielle said that the square footage of the whole building was sixty-five thousand and the area that would not be apartments would be approximately sixteen thousand square feet, so she felt it would be between twenty and thirty percent.

M. Skee said that he understood that they described their facility as an institutional care facility as opposed to a nursing home. He also wanted to know if they would have a consulting physician on the staff. T. Gabrielle said that in the city of Portland their license calls them a residential care facility and in Washington County they are called a home for the aged. She said they would not have a consulting physician, but that they would have an RN. She said the basic difference between their facility and a nursing home was that a nursing home is required to have twenty-four hour skilled nursing care available.

M. Gosling said that he was familiar with the concept and thought that it was an excellent idea to have this sort of facility. He wanted to know if they had a common dining area in the building. T. Gabrielle said they did have one and that there were small kitchens available in each apartment. She said they also had the capability to switch off the stoves in these units because of possible fire hazards to the elderly people.

M. Gosling asked if there were also safety requirements. T. Gabrielle said they had an expensive system that was directly connected with the fire station smoke alarms and that they had a monitoring system that would give them immediate contact if there was a problem.

Chairman G. Madson asked M. Butts if he could tell them what zones would be allowed conditionally in the city right now for this particular kind of facility. M. Butts said that it was currently allowed in the R-4.5 and R-2.1 zones as a nursing home.

Chairman G. Madson asked T. Gabrielle if she could enlighten them as to why they picked this particular site that was zoned R-7.5. She said that one of the main attractions to this particular site was location in terms of view, and also the way the ground was laid out. She said these types of things are very attractive to the type of people who are going

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to be living in these types of units. She said this specific type of area would provide close by facilities for the elderly where they would still be relatively protected. She said they really felt this was a residence and belongs in a residential neighborhood because most of the activities that go on there are residential in nature.

Chairman G. Madson asked if they had looked at any other potential sites in West Linn where their use would be allowed without any outright conditions. T. Gabrielle said they had already looked at some potential sites along Hwy 43 and they were waiting to hear the outcome of this proceeding before they did anything more definite.

M. Gosling said that there was a site by the south side of Hidden Springs Road which was more commercially allocated for a nursing-type facility. T. Gabrielle said what they were usually looking for was a more residential-type area that is closer to services and is easier for people to find.

Chairman Madson asked if there was anyone else that wished to speak in favor of this proposal. T. Conser said he would like to make a few neutral comments. He said the point he would like to make for the benefit of those on the Planning Commission as well as the applicant was that he had hoped there would be more recommendations from the neighborhood. He said he knew that the developers wanted an over all support of this proposal. He said he felt uncomfortable in telling them in his letter of the record that he supported the concept. He said he wished that there were more people that were giving their opinion one way or the other. He said that he did not feel there was a full complement of support and that it personally concerned him as far as the neighborhood opinion of this development.

M. Skee asked if the people of the neighborhood were aware of this meeting. T. Conser said they were vaguely aware of it. He said when it came before the actual Council meeting they had had a neighborhood meeting, and that he wasn't sure what the attendance was at that meeting, because he was unable to attend himself. He said he believed quite a number of the neighborhood families were represented at the meeting.

Val West said he would like to comment on the various uses that were allowed in other areas. He said he might be able to fill in the Planning Commission members in those other areas. He said these facilities were allowed under some circumstances but with no more than fifty percent density to the existing zone.

Chairman G. Madson asked V. West if that was a bit above the underlying zone. V. West said that that was an example that he was familiar with and an identical application had been turned down for the same kind of use in a R-4.5 zone because of the density requirement. He said it had been allowed in numerous jurisdictions but more or less in home-type residences. He said in these cases there were three or four patients in single family homes. He said he would like to bring this point up because it was not exactly fact that other municipalities have allowed outright the use in high density. He said he felt the problem that confronts the City of West Linn was not just a specific site but that they were considering having to set a precedent and what effect that precedent would have in the future.

Chairman G. Madson said that since the issues had been split up for this particular meeting that they would not be closing the public hearing at this point except that they were now done taking testimony.

D. Darling said that she felt that the definitions they had did not apply to this particular facility. She said they had various definitions which they would have to go over.

Leonard Gionet, Gionet Development Company, said that he felt one of the points that hadn't been made was the intent. He said he felt that the intent in some of the other jurisdictions was not to force the elderly to live in commercial zones. He said when you get into these types of areas that the cost was going to be double or triple. He said their intent was to put some elderly housing in residential zones and to allow these residential zones to absorb the elderly. He said they have found that it is a children's market and that the elderly care facilities with patients seventy years old, that the children want their parents close. He said those particular people usually live in a residential zone.

D. Darling said that they were trying to keep them in a residential area but that it would have to be done on a small enough scale so that it would blend in with the surrounding neighborhood. She said the City's definitions and the way they're written right now don't accomodate that, and she said her concern was the care might not be taken to blend in with the surrounding area. She said that Mr. Gionet's point was well taken and that the people that want a residential care facility that would fall halfway in between what was now available should be able to have that kind of facility in a neighborhood.

L. Gionet said that they were going after a real frail market, the people in wheel chairs, walkers, but that don't need medical care like those in nursing homes. He said what they would like to do is take the people that aren't bedridden or need help eating and put them in a setting where they have their own apartments and the ability to take care of themselves if they so wish. He said if you get into the commercially zoned areas that you would be talking about paying a lot more per acre, and consequentially would not be able to afford as much space for these people. He said his feeling in building their facility in a residential zone was that it would keep the cost down, provide a little more space, and provide a view that would not be available in a commercial zone.

Chairman G. Madson said that he felt the size of the unit proposed for this residential area that even with the bonus factor that the residential zones don't come close to allowing the type of facility that was being proposed.

L. Gionet said he had tried to pinpoint the neighborhood down on what the impact would be and that he felt that what persuaded the neighbors was the fact that they had traffic studies that showed their facility would have less impact on the street and less traffic than a thirty unit apartment complex. He said among the more positive things was that they would also be paying taxes and there wouldn't be any load on the school districts. He said he felt the impact of this type of facility would be less than that of a subdivision that would be allowed in that zone.

Chairman G. Madson asked Mr. Gionet that since their interest was in this specific site if he could tell him why it was that they were looking at the possibility of allowing their type of development in all residential zones. He wanted to know why they weren't asking for a zone change for a particular parcel. L. Gionet said he wasn't really sure, but they had started out looking at the particular property and talking to M. Butts about the zone change. M. Butts said the applicants only request was for the R-7.5. He said he felt that it would be appropriate to ask the Planning Commission to consider a recommendation to allow nursing homes in the R-7.5 zones as a conditional use. He said the problem that has been brought up since is that they seem to be two different things. He said that it's been brought up that this was not a high density, elderly handicap-type facility and also that it was not a nursing home-type facility which would make the City's definitions inapplicable. He said he would hesitate to make a final recommendation until he could understand what type facility they were speaking of.

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D. Darling said they need to be careful in classifying this type of unit as a residential care facility because it would include other people besides elderly handicapped. She said probably what they needed was a new definition for this type of care center.

L. Gionet said the facility they were proposing fell somewhere between the two definitions, and that they would be taking some people from nursing homes who did not need to be under that type of care.

M. Skee said that he felt that since there was no specific definition for this type of elderly care that it would be his recommendation that they have the members of the staff and Mr. Gionet go over this again.

Chairman G. Madson asked if the members of the Planning Commission would give their consensus on what had been discussed.

S. Weiss said her overall concern was whether they wanted to change the amendment to allow this type of facility in the city or whether they didn't want to allow this in all residential zones.

M. Butts said it might be wise to go ahead and continue the meeting until the following Monday night so that the members of the staff could come up with a new definition, and then it could be presented to the City Council who would be meeting the following Wednesday, October 24, 1984.

Chairman G. Madson asked that they finish asking the members of the Planning Commission what their feelings were.

M. Gosling said he felt that the City of West Linn had a conceptual problem to deal with and that the issue needed to be addressed on what type of density they were going to allow. He said he felt that what they had now was pretty restricting.

M. Skee said he understood from the testimony that Portland had changed their definition from residential care to institutional care facility.

T. Gabrielle said that the definitions that were replaced were welfare service under those three categories. She said the community care facility would only be able to handle fifteen or less people and that the institutional care facility would be the same, but with fifteen or more people, and that a residential care facility would be more in the line of taking care of alcoholic rehabilitation treatment programs. She said she felt what Portland was trying to do was to separate the elderly population from other types of treatment programs.

S. Weiss said that they were given the suggested recommendation by the staff report that they open the residential zones and that it would still be under conditional use approval. She felt that it would automatically cover this definition.

Chairman G. Madson said his understanding of this whole thing was that the particular area chosen was not zoned for the type of building that the Gionet Development Company had in mind. He asked Mr. Gionet if what he would possibly like to consider would be to ask for a specific zone change as an individual rather than changing the zoning city wide. He said he would not like to see the zone change done city wide without a significant amount of research and discussion on the impact this would have on the City of West Linn.

D. Darling suggested having a compromise by sending this back to the City Council to ask them to leave this specific issue open and consider it at their October 24, 1984, meeting and that it could then be dealt with at their first meeting in November.

Chairman G. Madson said he had no problem with that if it was agreeable with the applicant, Mr. Gionet, and if the members of the staff felt

they would have sufficient time to examine all the concerns that have been raised. He said he felt there was a very definite definitional problem that had to be dealt with, and several other things to look at.

T. Gabrielle said that their initial thought had been to ask for a zone change for this specific area, but after discussing it with the members of the staff had decided to try for a city wide zone change. She said she felt by going this particular route it would work out better for everyone. She said from their previous experience in Washington County that she felt this type of facility would fit in a residential neighborhood without getting into any type of issue. She said she understood that there had just been a discussion about having a high density use in that neighborhood. She said it was one of the reasons they had pursued the legislative change and that she wanted to elaborate on what the members of the staff had said. She said they had been working quite closely with the members of the staff and had more or less taken their suggestion as to the best way in which to proceed. She said they did have an interest in this particular site and that they were surprised at the residential zoning. She said this was an additional reason why they felt that the issue should be looked at in addition to the fact that they had been looking at it as a potential building site.

Chairman G. Madson said as a point of clarification that they had dealt with an issue in residential zones.

T. Gabrielle said that they felt that their facility was fitting for a neighborhood and that it would add to its attractiveness. She said for that reason and the fact that the residential zone needed to be looked at was the principal reason they had not gone for a specific zone change.

Chairman G. Madson said he would like to discuss with D. Darling any definitional problems regarding the Gionet request for a zone change. He wanted to know whether the size of a parcel that was requested for a zone change would shift this from a quasi-judicial to a legislative request.

D. Darling said that she didn't feel that it was size alone. She said if it was just one piece of property that it was quasi-judicial and that it would be spot zoning. She said the problem with rezoning that particular piece to allow this facility was it would open all R-4.5 areas to several other possibilities.

M. Gosling said he had a concern about allowing nursing homes in all residential zones as a conditional use and he was not sure that was what the people of the City of West Linn would want.

S. Weiss reiterated the fact that she was not as concerned with what the applicant wanted as what would be best for the City of West Linn. She said she felt the basic question was whether they wanted nursing homes in all residential zones or exactly which zones would they want them in.

Chairman G. Madson said he felt that there were definitional problems that would have to be resolved and that the Planning Commission needed some more input to determine the impact this would have on the density issue.

M. Skee said that he agreed with Chairman G. Madson on the concerns that he outlined.

Chairman G. Madson asked M. Butts if he would have sufficient guidance in looking over these areas. M. Butts said that he felt he could get some guidance from the applicants in that they did not seem to fall into either category contained in the definitions available to him. He said

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their request to the City Council was for their concept of use and that any number of problems could be addressed and still not take care of what their original request was for. He said he felt the things that should be covered were to define exactly what their concept was, and just exactly what would be appropriate for the City of West Linn.

M. Gosling said he felt that their use came pretty clearly under that outlined for handicapped homes, and he said that was not to say that they couldn't add any more than the minimum requirements of a nursing home which requires twenty-four hour nursing care.

D. Darling said that she did not feel that this request came under that particular definition and that they did not fit under either one.

Chairman G. Madson said he felt that they needed to figure out where this facility fit, and also to figure out a timetable for doing that.

M. Skee asked T. Gabrielle if they were able to work within the institutional care facility definition as established by the City of Portland.

T. Gabrielle said that basically they could, but they were quite broad in their definition of institutional care.

Chairman G. Madson said that as far as the timetable was concerned, he felt they had a couple of options. Those being that they could ask the City Council to act on the specific portion of the requested change and take action on it at their meeting. Another option would be that the City Council could discuss it at their next meeting, but not do anything on it at that time. He said a third option could be for the applicant to separate their specific problem from what has become a much more generalized issue. He said that third option would include the possibility that they request a specific zone change for their facility.

D. Darling said considering all the consequences she felt the zone change would be the least preferable, and she felt this issue should be taken care of now.

T. Gabrielle said that in addressing the remarks brought out by Mr. Gosling that the reason their facility didn't fit into the senior citizen, handicapped housing, the difference being that they dealt with a frailer population that would be very unlikely to go out on their own. She said that the kind of services that they offer attract a segment of population that needed these services and they needed much less activity. She said they usually have less impact than the more active segment. She said that was basically why they feel they are one level closer than a nursing home, but less than senior housing which is called the active retired.

Chairman G. Madson said that the Planning Commission members had been presented with a number of options on how to deal with this issue, and he would like some feedback on how they felt about it.

M. Gosling said his feeling was that they should postpone the matter for the next meeting and have a look at the whole issue, decide where they want the facility, and how best to approach it. He said that he thought it should be put back on the agenda for the January change in the Comprehensive Plan.

S. Weiss said she was also leaning a little toward that solution. She said there were a lot of issues to be discussed and straightened out in a short period of time and felt that it should be looked at very carefully. She said for that reason she felt that it should be postponed also.

M. Skee said that he agreed with that decision, and he felt they needed further information to address everything.

Chairman G. Madson said that he felt that the decision was unanimous then as he felt the same way.

M. Gosling moved that the public hearing to consider allowing nursing homes in the R-7.5 zone as a conditional use be closed. S. Weiss seconded the motion. The motion passed unanimously.

M. Gosling moved that a recommendation be made to City Council to postpone dealing with allowing nursing homes as a conditional use in the R-7.5 zone. S. Weiss seconded the motion. The motion passed unanimously.

Continuation of Hearing on Amendments to the Comprehensive Plan and Community Code Development.

Chairman G. Madson asked if there was anyone present who had any questions of the members of the staff at this point regarding the proposed amendments.

M. Gosling said he had a question which he had brought up at the last meeting dealing with Page 8, Paragraph 5, which refers to flag lots and the accessway. He said Paragraph 5 as per Section 48.020-(2) the driveway shall have a minimum width of ten feet and be fully improved with a hard surface pavement. He said he felt that there was a conflict on this width requirement with Page 2-8 which refers to an access of no less than fifteen feet in width.

T. Conser said that he felt there was a conflict in this wording and that it should be changed. M. Butts said there was no problem in doing that.

Chairman G. Madson said that he would like his memory refreshed on the proposed changes on the conditional use for the R-4.5 zone. He said his understanding was that the members of the staff were proposing developing community sales and personal services. He said at a previous meeting a concern had been raised by John Hutchison that their definition of personal services excluded some uses and that he had a problem with it.

M. Butts said he felt that they should go back to the definition which lays out specifically what the category allows. He read to the Planning Commission members those definitions. He said what they were trying to do initially was to cluster the retail commercial into those three divisions, commercial, general commercial zone, and office commercial which would be different from the retail commercial. He said this would be allowed in the medium density areas.

T. Conser said he did not understand what was being changed on Page 36-1, amend Section 36.020 (A) (1). M. Butts said that this was previously amended so they could delete that requirement.

T. Conser said another question he had that he felt might be restrictive on some individuals was on Page 6, referring to the second item, Page 66-2, to amend Section 66.060(B). He said he felt this could be a problem on some of the older homes and wanted to know if the homeowner could apply to the Planning Commission for a variance.

M. Butts said that was a good point. He said possibly the Planning Commission members would want to qualify that amendment.

D. Darling suggested changing Section B, Line 2 to read "distance, whatever, to exclude elevating the structure.." and eliminating the word "exclude" if somebody wanted to do anything more.

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Chairman G. Madson brought up a suggestion for Page 99-12, consolidation of proceedings. M. Butts said his recommendation was to keep that particular paragraph the way it was except for conditional use. T. Conser said he tended to agree with M. Butts on this.

A lengthy discussion was held on the pros and cons of the consolidation of proceedings.

Chairman G. Madson suggested that the Planning Commission members adopt the staff's recommendation as far as conditional use, that there be a mandatory consolidation and that they avoid the area of suggesting to City Council what the qualification of their responsibilities to the Planning Commission should be, and let it go at that. He said if they choose to adopt this recommendation as far as conditional use then they can decide what they feel the make up of the Planning Commission should be to deal with that issue.

M. Skee moved to close the public hearing. M. Gosling seconded the motion. The motion passed unanimously.

M. Gosling moved that the Planning Commission members recommend that the City Council adopt the amendments listed in the staff report dated September 12, 1984 with the supplement of corrections and amendments in the three packet document, along with the one dated September 20, 1984, with the following exceptions:

- (1) The reference to Page 36-1, Section 36.020(A)(1) shall remain as is.
- (2) The change to Page 93-7, Section 9.070, Paragraph 5, Page 8 that reference to minimum pavement with ten feet for an access way.
- (3) Page 6, Page 66-2, with reference to "exclude elevating structures."
- (4) Page 9, Page 99-12, Section 99.070 with reference to the consolidation of proceedings that it be mandatory on conditional use applications.
- (5) On supplement Page 2, the correct reference was 14.030.

S. Weiss seconded the motion. The motion passed unanimously.

4. Business from Staff.

M. Butts said that Claire Yoder, whose property is located next to the Hutchison/Walsh property had requested City Council consider rezoning the entire block from R-7.5 to an R-10 zone. He said the City Council had to wait until they had a new city attorney to represent them on that matter. Jim Coleman from Lake Oswego was the city attorney that was hired, and in Mr. Coleman's opinion the decision was a quasi-judicial one. M. Butts said he was going to recommend to City Council that they consider the Yoder request as part of the review for zoning along Hwy 43.

5. Business from Planning Commission.

Chairman G. Madson said he would like to see some sort of deadline set for presenting new issues so there would be adequate time to review and gather information so the Planning Commission members could absorb the information and make a intelligent decision.

M. Butts said he would adopt a policy for submittal requirement and make a limitation that it must be submitted ten days in advance.

S. Weiss said that she had read in the September minutes the suggestion that the Planning Commission limit their meetings to eleven o'clock and wanted to know when they would be discussing this issue.

Chairman G. Madson said there were several things that needed to be gone over and that they would probably include these items in the next work session.

Miscellaneous

Before the Planning Commission meeting was called to order, S. Weiss introduced to her fellow members a very handsome addition to the Weiss family, her new son, Ryan Michael Weiss.

M. Gosling moved to adjourn the Planning Commission meeting. S. Weiss seconded the motion. The meeting was adjourned at 11:29 p.m.

Clara Corliss
Clara Corliss, Stenographer

December 17, 1984

1. Chairman G. Madson opened the regular Planning Commission meeting at 7:30 p.m. Members present were M. Skee, T. Conser, S. Weiss, and M. Gosling. R. Olson assumed his seat after the first item on the agenda had been voted on. Absent was L. Kellerman. M. Butts, Planning Director; Jim Coleman, Acting City Attorney; and C. Corliss, Stenographer were also present.

2. Minutes of the October 15, 1984, Regular Meeting.

T. Conser moved to approve the minutes as written with the following corrections: On page 139, first paragraph, second line that the name of the speaker be changed from M. Skee to T. Conser; second paragraph, second line that the speaker be changed from M. Skee to T. Conser. M. Gosling seconded the motion. The minutes were approved unanimously.

3. Zone Change Request on Tax Lots 3500, 3600, 3700, 3800, and 3900 - Located north of Hwy 43 between Bland Street and Lewis Street - Public Hearing.

Chairman G. Madson told all persons present that there were sheets in the back of the room for them to fill out if they were planning to testify during the public hearing. He said he felt that this would help them organize the meeting and move it along a little faster.

Chairman Madson said that since the City of West Linn was the applicant for this particular proposal that it would change the normal format somewhat. He said in that case that he would suggest that any affected property owner would have twenty minutes to speak as a group and any individual would have five minutes to speak. He said the normal order would still be the same.

Chairman Madson said what the city had in mind was to change the Comprehensive Plan designation and zoning on the subject parcels from medium residential with a zone of R-4.5 to low density residential with a zone of R-7.5.

M. Butts summarized the staff report. He said their recommendation would be to deny the application and zone change request. He said that on page 8 of the staff report under recommendations, they would like to delete the line which begins "except for Tax lot 3500, etc." He said they had looked over different parts of the plan in trying to decide whether or not they would support this proposal, and that basically the Comprehensive Plan makes a distinction between retail commercial and office commercial. He said their conclusion was that the land which

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abuts Hwy 43 is unsuitable as a single family home development.

Chairman G. Madson said that he would like to make one thing clear and that was that this matter before the Planning Commission was a recommendation to City Council and that these recommendations would be forwarded to the City Council based on what was established by the Planning Commission. He said the Council's decision would be based on those facts.

Chairman G. Madson read into the record two pieces of written information. The first from the Oregon State District Maintenance Highway Supervisor which said they had no objection to the proposed zone change, but that they were concerned about the multiple access. He said he would like any information available submitted to their office as soon as possible. The other written information was from Claire and Eric Yoder. He said since he had just received it in the last few minutes, he had not had time to provide copies to the other members of the Planning Commission. He also asked Jim Coleman to comment on whether or not it was applicable as part of the proceedings that evening.

Jim Coleman said he thought it would be best to ask Mr. and Mrs. Yoder whether they wanted to enter it into the record at this hearing because it did not relate to the zone change request which was before the Planning Commission.

The Yoders said they would prefer to have it read into the record.

Chairman G. Madson then read into the record the letter dated December 12, 1984, signed by Eric and Claire Yoder, sent to Thousand Friends of Oregon, ACLU, LCDC, and the Attorney General, State of Oregon.

Chairman G. Madson then read into the record a letter from M. Butts, Planning Director, in response to a letter received from the Yoders dated October 19, 1984, regarding the legislative changes to the Comprehensive Plan Community Development Code.

Chairman G. Madson pointed out that the Planning Commission was using Jim Coleman as their City Attorney representative for this matter because of past references about possible conflict of interest involving the Acting City Attorney. He said he would like to hear from Mr. Coleman on whether matters raised in these letters were applicable to the proceeding they were dealing with.

Jim Coleman said they were not related to the issues on the agenda. He said they were related to activities and processes which took place in November and December of 1983.

Chairman G. Madson asked if there were any affected property owners present who wished to speak in favor of the zone change from R-4.5 to R-7.5.

Claire Yoder, 1595 Bland Street, said that even though they do not feel that the letter he had just read into the record from them was relevant to the issues, she felt that in a sense that it was. She said she wanted to have it on the record. She said in making their decision, they would have two documents which they would use that being the Comprehensive Plan and the Municipal Zone Code. She said the fact that City Council had already approved the building might be a large part of why the staff report supported the R-4.5 zoning, but that she would like to have them all keep an open mind on the matter. She said at one time the property had been zoned R-7.5 and she felt that there had to be a good reason for that. She said she could not find the reasons due to a lack of notes on the meeting when this had taken place. She said the zoning in that area affects the whole neighborhood including the school and the park with the added congestion

for this area. She said what happens to their property tonight becomes the concern of all the people in the affected area. She said the Planning Commission should take into consideration what the intent of the Comprehensive Plan was. She said the justification given for using a commercial office building was to buffer between Hwy 43 and the residents behind, but that she felt that the use of the buffer had been distorted. She said she didn't feel that it would be a good buffer from the highway because additional cars would be traveling along residential streets. She said she had also asked Mr. Tom Schwab, of the Department of Transportation to attend the meeting that evening, and address the problem of congestion and use of Hwy 43. She said she felt it should be seriously considered in light of how the traffic would be situated, especially around the park and school area. She said some Comprehensive Plan policies that also apply to their area was noise control and that their area is specifically designated as a noise congested area. She said in rezoning they also have to keep in mind that the City of West Linn needs more low cost housing and rentals. She said some of the factors in determining low density zoning was proximity to jobs and commercial centers. She said areas within walking distance should be zoned for smaller lots. She felt that their area met those criteria. She said the land use general policy encourages commercial uses for one stop shopping and discourages strip commercial development. She said she would like to remind them that there were five properties in question and that they would probably all end up being developed with office uses in mind. She said she felt that the original intent of the Comprehensive Plan when it was zoned R-4.5 was to allow affordable duplexes and low cost housing.

M. Gosling asked Mrs. Yoder where the references were contained regarding encouraging smaller lots. C. Yoder said that was under the chapter Land Uses, under low density residential areas.

Eric Yoder, 1595 Bland Street, said that he had stood before the Planning Commission last summer and said he felt that the issue they were dealing with at that time was conflict of interest. He said he stood here at this time feeling that he had personally been injured by the City Council action and the conflict of interest that was manifested there. He said the Planning Commission had given them their support last summer in terms of trying to protect their neighborhood from commercial development, and he would ask for their support again tonight in a similar way. He said the Municipal Code specified that R-4.5 zoning was the purpose intended for that area. He said he felt the Comprehensive Plan should be carried out as intended. He also felt at the final City Council meeting held on November 28, 1983 when Mr. Hutchison had requested that the code be amended to include professional administrative services, etc. as conditional uses under the R-4.5 zone that City Council approved this without any discussion. He said since the change had been made it would hold true throughout the city. He said he felt the intended use of the R-4.5 zoning under the Comprehensive Plan was to provide low cost housing. He said he felt the issue that they were dealing with at this meeting was that a line was going to have to be drawn somewhere in the community between residential and commercial-type uses. He said that the R-7.5 zone now served the use that the R-4.5 once did under the Comprehensive Plan. He said it provides for low cost housing, provides for day care centers, but does not provide for commercial-type development.

Chairman G. Madson asked if there were any other interested parties who wished to speak.

Diana Dean, 5825 Northeast Perrin Street, said she would like to talk more on the points of community need for rentals and lower priced houses. She said last July she had reported to the Planning Commission about the strong need for rental property in the City of West Linn. She said recently she had done a survey of five real estate offices which indicated there was a great need for low-priced owner occupied

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homes. She said she was told that the need for lower priced housing often overrode the consideration that the location was along Hwy 43. She went on to give a summary of reports from various real estate offices on her findings. She said she felt that her research supported the intent of the Comprehensive Plan in providing for low cost housing. She said her research had shown that in the future there would be a need for more houses for smaller families. She went on to quote various pages of the Comprehensive Plan which dealt with providing this type of housing for low income, middle income and the elderly. She said in conclusion that the use of the properties in question as rentals or low cost housing was the best use in accordance with the goals set forth in the Comprehensive Plan.

T. Conser asked if what D. Dean was saying was that in order to keep the cost of homes down, it would be necessary to have smaller lots with these homes so that they would be more affordable and developable. D. Dean said that what she had been saying was that the properties in question were in the lower priced home category, and they were now being used as rentals and had a history of not having a vacancy; that they were quite easily filled.

Pat Gillner, 5794 Northeast Robert Moore Street, said she would like to make a couple of points that were very important. She said first of all the intent of the Planning Commission when they passed the zoning change last November must have been that they wanted the zone to be R-7.5 and not R-4.5. She said she would just like to ask that they uphold their decision that they had made. She said she did not feel that the City Council recognized the impact of including this property in the R-4.5 zone and felt that the public did not have an adequate opportunity to speak at that time and give their feelings on the zoning change. She said she felt it was passed in such a short time that there was not adequate public discussion. She said she felt there was not time for the Planning Commission or City Council to realize the full impact this would have on the neighborhood and the City of West Linn now and in the future. She said she and her neighbors were for growth for West Linn, but they were concerned about the quality of the growth of the city. She said she felt that there were office buildings needed in West Linn, but that it was becoming a matter of quantity versus quality of the growth of West Linn. Mrs. Gillner exhibited her map of the neighborhood to demonstrate to the members of the Planning Commission the location they were speaking of, the type of homes that were in the neighborhood including the school and the park area. She said having a commercial-type building in a residential area caused her to have great concern for the safety of the children in the area and the traffic congestion that might be generated. She said the Planning Director, M. Butts had brought up the subject of buffering, and she did not feel what was being proposed would adequate for the area with the park and the traffic.

M. Butts asked P. Gillner if they could have her map for the record. She complied with his request.

John Hutchison, 6541 Failing Street, said he was speaking for himself as owner applicant as well as on behalf of the owners of the adjoining lot that were involved in the proposed office building. He said the basis for the request before the Planning Commission this evening originated with Mr. and Mrs. Yoder's request to City Council to take a look at the property again. He said that request was denied, and it reverted back to the Planning Commission to take another look at the zoning of this particular property. He said his understanding of why this was back before the Commission was that there was some concern by the members of City Council that the zoning change acutally happened late in the process and that there wasn't full public hearing. He said he didn't feel this was any indication of the Council's feelings of what the Planning Commission should do with the request. He said he had tried to be patient over the past few months about the conflict

of interest, but that frankly, he was tired of hearing about it. He said they had thoroughly been investigated by the Oregon State Bar Association, and the State Professional Responsibility Board. He said they had found absolutely no impropriety on the part of any member of their firm. He said he had been a resident of West Linn for fifteen years, liked it here in the city, wanted to move his office to West Linn, and basically just wanted to be treated like any property owner with a desire to build his own building. He said as far as the history of how this property had been zoned, that when he and Mr. Walsh acquired the property it had been zoned R-10. He said up until a year ago when the Comprehensive Plan went into effect there was no delineation of specific lot boundaries. He said they were represented on a map by large circles. He said it was their contention and understanding that at the time they purchased the property the Comprehensive Plan designation for the property was general commercial. He said they had purchased the property with the intent of putting an office building, and the zoning didn't seem to be that big of a problem. He said as far as adequate public hearing that he himself did not know about the Council meeting until a few hours before it took place, and that was the reason it had been handled the way it was. He said one other thing he would like to bring up was that they had purchased the property a number of years before the Yoders had purchased their property next door, and that they would probably still own it after the Yoders had sold their property. He said his understanding from talking to the Yoders was that they were only temporarily situated in their home at this time until Mr. Yoder completed his residency. He said he and Mr. Walsh wanted to be not only citizens of West Linn, but business citizens and that they intended to remain as property owners. He said his feeling was that the R-4.5 zone was appropriate. He said he would concur with the staff report's reasoning that good planning did not indicate this property as long term residential property. He said as far as removing rental property or less expensive property from the roles of West Linn, he felt that the particular piece of property they were involved with would not apply because it was a vacant lot. He said with the real estate market with the way it is today, it would not make good business sense to build a rental or low cost house and try to rent or sell it for enough money to service the debt. He said there were a lot more desirable rental and apartment areas than being on the busiest street in the city. He said he felt that having a commercial office building on this site would enhance the buffering for the residential area. He said that in conclusion, he thought the staff report was well done and that it made good planning sense. He said he and Mr. Walsh were obviously only interested in Tax lots 3600, and 3700, but as a whole they felt from the planning point of view it made good sense to leave the entire five parcels in the R-4.5 zone.

Chairman G. Madson said he would like to point out for the benefit of the Planning Commission that there was a representative from the Oregon Department of Transportation present who would be prepared to respond to any questions they would have along the lines of traffic generation on Hwy 43, and that he felt the representative would be happy to answer some questions.

Tom Schwab, representative from the Oregon Department of Transportation, 9010 McLoughlin Blvd., said that he was not here to speak either in favor or against the proposal. He said his concern was Hwy 43 which was a State highway that they had to maintain and project the present and future flow of traffic for that roadway. He said in 1981, they were requested by the City of West Linn to do a transportation study of the Oswego Highway to see what the needs were on that roadway at the present time and for future needs. He said they developed a transportation study based on the traffic that could be expected in the next twenty years. He said as a result of that study they had come up with several improvements that were going to be needed within the next five years, a

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few that would be needed within five or ten years, and several other possibilities that would be needed within the next ten to twenty years on the roadway. He said unfortunately at this time there was no money earmarked for any major improvements, but they had several minor cases which they would be working on. He said the trip generation on Hwy 43 would be changing some of the needs. He said one thing he would like to point out was that usually a zone change on a small lot or area would not have much impact on the highway itself, but when you have that happening in several areas it begins to make a difference on the trip generation. He reiterated that he was not in favor or opposed to any proposal, but that he just wanted to point out and make everyone aware of some problems that could affect this highway. He said they were dealing with some things now, but that it would take time as there were a lot of matters to deal with.

Chairman G. Madson said his understanding then was that basically any land use that was not more intense in trip generation than was currently allowed would not be a concern of the Highway Department. T. Schwab said that was correct.

T. Conser asked Mr. Schwab if he saw Hwy 43 changing in its character. He said by that he meant cutting a new right of way, which he didn't feel they would be likely to do, or by letting the natural constraints slow down traffic.

T. Schwab said at the present time Hwy 43 was two lane and he couldn't envision more than three lanes. He said if traffic picked up very much it would overload that section of the highway, and to have four lanes where there are presently two didn't seem very realistic in terms of the highway itself.

M. Gosling moved to close the public hearing. T. Conser seconded the motion. The motion passed unanimously.

Chairman G. Madson asked Jim Coleman for clarification on whether the Planning Commission had the prerogative to make a modified recommendation to City Council on whether they had to give a straight approval or denial on the five parcels involved in the zone change request. He said there was some confusion because originally the staff report recommended the R-4.5 zoning be upheld on four of the five lots under consideration and that lot 3500 be assigned a R-7.5 designation. He said Tax lot 3500 was the Yoder's property. He said when M. Butts, Planning Director read the staff report recommendations he indicated that he was dropping the exception for the different zoning designation for lot 3500 based on concerns that he couldn't propose an alternative unless it was included in the notification for the public hearing. Chairman Madson said he felt that would be a key issue as they had not had time at the beginning of the meeting to do research on that, and would like to know if the Planning Commission was to consider all five lots as part of this recommendation to City Council.

Jim Coleman said that he had found two sections that referred to this matter and there seemed to be something of a conflict. He said in Section 99060 B, it states the Planning Commission has the authority to make a recommendation to approve, deny, or approve with conditions to the City Council on applications of this type. He said it doesn't say that the Planning Commission can make modifications, but in the other section, which was identified as Section 99050, it said the Planning Director in preparing the staff report may make a recommended alternative. He said in reading the two sections together that the Planning Commission probably does have the ability to modify the application. He said the Planning Commission might want to call it conditioning the application. He said they would be recommending an approval or denial with some conditions. He said those conditions could be that it was changed in the manner that had been recommended by the

Planning Director. He said reading the two together they did not seem to make much sense and he would probably need a little more time to research the matter.

Chairman G. Madson said they would be happy to give them the time, and while they were doing their research the members of the Planning Commission could continue their deliberations.

M. Gosling said he had a number of points he would like to bring up. He said when the Planning Commission was first contemplating changes last year to the Comprehensive Plan that a number of people had brought their properties to the attention of the Planning Commission with request for rezoning. He said this was about the time the original request had come up on Tax lots 3600 and 3700. He said there was a controversy at the time with people not wanting strip development, but he said basically the criteria for high density commercial and office uses are such that you have to have access off a minor or major arterial. He said he felt this thing was subjective in their Comprehensive Plan and that the intent was understood. He said it was his feeling that office use was a good buffer as offices were in use generally Monday through Friday from 8:00 to 5:00. He said he felt one of the biggest problems they had in the city was that when they did the Comprehensive Plan they did not address the question of redevelopment. He said there are residential developments and the R-4.5 is a reasonable compromise taking into account its location and current use.

S. Weiss said she felt there were two issues before them that evening. The first being what was the best use of that piece of land, and second what was best for the City of West Linn -- not any special interest or any small group of people -- but what was the best for the whole entire City of West Linn. She said based on those two issues she felt the most appropriate use for that land would be medium density residential.

Chairman G. Madson said they would like to ask Jim Coleman again for clarification on what the Planning Commission's position would be on this matter.

Jim Coleman said he would say their decision making authority was limited to approve, deny, or approve with conditions where such conditions are necessary to carry out the West Linn Comprehensive Plan.

Chairman G. Madson said they would like to get back to the rest of the Planning Commission members to see where they stood on this matter.

T. Conser said that he was not in favor of strip development, and he thought that the Comprehensive Plan was developed as a way of avoiding that by making retail commercial development in three zones. He said he felt that conditional uses of any property should be an asset or should have proper buffering to protect the adjoining property. He said he felt the R-4.5 zone was good zoning for the property under discussion.

M. Skee said that he had gone over the staff report and that he concurred with the finding.

Chairman G. Madson said that he also was supportive of the staff report proposal which was R-4.5 zoning for all five of the parcels.

M. Gosling moved to recommend to City Council to deny this application to change the zone on all five subject parcels from R-4.5 to R-7.5 based on the recommendations and references cited in the November 26, 1984 staff report with the correction to exclude the words "except Tax lot 3500." In addition, they felt the criteria for the medium density residential zone reference per page 35, under land use, paragraph 1, are the criteria for determining residential areas which these properties meet. S. Weiss seconded the motion. The motion passed unanimously.

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Chairman G. Madson asked that the record now show that Ralph Olson assumed his seat on the Planning Commission, and that D. Darling would be assuming her role as the City Attorney representative for the remainder of the meeting.

4. Jeanne A. Vance - Conditional Use Request - 4087 Kenthorpe Way.

M. Butts, Planning Director, summarized the staff report and said that they recommend the approval of the requested conditional use with the following provisions:

- 1) That no more than five customer vehicles be allowed at any given time of the business operation.
- 2) That no more than ten customers be permitted at any given time of the business operation.
- 3) That night classes be limited to one per month, and these classes shall be conducted between the hours of 6:00 p.m. and 9:30 p.m.
- 4) That day classes be limited to two per week, and these classes shall be conducted between the hours of 9:00 a.m. and 4:00 p.m.

Additional criteria to be met:

- 5) The materials and products associated with the business shall not occupy more than five hundred square feet.
- 6) The resident vehicles shall be stored within the existing two-car garage during the hours when classes are conducted.

Jeanne A. Vance, 4087 Southeast Kenthorpe Way, said she would agree to comply with all the recommendations of the staff report with the exception of one, which was No.3 "that night classes be limited to one per month." She said she could not function in that situation because her improvement course was an eight-week course and could not be stretched out over that long a period of time. She said she had taken a petition to her neighbors who had signed it saying they had no objection to her using her home for business purposes.

M. Skee asked how many classes she felt she should be able to conduct in the evening. J. Vance said she would need to have one per week or four per month.

M. Skee asked how her neighbors would be affected by the additional cars that would need parking spaces. J. Vance said they did not seem to be concerned about this and had in fact been offered available parking spaces at her neighbor's home.

T. Conser asked whether there were curbs and noted that the road appeared to be gravel and quite narrow. He also wondered whether there would be a problem with blocking the access to other neighbors driveways. J. Vance said there were no curbs and no sidewalks and there was a culvert at one side of the road.

R. Olson asked what exactly her business consisted of. She said it basically consisted of major improvement such as teaching how to use makeup, how to dress, that it was a total improvement course.

S. Weiss asked if there was a time frame for conditional use and whether this would come back to them for review. M. Butts said that the members of the staff would be the ones to review conditional use and basically if any of the conditions were violated they would have the authority to pull the business license.

S. Weiss asked what M. Butts based his recommendation on limiting the evening classes to one per month. M. Butts said that on page 32-3 of the Code those were terms of approving conditions for a conditional use request. He said it was figured on his part in terms of how many classes a week or day would be considered normal in a single family residential area.

Chairman G. Madson asked what her future plans would be if her business continued to expand and be successful. J. Vance said she had a goal within five years of relocating to a small studio in a commercial area if her business continued to grow.

Chairman Madson said he also had a concern about condition No. 1 in the staff report which referred to more than five customers vehicles being allowed at any given time of the business operation. He said he was very concerned that she should have a mechanism for controlling the number of vehicles that would come to her business. He asked if she were to have more than ten customers at one time how she planned to keep the vehicle number down to five. J. Vance said she could ask her customers to carpool as most of them were quite well acquainted with each other. She also said there was a park and ride at the top of her street and that she would have no problem with picking her customers up there.

Chairman G. Madson asked if her business was scheduled appointments versus drop-in customers. J. Vance said they were and that her business was not set up to handle drop-ins.

M. Skee made a motion to close the public hearing. T. Conser seconded the motion. The motion passed unanimously.

M. Gosling moved that they approve the conditional use request per staff report recommendations as specified, except that condition No.3 would be changed to read "night classes be limited to one per week" rather than "one per month;" and that classes be conducted between 6:00 p.m. and 9:30 p.m.; and daytime classes be limited to two per week to be conducted between 9:00 a.m. and 4:00 p.m. T. Conser seconded the motion. The motion passed unanimously.

5. City of West Linn - Proposed Legislative Amendments to Comprehensive Plan and Community Development Code.

Chairman G. Madson said he would like to remind the members of the Planning Commission that in considering this matter any decision would be in the form of recommendations to City Council.

M. Butts read a summary of the proposed amendments to the West Linn Comprehensive Plan and Community Development Code, dated December 6, 1984, with corrections that he outlined and which were reported on his copy. He also recommended approval of changes to the West Linn High School Parking Facility Code Requirements as outlined in the document dated October 22, 1984. He said he would also like to recommend a change in the fee schedule as presented in the document identified as Proposed Changes to Fee Schedule for Subdivisions and Design Review.

D. Darling said in talking about the consolidation of Design Review and the Planning Commission that the appeal process would remain the same.

Chairman Madson said a letter had been sent out to all members of Design Review Board to inform them of the consolidation proposal and telling them they would have an opportunity to express their feelings either in person at the meeting this evening or at the City Council meeting. They were also told that if they could not attend the meeting, telephone calls would be welcome. He said he had received a telephone call from Lynn Theis who said that since she had recently moved, she had received her letter that day and did not have adequate time to respond or show at the meeting that evening. He said among her comments was that she was basically supportive of the concept particularly along the lines of cost savings that would be available. He said she was concerned that some form of public review should be incorporated into the process to review the type, quality, and direction of the Planning Director's decisions. He said an additional concern of hers was what policing method would be available to see that developers followed through on conditions set out at the time of approval.

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T. Conser said he did not have any questions at this time except for some of the same concerns that L. Theis expressed as far as the review functions.

M. Butts said that the review mechanisms for design review would not change from what it was at this point.

T. Conser said that it was his understanding that the Design Board had been given some authority when the Comprehensive Plan was approved and that they had some decision making abilities and it was the policy that they would negotiate with the developers on what items they would use for buffering, design, etc. He said it was his understanding that the negotiating would now be the function of the Planning Director.

M. Butts said he did not feel it was so much a negotiating situation as outlining what the specific needs are and what the community needs are. He said these would be outlined for the developer and they in turn would propose what they planned to do, and then the Planning Director would decide whether or not it was adequate. He said it would basically be going through the book and following the criteria that was needed.

T. Conser asked what their duties would be if this consolidation took place. M. Butts said they would be responsible for looking at the entire issue, the conditions for approval, and all design review elements. He said the members of the staff would not make any separate judgments, but they would present their staff report like they did for Design Review.

Chairman G. Madson said he would like to bring up the interpretation problem on the office building on Hwy 43 where there was some mention of people objecting to the fact of the use rather than the building itself. He wanted to know how the Planning Director would handle a situation like that.

M. Butts said basically that it would be handled by doing research and including the information in the staff report to help the Planning Commission with their decision.

M. Gosling expressed a concern about whether there would be a public forum for any person who did not agree with a decision that was made.

M. Butts said the appeal process would handle that as well. He said he would spend a great deal of time and the Planning Commission would be able to see all the findings of fact on the staff report which the decisions are based on.

S. Weiss asked if there would still be an appeal process available and what it would cost. M. Butts said there would be and the cost was \$150.

S. Weiss said that was the only time that the appeal costs concerned her. She felt that the first appeal to the Planning Commission shouldn't have that kind of charge.

D. Darling said the way their code was written right now that an appeal to the Planning Commission would be the only appeal. She said that it doesn't provide for Planning Commission decisions to be appealed to City Council on Design Review matters.

Chairman G. Madson asked what as an example would be appealable to the Planning Commission. D. Darling said minor variances.

M. Skee said that he felt very comfortable with the Planning Commission taking over the Design Review Board's responsibilities because of the qualifications of the members of the Planning Commission.

Chairman G. Madson said he thought it would be a good idea to pick out two members of the Planning Commission at the beginning of each year to receive all staff reports and review them and possibly once a year to sit down and see if there is any indication from the trend of the staff report that needed to be dealt with.

M. Skee said he thought it would be a good idea to have a couple people who would be receiving the staff reports to monitor them and ask questions as they came up. He said he felt waiting a year to bring up items would be quite a long period of time.

M. Butts asked if he could suggest that all staff reports be given to the chairman and vice-chairman and in that way anytime there was a problem, it could be brought up at that time.

A motion was made to close the public hearing. R. Olson seconded the motion and the hearing was closed.

M. Skee asked M. Butts how the provision for monitoring the staff report and design review could be added. M. Butts said there was a provision in the code and he would amend that to say that they propose two members of the Planning Commission, the chairman and vice-chairman, shall receive copies of the staff report.

R. Olson moved to recommend to City Council that they approve the proposed amendments to the West Linn Comprehensive Plan and Community Development Code, dated December 6, 1984, with the corrections that were previously discussed which were reported on the Planning Director's copy; and also to recommend approval of the changes to the West Linn High School parking facility code requirements as outlined in the document, dated October 22, 1984. M. Gosling seconded the motion. The motion passed unanimously.

M. Gosling moved that they recommend City Council adopt the fee schedule as presented on the document identified as Proposed Changes to Fee Schedule for Subdivisions and Design Review. S. Weiss seconded the motion. The motion passed unanimously.

6. Business from Planning Commission.

Chairman G. Madson asked that all members who could possibly do so attend the City Council meeting for January 9, 1985. He asked that members who could not attend to make up a short note submitting their concerns and rationale for decisions be included as part of their testimony. He said he felt this was very important as there were new members on the board that needed to be made aware of the Planning Commission concerns.

7. Business from Staff.

M. Butts used a map to show the members of the Planning Commission a small triangular-shaped property located off I-5 that was owned by a private individual who wished to designate the property to the City of West Linn. He said he was asking the Planning Commission to sponsor a zone change procedure to change the designation of this property to either R-10 or R-7.5.

T. Conser moved to negotiate a zone change for Tax lot 100, Assessor's Map 2S2E30DC to R-10 presently unzoned. R. Olson seconded the motion. The motion passed unanimously.

M. Butts reminded the members of the Planning Commission that there would be a work session meeting at 7:30 at next month's regular meeting with the Planning Commission meeting starting at 8:00. He said there would not be another work session. He said he would like to remind them also that it was very important that they all attend the next meeting as there were three vacancies on the Planning Commission, and

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they needed to have all the members present for a quorum.


M. Skee said in his closing remarks they were all aware that he had been appointed to fill a position because of a vacancy and was happy to do it. He said he would like to compliment the group as a whole on showing tremendous ability to make quality decisions, and he would like to see the group carry on this fine tradition.

S. Weiss said her closing remarks were not along that line. She said she basically wanted to let them know that she was missing page 10 A of her packet.

Chairman G. Madson said he would like to compliment all the members of the Planning Commission on the excellent job they had done that evening in handling a difficult situation. He also said he would like to make a special request of M. Skee that when he moved on to his next group they would all hope that he would give them support for recommendations that they might propose.

M. Gosling said that he enjoyed working with all the members of the Planning Commission.

There was no further business and the meeting was adjourned at 10:50 p.m.


Clara Corliss, Stenographer

January 21, 1985

1. Chairman G. Madson opened the regular meeting at 8:45 p.m. due to a lack of quorum until that time. Members present were T. Conser, S. Weiss, and M. Gosling. Absent were R. Olson, and L. Kellerman. Also present were M. Hess, Assistant Planning Director; D. Darling, City Attorney Representative; and C. Corliss, Stenographer.

2. Minutes of December 17, 1984 Regular Meeting.

T. Conser moved to approve the minutes as written with a minor correction on page 150 regarding the signatures of a letter, dated December 12, 1984 written by Eric and Claire Yoder. The organizations mentioned did not sign the letter, but received copies of the letter from the Yoders. M. Gosling seconded the motion. The motion passed unanimously.

3. City of West Linn - Zone Change Request - Northeast of Hwy 43 between Bland and Lewis Street - Final Order.

Chairman G. Madson pointed out that although D. Darling, City Attorney Representative, was present, she would not be able to answer any legal questions or matters on this item because of a possible conflict of interest. He said anything of a legal nature would have to be deferred and asked at a later time of Jim Coleman. He told them their actions tonight would have to either accept the order as written or modify it to express their feelings and concerns relative to the tentative decision from last month. He also said this would be a recommendation from the Planning Commission to the City Council and that it should read "denied this blank day of January, 1985" until it could be determined when the City Council could act on this recommendation. He said if there was some sort of appeal, that it would be significant when the application was denied in terms of the appeal process time limits. He said they took effect when the City Council acted on the

they needed to have all the members present for a quorum.

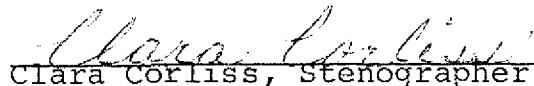
M. Skee said in his closing remarks they were all aware that he had been appointed to fill a position because of a vacancy and was happy to do it. He said he would like to compliment the group as a whole on showing tremendous ability to make quality decisions, and he would like to see the group carry on this fine tradition.

S. Weiss said her closing remarks were not along that line. She said she basically wanted to let them know that she was missing page 10 A of her packet.

Chairman G. Madson said he would like to compliment all the members of the Planning Commission on the excellent job they had done that evening in handling a difficult situation. He also said he would like to make a special request of M. Skee that when he moved on to his next group they would all hope that he would give them support for recommendations that they might propose.

M. Gosling said that he enjoyed working with all the members of the Planning Commission.

There was no further business and the meeting was adjourned at 10:50 p.m.


Clara Corliss, Stenographer

January 21, 1985

1. Chairman G. Madson opened the regular meeting at 8:45 p.m. due to a lack of quorum until that time. Members present were T. Conser, S. Weiss, and M. Gosling. Absent were R. Olson, and L. Kellerman. Also present were M. Hess, Assistant Planning Director; D. Darling, City Attorney Representative; and C. Corliss, Stenographer.

2. Minutes of December 17, 1984 Regular Meeting.

T. Conser moved to approve the minutes as written with a minor correction on page 150 regarding the signatures of a letter, dated December 12, 1984 written by Eric and Claire Yoder. The organizations mentioned did not sign the letter, but received copies of the letter from the Yoders. M. Gosling seconded the motion. The motion passed unanimously.

3. City of West Linn - Zone Change Request - Northeast of Hwy 43 between Bland and Lewis Street - Final Order.

Chairman G. Madson pointed out that although D. Darling, City Attorney Representative, was present, she would not be able to answer any legal questions or matters on this item because of a possible conflict of interest. He said anything of a legal nature would have to be deferred and asked at a later time of Jim Coleman. He told them their actions tonight would have to either accept the order as written or modify it to express their feelings and concerns relative to the tentative decision from last month. He also said this would be a recommendation from the Planning Commission to the City Council and that it should read "denied this blank day of January, 1985" until it could be determined when the City Council could act on this recommendation. He said if there was some sort of appeal, that it would be significant when the application was denied in terms of the appeal process time limits. He said they took effect when the City Council acted on the

recommendation and the actual date would be filled in at that time.

M. Gosling moved that they accept the findings conclusions and order concerning the plan and zone change application for Tax lots 3500 through 3900, Assessor's Map 2S2E30BC and that the application be denied. S. Weiss seconded the motion. The motion passed unanimously.

4. City of West Linn - Zone Change Request - East end of Hollowell St. near I-205 off-ramp - Public Hearing.

Chairman Madson asked that the record show there was no one present to give testimony or to challenge the jurisdiction or impartiality of any Planning Commission member. He also asked that the record show that D. Darling would be representing the Planning Commission as the legal staff for the remainder of the agenda.

M. Hess said that since the staff report had been written, the City Council had accepted the proposed property as a donation to the City of West Linn. He then read the staff report. He said the property on the Comprehensive Plan map was shown to be low density residential, but on the official zoning map it did not show the property as being zoned. He said that was why the application was before the Planning Commission. He said they were recommending that the Planning Commission bring the property into compliance with the Comprehensive Plan map. He said the property was at the end of a dead end street and surrounded on two sides by low density residential development. He said the staff report was recommending that the property be zoned R-10 for single family residential.

M. Gosling said it looked to him as though the property were triangular shaped with one commercial property located on the northwest. M. Hess said that just a tip of the property was general commercial with the rest zoned R-10.

Chairman Madson said according to the exhibit, there was a large vacant property north of Hollowell Street which looked substantial enough to be redivided into several lots. M. Hess said that west of the large parcel it was zoned general commercial and that the smaller triangular piece was in the public right-of-way, and he did not think there would be a possibility of that piece developing.

Chairman Madson asked whether there would be a possibility of the larger parcel being developed. M. Hess said there was a possibility that it could be subdivided into two to four lots.

Chairman Madson said that if this property was zoned R-10, it would seem to be substandard at the outset. M. Hess said that if the lot were five thousand square feet as preplatted, it would still be buildable. He said it was very common to have building occurring on a five thousand foot square lot with an R-10 zone and that it would be minimum buildable. He said if it was a newly created lot it would have to meet the ten square foot minimum. He said that this property was preplatted at ninety-two hundred square feet, so consequently it would not be precluded from being developed.

Chairman Madson asked if the property had been residential prior to the Comprehensive Plan and if they assigned it a residential zone now, whether it would be a preplatted lot. M. Hess said any lot created prior to December 14, 1983, would be considered preplatted.

T. Conser asked M. Hess if he had any idea what the intended use of this property would be by the City Council since they had accepted ownership. M. Hess said that several had been mentioned. D. Darling said that she did not think that the city had any immediate plans for the property.

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Chairman Madson asked about the possibility of zoning the property R-7.5 which would make it a buildable lot in anybody's definition, and it would also be compatible with the low density Comprehensive Plan designation. He said if Hollowell Street were to be vacated it would create two buildable lots under the R-7.5 designation. M. Hess said that would be a possibility, as it would still leave another frontage to the west.

Chairman Madson pointed out there was still no one present to accept public testimony from.

M. Gosling moved to close the public hearing. T. Conser seconded the motion. The motion passed unanimously.

Chairman Madson asked for clarification on whether they were dealing with a zone change application or with property that had never been zoned or whether they were applying for initial zoning. D. Darling said that she did not think it would matter because they had already determined that it complied under the low density zoning of the Comprehensive Plan map.

M. Gosling said he did not feel that the R-10 zone would be appropriate for this particular lot. He said if you looked at the Comprehensive Plan when it was done, it was considered all part of State property, and that was why they didn't have a zone.

S. Weiss said that if she understood Chairman Madson's point, it was that if the property had not been zoned originally, then they could use it for criteria.

Chairman Madson said that that was what he was trying to get clarification on. D. Darling said it didn't matter.

Chairman Madson asked if they were going the Comprehensive Plan density as opposed to its actual zone. M. Hess said that he would accept some credit for that because the staff report includes the Comprehensive Plan policies. He said that was based strictly on what the staff report was supposed to include.

M. Gosling said he felt the whole area needed to be looked at. Chairman said he was supportive of M. Gosling's idea of looking at the other section of property, but that he felt it should be done some time in the future. He said he was not very supportive of the idea of leaving the property unzoned. He said if they zoned it now in compliance with the Comprehensive Plan map, they would not have done anything that was irreversible.

S. Weiss said she was in concurrence with what had been recommended, and she felt it would be a good way to approach the problem. She said that she agreed with M. Gosling in that they needed to look at the over-all area.

Chairman Madson said what he was suggesting was that they apply a low density residential zone to the property and under a separate motion, they could discuss whether they wanted to initiate a Comprehensive Plan change for any portion of the property.

M. Gosling moved that they apply a low density residential zoning classification of R-10 to Tax lot 100, Assessor's Map 22E30DC to bring this property into compliance with the Comprehensive Plan designation in accordance with the findings as specified on page two of the staff report dated January 7, 1985, numbered one through eight and conclusions. T. Conser seconded the motion. The motion passed unanimously.

M. Gosling suggested they direct the members of the staff to initiate

the process to carry out a Comprehensive Plan review of this particular parcel, and the adjacent area lying roughly between Hollowell Street, Hwy 43, Grove Street, and I-205.

S. Weiss said that she was in total support of that. T. Conser said he would also like to ask the members of the staff if they could look into the procedure for vacating Hollowell Street and the possibilities of easements for public access to the property. He said he felt if this was not done they would have a piece of property that would be landlocked.

M. Gosling said he would like to have the whole area looked at. Chairman Madson, T. Conser, S. Weiss said they would all agree with that.

5. Business from Staff.

M. Hess said he wanted to let the members of the Planning Commission know that the members of the staff were initiating a zone change and Comprehensive Plan change for a piece of property belonging to William Krachsel along Hwy 43. He said that this comes from the Design Review Board initially. He said the property was currently zoned general commercial and that Mr. Krachsel had expressed concerns over how and why the property had been so designated. W. Krachsel said he did have access onto Geer Street to the north which was a quiet residential neighborhood. M. Hess said that Mr. Krachsel had anticipated that the property would be developed as a single family residential site and had spent quite a deal of money and later found out that the property had been rezoned for commercial development rather than single family residential. M. Hess said they were bringing this property up for a zone change to rectify either an inequity or perhaps an oversight with no expense to Mr. Krachsel.

Chairman Madson asked if this was a case under the old system where they had properties that carried one zone but had a different Comprehensive Plan designation. M. Hess said he was not familiar with what went on before, but that he did know that it was zoned low density residential.

T. Conser asked if they would also look into the possibilities of problems that could occur in similar situations for adequate buffering with the property that had just been approved for an office. M. Hess said on that particular piece of property that it had already been addressed when Mr. Krachsel had attended a previous meeting, but that the buffering had been provided to blend in with the neighborhood.

M. Hess said the staff was also initiating annexation proposals for parcels that are outside the police and fire protection of West Linn, but well within the city boundaries.

Chairman Madson asked if they were also going to come up with concurrent zone changes. M. Hess said they were.

M. Hess said they would also need to change the date of the February meeting because the original date would fall on a holiday. He said he felt Tuesday the 19th would be an appropriate day for the meeting. Chairman Madson said he felt this could be worked out, but he was a little concerned about a lack of quorum for that meeting. He said he felt because of the conflict with the holiday, it would be very important that anyone unable to attend should call in early.

M. Hess said another thing he would like to bring up was an update on the Historic Design standards. He also said that there were some land use planning workshops which were being presented by Metro on February 6, 13, and 19, but that he would get more information to the members about the workshop. He said another item he would like to bring up is the fact

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that Mike Skee and Mike Butts had been working on the idea of revising the land use signs that the city now posted on properties. He said he had brought a sample of his design so the Planning Commission could see an example of his work. He said Mike Skee had made some signs for the fire department which he would bring a picture of to the next meeting.

M. Hess said that the new design was much more visible and less subdued than the ones they were using at the present time. He said they would also be more transportable and more easily installed.

Chairman Madson said he was glad to see the larger size as well as the brighter colors.

Chairman Madson asked M. Hess if he was comfortable with the staff proposal involving design review. M. Hess said he was very comfortable with it and he felt that it was a challenge he was ready to meet. He said he was very relieved that the discretionary clause had been added to the proposal. He said he felt that it would do a lot in terms of trying to mitigate various conflicts that might come up, and would be nice to know the members of the staff would have the option of a more formal process.

D. Darling said she had a staff item about the property in the Hollowell area. She said after checking the code, she would suggest that they go ahead and make a formal motion to initiate a legislative Comprehensive Plan and zone change for the area. She said the code provides that they have to have a hearing within sixty days, but the city couldn't act on it until May. She said they did not have to wait until May to hear it, but that nothing could happen on the Council until May. She said she would suggest that they recommend to the members of the staff that they start work on this and set the March or April meeting for a hearing. She said they could also make a formal motion in February.

M. Hess before the members of the staff could set up an official file, they would have to have a formal motion. M. Hess asked D. Darling if they needed a formal motion to pursue the zone change along Hwy 43 involving Mr. Krachsel's parcel. D. Darling said no motion was needed to do that.

M. Hess said he would like the Planning Commission to sponsor the zone change.

Chairman Madson said he thought it should be included in the report some remark as to why the city should process this application at no cost. D. Darling said that if the city decided to initiate the zone change, it would mean basically that they were interested in hearing the matter.

6. Business from the Planning Commission.

T. Conser said he would like to mention that they had two meetings of the Historic Task Force, and he felt they were very productive. He said they were very happy with the direction they were getting from the staff and the people that were involved in the community.

Chairman Madson said as far as the City Planning Task Force group was concerned, they were still struggling a little bit. He said they were having problems at the present time appointing a strong leader, and they were also working on finding representatives from the Willamete Neighborhood Association, the Marylhurst Neighborhood, and the Hidden Springs Neighborhood Association.

Chairman Madson said one other item he would like to bring up was the seat Mike Skee had on the Park Board that was now vacant. He said he felt that someone should temporarily fill the vacancy until they had

their appointment on the Planning Commission and then someone could be appointed permanently. He said he felt it was very important that they maintain that connection and that it would be helpful if he could have a volunteer for each meeting during the interim period. He said that if M. Hess would let them know the schedule that between himself and M. Gosling, they could handle the meetings. S. Weiss said she would also be happy to attend any meeting.

There was no further business and the meeting was adjourned at 10:05 p.m.

Clara Corliss
Clara Corliss, Stenographer

February 19, 1985

1. Chairman G. Madson opened the regular meeting at 8:00 p.m. Members present were T. Conser, R. Olson, and S. Weiss. Absent were M. Gosling, and L. Kellerman. M. Butts, Planning Director; D. Darling, City Attorney Representative; and C. Corliss, Stenographer were also present.

2. Minutes of January 21, 1985 Meeting.

R. Olson moved to approve the minutes as written. S. Weiss seconded the motion. The motion passed unanimously.

3. Brian Steenson - Zone Change Request and Subdivision Tentative Approval - 2011 Rosemont Road.

M. Butts gave the staff report. He said the staff report recommended the approval of the zone change request from FU-10 to R-7.5. He said they also recommended approval of the tentative subdivision plan with the conditions outlined in the staff report of January 6, 1985. He said they were also asking the subdivider to sketch out reasonable subdivision of the land to the south that they would not be developing at this time to connect up to Bay Meadows Drive since that would be the major roadway with Hidden Springs. He said this was not being done for approval, but simply so they would have some reasonable idea of what was being proposed at the street ends.

Brian Steenson, 595 Marylhurst Dr. West Linn, applicant and owner, said that prior to beginning, he would like a clarification on the two requests before the Planning Commission. He said one was for the zone change and one was for the tentative subdivision application. He said it was his understanding that the subdivision application was conditional on the approval of the zone change and that he understood that the public hearing was only limited to the zone change. He said they would like a ruling on the zone change before they went ahead with the subdivision approval. He said he basically would like to request that these two items be heard separately.

Chairman Madson asked D. Darling for a legal opinion on the clarification of this matter. D. Darling said that technically Mr. Steenson was correct that no public hearing was required for the tentative subdivision plan under consideration. She said they could have the public hearing on this zone change, close it, and go ahead and entertain the subdivision approval. She said if this was done the same people would still be allowed to participate.

Brian Steenson said he felt that there could be some confusion between the zone change and the other proposal, but basically he wanted a

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clarification on the matter. Chairman Madson said they would deal with each matter separately.

Brian Steenson said that would be fine with them. He said the subject property was annexed subsequent to the dedication to the citizens of Hidden Springs Road from Suncrest intersection to Rosemont. At the time of the annexation there was no zone change classification requested, so he said they were proposing a zone change from FU-10 to R-7.5. He said it was their feeling the proposed R-7.5 zone would satisfy the West Linn Comprehensive Plan as it was compatible with other developments in the adjacent area. He said as the staff report correctly pointed out, and that they had omitted from their application, the requested R-7.5 zoning would assist the City of West Linn to meet its statewide goals for urban density to achieve the proposed eight units per acre. He outlined several factors in the Comprehensive Plan which supported their request for the zone change.

R. Olson moved to close the public hearing. S. Weiss seconded the motion. The motion passed unanimously.

T. Conser asked M. Butts if the fact that the storm sewer calculations contained in the staff report were so extensive that it meant there would be a problem with the property as far as drainage was concerned or if there was some special consideration to be looked at. M. Butts said there was no problem with the drainage, that it was just a matter of calculations and engineering solutions.

R. Olson said it was his understanding by approving the R-7.5 zone request they would be helping the city achieve its Comprehensive Plan designation.

S. Weiss moved to approve the request for a zone change from FU-10 to R-7.5 for Tax lots 1200 and 1201, Assessor's Map 2S1E23C, known as the location of southeast Sunburst Subdivision adjacent to Rosemont and Hidden Springs Road, based upon the findings of fact in the staff report dated January 6, 1985 dealing with those portions referring to the zone change proposal which would be page 1,2, and half of page 3; and also, in addition, the applicant's submittal page 1 through 4. R. Olson seconded the motion. The motion passed unanimously.

Brian Steenson said as far the property had been described in the motion, there was a legal description describing a shared tax lot on a strip of property described as Tax lot 204 and that it had been included on page 1 of the attached statement. He said it was a newly created tax lot as a result of a strip of property conveyed to them by K&F Development in connection with the dedication of the Hidden Springs Road. He said he felt that should be included in the motion just made.

S. Weiss moved to include Tax lot 204 for the zone change request previously made. R. Olson seconded the motion. The motion passed unanimously.

Brian Steenson - Tentative Subdivison Plan Approval

M. Butts said what was being requested now was approval for a twenty-six lot subdivision identified on Exhibit B as parcel B.

Rick Gibbons, 15800 S.E. Boones Ferry, Lake Oswego, planning consultant for Brian Steenson, said he had some concerns about the proposal as outlined in the staff report recommendations. He said bascially they agreed with the staff report recommendations for approval and that they had no objections regarding the requirement for sidewalks along Hidden Springs Road from the time of development. He said the other issues regarding the alignment of the road and the cul-de-sac is a concern to them. He said he understood that the staff report concerns were that

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traffic would be pulled down through the development and down into Bay Meadows on Hidden Springs Road when it was eventually developed. He said they don't believe that should be an overriding concern and they felt there would not be that much through traffic. He said their primary concern was that they felt the realignment was not appropriate. He said their feeling was that it was best to have two access points in a development of that size. He said from the safety standpoint that if you only had one access, the road could become blocked. He said there were also lots situated on the property where it would be inconvenient to the residents as far as easy access to a main road. He said the other factor that should be considered was from the postal department standpoint. He said with two accesses to the development it would make a very easy flow for the mail carrier. He said it was his understanding that they did not provide services for mail collection on cul-de-sac streets, so in that sense, if the plan proposed by the staff report was adopted, it would involve only the homes to the west of Bay Meadows, and it would cause a cluster of boxes which in turn would cause congestion when the residents collected their mail in the evening. He said basically he felt there would be less impact on the neighborhood if there were two accesses to their development. He said the only other concern he would raise was the one regarding the fire hydrants specifying a specific number of hydrants to be installed. He said he felt it would be more appropriate to leave that design issue up to the satisfaction of the city staff rather than putting out a certain number. He said Mr. Tom Tye, and Mr. Brian Steenson were also present and would like to make some additional comments unless there were questions of him at this time.

R. Olson said the fact that the postal department would not service cul-de-sac streets seemed rather foolish and wanted to know if this was retroactive. Mr. Gibbons said they had developed this in an effort to be cost conscious and that it applied only to new developments. M. Butts said it was his understanding that the postal department had to go where the cluster boxes were and that the City of West Linn decides where they are going to be. Mr. Gibbons said they had stated to him there were no deliveries on cul-de-sac streets and that all boxes have to be clustered

T. Conser said that he had a problem with that as he understood if a person wanted door delivery in this city that you could have that service if you were in an incorporated area. He said he knew of a case where some elderly people had been affected by that and that the post office ended up having to deliver to their door. Mr. Gibbons said there might be procedures for appealing, he was just stating what he had been told by the West Linn postal department.

R. Olson wanted to know what their main concern was in putting the cul-de-sac at that point, and was there any consideration on their part about cross traffic at that intersection. He said it would seem to him having the two accesses would alleviate any congestion at one point.

Mr. Gibbons said they were sensitive to that and that they saw the major route being Bay Meadows Drive. He said they didn't see this as being a major cross street. He said it seemed to them that there should be enough outlets available once the area was developed. He said for the time being there was very little traffic in the foreseeable future.

R. Olson wanted to know if having a cul-de-sac at the point proposed would disrupt the lot configuration. Mr. Gibbons said he felt it would make the lots less desirable, and therefore he would not prefer the recommended plan. He said there was another problem that he felt Mr. Steenson could best address and that was the problem regarding the ownership of the strip of land on Hidden Springs Road that needed to be dedicated. He said that was another major concern, but that he would let him address that.

R. Olson said that Mr. Gibbons had mentioned the proponents of the project

did not mind increasing the width of Suncrest to thirty-six feet of paving along the entire length of the street. He said costwise it would seem to him that it would be a little more expensive. Mr. Gibbons said they felt there would be enough advantages and differences in cost that they would prefer to go the way they had designed it.

Chairman G. Madson said they would like to bring up for discussion the matter of the trade-off agreement as far as who would be doing what development of Hidden Springs Ranch Road.

Brian Steenson, owner/applicant, said he would like to address briefly the lot design proposed by the staff recommendations. They had difficulty coming up with a plan primarily because of the fact that Hidden Springs Road intersects the property. He said they had somewhat of a problem on certain lots in the area because they abutted Hidden Springs Road and there was going to be a problem with noise and the privacy factor. He said in Exhibit C as proposed by the staff report it would add lots 17, 19, and 20, but that their backyards would abut Hidden Springs Road. He said under their proposal 17 would not have a backyard abutting Hidden Springs Road, 19 only a side yard, and 20 only a side yard. He said that was a principal concern of theirs. He said another problem they had addressed to Mr. Butts and other members of the Planning Staff was the access onto Hidden Springs Road. In order to explain their concerns, he passed maps out to each member of the Planning Commission. He said the colored portion of the map indicated the strip of property from one edge to the eastern boundary. He said the blue color indicated a five-foot strip that they had dedicated to the city in connection with the one acre that had been dedicated to citizens of Hidden Springs Road. He said the yellow portion was a thirty-five foot strip that was composed of sixteen and a half foot strips that were still owned by the city and the eighteen and a half foot strip that was dedicated by the developers of Suncrest II. He said the area outlined in red was the thirty foot right-of-way owned by Mr. and Mrs. Palmer Erickson. He said they had been negotiating with Mr. Anicker, who was currently representing Mr. and Mrs. Erickson, and that they discussed various alternatives. He said Mr. Anicker and the Ericksons made it clear that they would not participate in any cost of development of the road at this time. He said they were still negotiating with the Ericksons to dedicate the thirty-foot strip, but at this time, Mr. Anicker said they were just not ready to make a decision on that. He said, consequently, under the staff proposal that if Bay Meadows Drive was the only access, they would essentially not have an access to their property. He said their solution to the problem at this time would be that they would request the Planning Commission make the subdivision approval conditional upon the developer's satisfaction upon either of these two conditions, one, to obtain the dedication of the Ericksons' thirty foot strip, and the discussions of improvements of Hidden Springs Road to the satisfaction of their obligation under their agreement entered into with K&F Development. He said in the event the Ericksons are unwilling to dedicate their property to the city, that they would be allowed to develop the property in accordance with the plan as presented, but with an access from Suncrest Court, and that the applicants would pay to the city the cost of improvements to Hidden Springs Road. He said they would be willing to arrive at an agreeable figure between themselves and the city.

Chairman G. Madson asked if it would be their intention then that Bay Meadows would then be a cul-de-sac. Brian Steenson said yes, and that they had a proposal, a rough plan sketched out that they felt would be workable.

R. Olson asked Mr. Steenson if he could briefly run through the three conditions again. B. Steenson said they were basically alternatives. The first condition and most preferable from their standpoint was to

keep working on Mr. Erickson, to obtain dedication of that right-of-way, and at the time of development they would make the street improvements on Hidden Springs Road to the eastern boundary of the property. The second condition, in the event they could not obtain dedication of that strip of land would be to either make a cul-de-sac or stub the street and arrive at the cost of the street improvements to be paid to the City of West Linn.

Chairman Madson asked if the Ericksons also owned the property in the southeast quadrant and south of Hidden Springs Ranch Road, and whether the parcel of right-of-way that was colored green on the map was what they proposed to dedicate to help create the right-of-way. Brian Steenson said the Ericksons did own that portion of the property asked about by Chairman Madson. He said that the green colored five foot strip of property had been dedicated by himself to the City of West Linn.

Chairman Madson asked if part of their agreement had been to make full improvements to that segment from Suncrest east to the eastern boundary of their property. B. Steenson said yes it was, but only when their property was developed.

Chairman Madson asked if Mr. Erickson had been a party to this agreement. B. Steenson said no that he had not. Chairman Madson said he was curious as to how they could make an agreement on their part that they couldn't live up to unless they were able to come to terms with Mr. Erickson on the right-of-way. Brian Steenson said that was basically correct. The solution would be not to develop the property, and therefore not make any of the improvements.

Chairman Madson said when this matter came before the Planning Commission in terms of the realignment proposed for Hidden Springs and Sunburst that it had been said they were going to develop the right-of-way. He said there had been no discussion of any other parties or ownerships that would be involved in the agreement. Brian Steenson said that seemed to be an oversight and that as a practical matter they never thought anyone would object to their taking the responsibility of paying the cost of paving the Hidden Springs access. He said Mr. Erickson had given up his access originally on this thirty foot strip conditioned upon their dedicating the road to the City of West Linn, and the City of West Linn accepting those improvements. He said this led them to believe that there would be no problem with Mr. Erickson dedicating the remainder if someone else was going to pave it for him. He said one of the problems they are facing with Mr. Erickson right now is that there has been quite a bit of traffic generated on the road and that Mr. Erickson was concerned with people driving on it. He said Mr. Erickson was undecided at this point as to what his decision would be. B. Steenson said he felt Mr. Erickson was not objecting to paving on that portion of the road, but he felt certain that he was concerned about what was going to happen to the property in front of him.

Chairman Madson said he would like some clarification on the record of the terms of the agreement concerning the improvements that would be made on the portion of Hidden Springs Ranch Road between Suncrest Drive and the eastern boundary of the developer's property. He asked specifically at what point and at whose expense it would be for the sidewalks and street trees at the side of Hidden Springs Ranch Road.

Brian Steenson said when the property was developed, the sidewalks would be put in at that time and it would be at the developer's expense. He said K&F Development would be responsible for a wraparound sidewalk at a certain point in the development under their agreement, but that they would be responsible for the sidewalks and street trees when the property was developed on the north side.

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R. Olson asked if the street trees from Rosemont to Suncrest on the south were also their responsibility. Brian Steenson said that it was and that it was his understanding that the staff report requested that those be put in at the time of development. He said they concur and accept that condition.

R. Olson asked what their consideration was pertaining to the question of the cul-de-sac on Suncrest developing the roadway thirty-two feet versus thirty-six feet. Brian Steenson said that they felt the desirability of maintaining the lot configuration outweighed the additional cost of increasing Suncrest. He said it was of primary importance to them that Bay Meadows Drive not be the only access. He said they felt that an entrance off Suncrest Drive was essential to the development and marketing of their property.

S. Weiss asked M. Butts why they were recommending thirty-six feet on Suncrest rather than Bay Meadows Drive. M. Butts said basically that Hidden Springs Road and Rosemont Road were minor arterials and that in undertaking this they were trying to limit the access to those roads. He said they were making an attempt not to disrupt the traffic flow on minor arterials. He said they were trying to eliminate the number of access points to a road to facilitate the flow of traffic on a main roadway.

Chairman Madson asked D. Darling if they had a hypothetical situation where it was in the best interests of the city and the area to have full development of a road all the way through, if there was some procedure possible by which the city could acquire the necessary right-of-way to do that. D. Darling said it could be done by condemnation. She said obviously there would be some expense incurred by the city in doing that.

Tom Tye, Compass Engineering, 6564 S.E. Lakeridge Road, said their first choice would be their plans as presented, and their second choice would be as had been previously outlined. He said he felt that the staff report proposal would not be acceptable to them. He said another concern that Mr. and Mrs. Erickson had was losing the shrubbery along the front of their property. He said in answer to T. Conser's question about the storm sewer was that they were pretty much standard calculations that they do on all developments and that the city likes to see them ahead of time.

Chairman Madson said that Mr. Gibbons had given them a lot of reasons why there shouldn't be only one access to the property, and that he would like Mr. Tye to rebut those concerns. Tom Tye said that they were not proposing that. He said their first alternative was the plan as presented. He said they were saying they did not like the staff report proposal and that they prefer their alternative plan. He said it would not be their first choice, but that it was preferable over the other.

Val West, a resident of the Robinwood area, said he had no objections to the proposal. He said he would like to see the land developed, but that one of his concerns was the uncompleted section of Hidden Springs Road. He said it was inevitable that one day the road would go through, and that he felt it was necessary to expedite that process. He said he had some interests in the property now and for the future, and he would be very interested in hearing what their answers would be on this concern.

Chairman Madson asked if he could have each of the members give their feeling on what they had discussed thus far.

S. Weiss said she felt that they had an obligation first to limit the access to Hidden Springs Road, but that she also recognized that the

developer had some real concerns as far as having more lots backing up on Hidden Springs Road. She said she would also hesitate to give approval on the tentative subdivision plan because they had not acquired the dedication needed to start that development.

R. Olson said that the attribute of having less congestion right at the intersection of Suncrest outweighed having a cul-de-sac. He said he would prefer having the staff report proposal rather than the alternate that had been proposed by the developer. He said he felt that whatever decision they made that they would have to develop some means of facilitating the dedication of the original strip of road and having improvements from the intersection of Suncrest to the east end of the developer's property.

T. Conser said he was pretty much in agreement with R. Olson's comments, but that he would like to add that any problems with the development of the lots in that subdivision would outweigh the more severe problem of traffic that might generated through that area. He said he felt the key issue on the access problem would be to take into consideration the effect their decision would have on the future of the area.

Chairman Madson said that he had similar concerns. He said he felt the comment that they should take a broader look at the situation was well made. He said he thought that it was in the best interests of everyone concerned to suggest that they postpone a decision on this matter for thirty days to enable the city to take an active role in coming to terms with the dispute over the property needed for the right-of-way, and the future completion of Hidden Springs Ranch Road. He said he felt the issues were important and that a postponement would give them the opportunity to work out everybody's concerns and if they had not made any progress at the end of this time they could again look at the alternatives and make a determination of some kind for the applicant. He told Mr. Steenson that they would like to enlist his cooperation in resolving this issue. He said he felt with them all working together that it would be of benefit to all of them.

Brian Steenson said he would agree to that and he would be happy to cooperate. He said he had no problem with the thirty-day postponement. He said he felt it would be of benefit to the property to complete the Hidden Springs Ranch Road, but he felt that it would be a tremendous cost to the property owners who weren't going to develop their property at this time. He said doubted that they would go along with the idea, but he would still be willing to work with the city on the matter.

Chairman G. Madson said it was the consensus of the Planning Commission members that they postpone the matter for thirty days to try to resolve the issue.

4. Business from Staff.

M. Butts said the Planning Commission members had a memorandum before them from the members of the staff regarding a possible zone change along Portland Avenue. He said when this was first brought up that he was not familiar with the property. He said he felt a disservice had been done to the property owner when the city had rezoned the area adjacent for commercial use. When given the layout of that property, the only reasonable use would be single family or duplex. Consequently, he said he felt the city should sponsor a zone change back to some kind of residential development.

S. Weiss moved that the Planning Commission sponsor a zone change and Comprehensive Plan amendment for the property located between 6020 and 6049 Portland Avenue as per the memorandum January 31, 1985, exhibiting

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the property. T. Conser seconded the motion. The motion passed unanimously.

5. Business from the Planning Commission.

Chairman G. Madson said that they had the same situation existing a month ago regarding the Park Board appointment. He said since they were still waiting for additional members to the Planning Commission that they were a bit shorthanded and did not currently have a permanent appointment to the Park Board. He said he had attended the last meeting and that they had spent a lot of time discussing a location for a recycling station. He said another thing that was brought up was the fact that they were very concerned about having a permanent liason with the Planning Commission. He said he thought the Park Board was becoming more active and he felt it important that they establish and maintain a good relationship with them. He also reminded the members of the Planning Commission how important it was for them to attend the meetings within the next month or two so they would have a full quorum until the rest of the positions on the Planning Commission are filled.

Chairman Madson said he also wanted to make the other members of the Planning Commission aware that they would be receiving the Hutchison/Walsh application back before the Planning Commission.

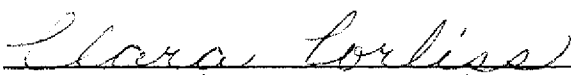
M. Butts reminded Chairman Madson that they would need Jim Coleman as legal counsel and that the item would probably not come up on the agenda until the April meeting.

S. Weiss said she would like to get back to the Park Board appointment for a moment. She said she had made a comment that she would consider participating in their meetings. She said there were two reasons why she didn't feel that she would be able to participate on the Park Board. One reason being the amount of time she had left as a member of the Planning Commission, and the other reason being that she would like to spend more time with her family. She said she had also attended the Metro workshop and was a little disappointed in it.

T. Conser said he would like to mention that the Historic Task Force was still coming along fine and that they were trying to put together a public hearing on the Willamette area. He said found the group as a whole very interesting.

M. Butts said the only other thing he would like to say was that his wife was in labor and that he had planned on being home by 9:00.

There was no further business and the meeting was adjourned at 10:30 p.m.


Clara Corliss, Stenographer

March 18, 1985

1. Chairman G. Madson opened the regular meeting at 8:00 p.m. Members present were T. Conser, S. Weiss, and R. Olson. Absent were M. Gosling, and L. Kellerman. Also present were M. Hess, Assistant Planning Director; D. Darling, City Attorney Representative; and C. Corliss, Stenographer.

Due to a lack of quorum, the regular meeting began with a presentation of solar access until the additional necessary member arrived at 8:20 p.m.

2. Presentation from the State Department of Energy - Grants for Energy Projects.

John Kaufmann, Solar Specialist from the State Department of Energy, said he was at the meeting to find out the City's interest in the Bonneville Power Administration's program for developing solar access ordinances in the Portland metropolitan area. He said he was going around to various communities to determine the level of interest.

Chairman Madson said before they continued, he would like to advise the members of the Planning Commission and the audience that this evening's meeting was being video taped for possible showing on cable television if some problems with editing could be worked out.

John Kaufmann said by way of background that he had formerly been a building contractor in the midwest and had a Master's degree in home planning. He said his basic reason for being there was to talk about the metropolitan-wide solar energy project that the Oregon Department of Energy was interested in putting together. He said that they were interested in putting together a metropolitan-wide solar access project for funding under that program. He said they would like to work with as many local governments as they possibly could to submit a quality proposal to the Bonneville Power Administration for funding to study the issue of solar access and to develop model ordinances. He said their intention was to build a fund for local governments to help offset any staff costs that might be incurred on the project. He went on to explain what solar access was and how it worked in the Oregon area. He told about several cities in the state of Oregon that had already set up ordinances for solar access. He said solar access was important for many reasons in that it researches the opportunities for using solar energy in the future and to help alleviate energy costs as they continue to rise. He said the standards set up by the ordinances can help define the rights and responsibilities before rather than after the fact. He said standards and ordinances have to be set now for solar access in the future. Mr. Kaufmann used a model subdivision display he set up to explain solar access to the members of the Planning Commission and the audience. He said they had a meeting on February 27, 1985 which was attended by twenty-five local governments in the metropolitan area. He said they had unanimous interest in the concept of setting up solar ordinances. He also said they had established an advisory group of six local governments to help them write up the proposal. He said what they were asking of the West Linn Planning Commission was a resolution supporting the concept of the project. He said in order to help complete the proposal to Bonneville by May 10, 1985, they would like the resolution to be signed by any local governments who wish to participate by April 20, 1985. He said they would submit a letter to the Planning Commission by April 10, outlining what the proposal will be and some of the details of the funding structure and how they would work on the project. He said the resolution submitted would be only a sample resolution rather than a specific ordinance. He said they would basically be expressing their support for the proposal to Bonneville to undertake the project. He said this was more than a feasibility study, that they would be developing model ordinances.

Chairman Madson thanked Mr. Kaufmann for his presentation and said they would discuss it as a group later.

3. Minutes of the February 19, 1985 Regular Meeting.

R. Olson moved to approve the minutes as written. S. Weiss seconded the motion. The motion passed unanimously.

4. Extension Request for Final Plat Approval of the O'Neal Development - Perrin Street - General Item.

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M. Hess in summarizing the staff report said there were three findings listed that pertained to this matter. He said the first thing the Planning Commission should consider was that there had not been a change in the facts since the tentative subdivision plan had been approved, that there had not been a change in the Comprehensive Plan or Community Development Code on which the approval was based, and that the Planning Commission had the authority to approve an extension of time for filing the final plat up to one year. He said a six-month extension had been requested, and the staff report was recommending that the six-month extension be granted.

Shirley E. Bissell, 6105 Portland Avenue, representing the O'Neal Development, said she was requesting a six-month extension. She said there were funds available at the present time that hadn't been available during the past year.

T. Conser asked Shirley Bissell if she felt the six months would be adequate to develop their final plan for approval. Shirley Bissell said she felt that it would be.

T. Conser moved to approve a six-month extension of the legal property described as Tax lot 1500, Assessor's Map 2S2E36BD based on the findings of fact that there has been no change in the tentative subdivision plan. He recommended approval of the findings on Page 2, Nos. 1, 2, and 3 as provided by the staff report dated March 6, 1985. S. Weiss seconded the motion. The motion passed unanimously.

5. Subdivision Proposal - Brian Steenson - 2011 Rosemont Road - Continued-General Item.

M. Hess gave a summary of the staff report. He said that the applicant had submitted a revised plan to respond to some of the staff report concerns, as well as the Traffic Safety Committee concerns. He said there were no problems with the plan that was being submitted, but that the original conditions of the staff report, dated January 6, 1985, still held with the exception of condition No. 5, which was the street names. He said the street names had been indicated on the latest submittal. He said also in condition No. 2 which called for a modification of the street plan that it had been done to their satisfaction. He said a condition which should be added was that the applicant comply with Section 92.010 of the Development Code which apply to the street improvements for Hidden Springs Road as per the agreement between the applicant and K&F Development. He said there was a proposed roadway scheme submitted in the mailing of March 11, 1985, to the Planning Commission members recommending that the intersection with Suncrest Drive go straight across Hidden Springs Road.

Chairman Madson asked M. Hess how the memo on the roadway differed from the third proposal. M. Hess said the curbs were a somewhat bigger radius.

M. Hess said the applicant had also revised the tentative street plan for the adjoining property and that would give them some minor modifications from what the third proposal had been that they had seen at the last meeting. He said in the memos that the Planning Commission members had before them all the proposals had been addressed except the one regarding the street width. He said the applicant had proposed that the cul-de-sac have a width of twenty-eight feet. He said in the memos before them Mr. Steininger recommended that the street width be thirty-two feet rather than twenty-eight feet.

D. Darling said that when the Planning Commission members acted on this they would need to make it a condition of approval. She said the main reason to set it over for thirty days was to see if anything could be done with the dedication of the road owned by the Ericksons. She said she would be interested in hearing what Mr. Steenson had come up with, but as far as the city was concerned there was no money available for doing

anything right now. She said condemnation of the property had been talked about at the last meeting, but that there would not be money available for that at this time either. She said at this point in time they were going to have to look to the developer to provide a street. She said they might possibly have to look into barricading a portion of that street to show that it was not a through street.

S. Weiss asked M. Hess for clarification on condition No. 3 in the staff report. M. Hess said that it dealt with the street tree plantings and sidewalks along Hidden Springs Road and a bike path along Rosemont Road. He said it proposed that they be installed at the time of development rather than waiting as each lot was developed. He said there would be no private access on Hidden Springs Road and Rosemont.

R. Olson expressed a concern about how a barricade would affect people living east of the end of the paved roadway. D. Darling said she thought there were approximately three homes. Brian Steenson said he thought there were a few more beyond that that would not be affected.

T. Conser said he felt that the key issue in the problem of the dedication was that in order for them to develop the subdivision that the right-of-way was supposed to have been secured and wanted to know if that had been done. D. Darling said she didn't know and that could be more properly answered by Brian Steenson.

Brian Steenson, 595 South Marylhurst Drive, said he would like to address the entrance problem and the input from the Traffic Safety Commission and in his participation to clear up the three or four plans that had been submitted to the members of the Planning Commission. He said he had attended the March 6, 1985 meeting of the Traffic Safety Commission. He said the Traffic Safety Commission were seeking advice and recommendations after hearing the concerns expressed by the staff report and Planning Commission about what would be the best entrance to the subdivision. He said after going over all the concerns expressed by the various parties involved, as well as their alternative plan which was submitted to the Traffic Safety Commission, they had some intense discussions. He said the Traffic Safety Commission voted to recommend and approve the developers alternative plan. He said that was the third plan that was submitted to the Planning Commission. He said he had a copy of the recommendations and conditions for approval from the Traffic Safety Commission. He said one of the recommendations was removing the curb on lot 5 and also the curb on lot 9. He said the Traffic Safety Commission felt that a continuous intersection at Suncrest Drive would be more appropriate than a continuation of Bay Meadows as proposed by the staff report. He said there was also concern expressed by the Traffic Safety Commission for the driveways on lot 20 and 19. He said with those suggestions in mind, they had arranged a meeting on March 11, 1985 with the Planning Director, M. Butts and Mr. Steininger with the intent to see if there were some way they could take the Traffic Safety Commission's recommendations, staff report recommendations, and get a plan that would be acceptable to everyone. He said that was basically how this final plan had originated.

Brian Steenson outlined for the Planning Commission members the changes that they had made on the plan. He said they had tried to get copies of the Traffic Safety Commission meeting, but they had not been transcribed as yet. He said he would like those as part of the record. Brian Steenson was presented with a copy of the communication from Chief Enderlin which he said would be sufficient.

Chairman Madson said that would be made part of the record as well as the file.

Brian Steenson said there was another proposal by the staff report that the street width be thirty-two feet rather than twenty-eight. He said

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the subdivision to the north of the property, Sunburst Subdivision, Aztec Court, and Sunray Court were twenty-eight feet in width as opposed to thirty-two feet. He said he would ask Mr. Tye to speak on that issue. He said the other issue was the right-of-way of the access onto Arena Lane. He said he had discussions with Mr. Erickson's attorney, Mr. Anicker, who in turn discussed it with Mr. Erickson and that there had been a tentative agreement. He said nothing had been signed at this time. He said he was a little reluctant to get into a further discussion regarding the right-of-way until it was finalized.

Chairman Madson asked Mr. Steenson how he would deal with his liability for the future development of that portion of the street. Brian Steenson said he would reiterate what he said a month ago in that if they failed to reach an agreement with Mr. Erickson on the right-of-way that he would discuss the necessary funding for the improvement of that street with the city.

Chairman Madson asked how much of the street improvement Mr. Steenson would be liable for in the previous agreement that had been made. Brian Steenson said that his obligation stated that he would be liable for sidewalks on both sides of the street west of Suncrest Drive. He said that was the only improvement left that needed to be done in that area.

Chairman Madson asked if that agreement didn't also include street trees. Brian Steenson said that the agreement did address street trees, but that it had not been part of the original ordinance at the time it was drawn up. He said in the proposed development plan before the Planning Commission members they had agreed they would put the street trees along Hidden Springs west of Suncrest. He said that he also understood when the other parcel across the road was developed, it would be a condition of the development that they be required to put in street trees there also. He said he didn't feel K&F Development had any responsibility for development costs west of that area. He said he felt that K&F had satisfied all of their development costs or improvements west of the Suncrest intersection. He said he also had some title matters to clear up with the city attorney.

Chairman Madson asked Mr. Steenson if they would be prepared to put up a bond for their share of the cost of street improvements east of Suncrest Drive if they were unable to complete their negotiations to acquire the right-of-way. Mr. Steenson said they would.

Brian Steenson said that the agreement they had was not just with K&F Development, but was also with the City of West Linn and himself. He said it outlined the responsibilities of each of them very clearly. He said K&F Development had a small obligation to put in sidewalks on the wrap-around corner by Suncrest intersection, but other than that they had satisfied their obligation.

D. Darling asked whether the agreement went east of Suncrest Drive. Brian Steenson said the agreement addressed the cost of street improvements east of Suncrest. He said the original agreement was that K&F Development would do full street improvements west of Suncrest Drive and that they would do them east of Suncrest Drive.

Brian Steenson said since there was a little confusion about the original agreement perhaps he should explain it a little more clearly. He said it was originally proposed by K&F Development do half street improvements west of Suncrest Drive and they would do the other half. He said there was no way they could afford to do that. He said a discussion was held and a tentative agreement was made that K&F would do full street improvements west of Suncrest and they would do full street improvements east of Suncrest. He said at that point there had been no more discussion about the right-of-way because there seemed to be no need to. He said their obligation on the right-of-way east of Suncrest Drive was not going to be improved or done until they developed their property. He said as a result they didn't give any more consideration to the right-of-way that was owned by Mr. Erickson. Brian Steenson then showed the members of the Planning Commission a color-coded map

illustrating the layout of the property and the right-of-way in question. He said Compass Engineering had brought to their attention that there were three ownerships of that particular road. He said the City, K&F Development, and Mr. Erickson all owned a portion of the road. He said when he acquired the piece of property from Mr. Erickson that the legal description was fouled up. He said there had been a change in the curve of the road from the original plan and that was what they were trying to work out.

D. Darling said Mr. Steenson had brought the problem to their attention, and the City Engineer was looking into it to see what could be done to correct it.

S. Weiss said her understanding then was that Mr. Steenson was saying if the agreement for the right-of-way did not go through with Mr. Erickson that he would agree to pay for the improvements on that portion of the roadway, but as far as everything else meeting the criteria set out that it would not hold up the development. Brian Steenson said that was correct.

M. Hess said he would like to raise a concern about Mr. Steenson putting up a bond on the future development of the roadway. He said if it takes several years to bring this about they would have no way of knowing what the costs of the improvements would be at that time. He said in the past it had been city policy that dedication must go on and not the other way around.

Chairman Madson said he had the same concerns himself and would like D. Darling to respond to that and also what mechanism they could use to deal with the situation.

D. Darling said there wasn't anyway to do that and it would be her recommendation that they not propose that. She said she would recommend that they make a condition of approval that he acquire development and dedication of that strip. She said she knew that would pose a problem for Mr. Steenson but she felt that requiring a bond for expected costs in the future would not be a wise approach. She said she would suggest that they put the matter over for thirty days to see if they could get it resolved and also see what the city could do. She said basically they didn't have the money to do it, so possibly it should be put in as a condition of approval.

T. Conser said he would like to clear up what Mr. Steenson's obligation was on the street trees on the north side of the property. Brian Steenson said the street trees had not been addressed on the north side. He said the majority of the lots on that property had already been built on.

Chairman Madson asked for clarification on the City's involvement in the prior agreement with K&F Development and Brian Steenson.

D. Darling said the agreement had come about at the time of the realignment of Arena Lane and the street trees had not been a requirement at that time. She said she understood that Mr. Steenson would take on the additional expense even though it had not been a requirement at the time of the agreement.

Tom Tye, 6564 Southeast Lake Road, Milwaukie, said the reason they had shown a twenty-eight foot street width on their preliminary plan was that that was the street width shown on the Sunburst Subdivision for Sunray Court and Aztec Court. He said if the members of the Planning Commission were familiar with the streets they were considerably longer and had more lots. He said they felt that was an adequate street width for their development and that thirty-two feet would be an excessive width. He said perhaps they could reach a compromise somewhere in between. He

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said if for some reason the right-of-way did not go through with Mr. Erickson, if the city could allow them to do their development in phases. He said there would be the possibility of doing Phase I and then doing Phase II at some time when the right-of-way was obtained. He said that phasing was a pretty standard procedure in subdivision development.

Chairman Madson asked how that would affect the issue of the small strip of property that had not yet been dedicated at the intersection of Suncrest and Hidden Springs Road. Tom Tye said that would be a problem and if nothing was done, he didn't feel it would involve the subdivision approval as it was an existing problem.

M. Hess said that he would also like to note that a twenty-eight foot width was allowed by the code language for cul-de-sacs. He said that was the minimum width allowable in the code at this time.

Chairman Madson asked for a clarification on the number of lots allowed for accessing. M. Hess said that twenty was the maximum, which would be ten on Arena and eleven on Martin.

Chairman Madson asked if the turning radius would remain the same regardless of the street width. Tom Tye said that it would.

R. Olson said there had been some discussion about parking on both sides of the street. He said he did not feel that it would be as feasible with a twenty-eight foot street width and felt that parking should be restricted to one side of the street.

M. Hess said that was basically a design problem and that there were many instances on Aztec Court and Sunray where parking was allowed on both sides of the street. He said there were mixed feelings about that among the residents.

R. Olson asked M. Hess what his recommendation would be from the Planning Department's point of view. M. Hess said he had no strong feeling on the issue. He said he personally had no problem with slowing traffic down, but there were others that were concerned about the safety factor. He said he felt there was no definite answer to the problem.

S. Weiss asked if there were any requirements for phasing as far as the amount of the lots to be included were concerned. M. Hess said they had a five year maximum time span and that the applicant would be required to propose a time line for approval.

S. Weiss said if they recommended a time plan for the phasing that she felt they would probably run into the same problems with the ownership of the right-of-way. M. Hess said that might be true, but what they were trying to accomplish was to allow the applicant to develop portions of the property and continue to divide his land and develop it.

S. Weiss asked if they were to develop a time line if the applicant would have to come before the board again for Phase II. M. Hess said that if they approved Phase II, the applicant would not have to come before the board again.

Tom Tye asked if they needed to request the phasing at this time. D. Darling said it would probably be best to request it right now.

Tom Tye said he would like to request phasing at this time. D. Darling said that if the members of the Planning Commission were going to recommend phasing that they should make conditions on both phases, except for the development of Hidden Springs Road east of Suncrest intersection, which would come with the development of Phase II.

T. Conser asked what the applicant's position would be at the end of

five years if nothing had been accomplished on the right-of-way problem. M. Hess said if nothing happened they would have to resubmit their plan all over again.

R. Olson asked Tom Tye if he could briefly go over the improvements to Rosemont Road. Mr. Tye complied with the request and outlined their plan for the Planning Commission.

Chairman Madson asked M. Hess if he was comfortable with the proposal as far as the improvements to Rosemont Road. M. Hess said that basically he was. He said the only thing he might suggest would be a privacy fence at the end of the right-of-way that would be adjacent to the bike path and sidewalk.

D. Darling said she had one other thing to bring up concerning the phasing issue, and that was that they were going to have to make it conditional upon K&F Development and City Council consent. She said her recollection of the agreement was that K&F Development had an obligation to improve the road east of Suncrest which would be timed to the development of this property. She said they would need to get their consent if they were going to put off the street improvements.

Val West, a resident of the Robinwood area, said he was concerned about the fact that the City said they had no money for road repairs and improvements and acquisition of property. He said he felt there was adequate money available from the various fees. He said the improvement of the roads in that area should not be placed upon the developers but should be acted upon by the City. He said basically a lot of suggestions had been made on what to do with the Erickson right-of-way, but no plan of action had been accomplished. He said he felt the Planning Commission should become familiar with the development fees and find out why there wasn't any money for those projects.

Chairman Madson said he would respond to Mr. West as best he could from recollection rather from the records. He said as far as he could remember the original Sunburst approval was to provide a half street improvement up to Rosemont Road because of the concern about there being enough access to that development. He said the improvements fell along a right-of-way, so it was fairly standard to ask for half street improvements to be put in when the adjacent property was developed. He said there had been a multi-party agreement to provide full street improvements. He said K&F Development agreed to fully develop the street to the east; the applicant to develop the section to the west. He said the only other comments he would like to make were two-fold. One, that the Planning Commission was not given the authority to spend monies out of the System Development Fund. He said the Planning Director had indicated that it looked like the City would be able to work with the people involved and that a minimal improvement for the connection of Hidden Springs Road could be done from the Systems Development fees. He said he did not expect full improvements, but at least a usable paved strip to go through so that traffic could use it. He said that was the last communication he had on the progress. He said whether or not there was enough money from the City was not a decision for the Planning Commission members to make.

Chairman Madson asked for input from members of the Planning Commission regarding the subdivision proposal.

S. Weiss said as far as she could ascertain they were only down to two options. One would be denying and the other would be phasing the development. She said without the right-of-way issue being cleared up, she didn't feel they had any other options, but to give approval for Phase I or deny it entirely. She said she felt it would be unfair to deny it totally, so she would have to move more toward the phasing issue.

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D. Darling said that they could approve both phases tonight or just one since they had a set plan for both.

R. Olson said he would not have any difficulty with phasing the development. He said it was reasonably logical and would accomplish part of the improvements. He said he felt the applicant had done a nice job of relaying the lots and that he would rather see a little wider width on both of the Courts.

T. Conser said he would have to agree with S. Weiss' comments. He said he did not see any reason to hold up what had been defined as Phase I or to penalize the applicant.

Chairman Madson said the issue he would like to raise was the requirement by the Comprehensive Plan for parks and recreational development. He said there was a specific policy that said that large developments be required to dedicate open space or park space as part of their condition of approval. He said he felt that that subject had not been addressed, and felt that it should be discussed.

M. Hess said it was his understanding that the requirement did not include developers in its definition. He said there was also a park planned immediately to the east and north of Hidden Springs Road.

S. Weiss moved to approve the tentative subdivision plan as submitted in the phase submittal, dated March 18, 1985. To be included in Phase I are lots 1, 2, 3, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, and 26; and in Phase II to include lots 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14. Included also as conditions are that the bike path be sited adjacent to the property line on Rosemont Road; that the sidewalk be sited adjacent to the property line on Hidden Springs; that the street width on Arena and Martin Courts be thirty-two feet; that the approving of the phasing be conditional on K&F Development and City Council consent to postpone the road development and dedication of Hidden Springs Ranch Road east of Suncrest to Phase II; that all other recommendations set out by the staff report other than Nos. 1, and 2 be conditions of approval. T. Conser added amendments to the motion: that on condition No. 4 of the staff report they add "exterior" and interior property lines have six-foot utility easements; that lots 26, and 17 be accessed off of Arena Court in Phase I and that lot 14 be accessed off Martin Court in Phase II; and that a temporary turnaround be developed on Martin Court to staff members approval. S. Weiss approved amendments to the motion. T. Conser seconded the motion. The motion passed unanimously.

Chairman Madson asked William A. Kraschel who was to have the next item on the agenda if he would mind if they heard item No.7 on the agenda while they were still fairly fresh. W. Kraschel said he did not mind.

6. City of West Linn - Island Annexations - Adjacent to Skyline Ridge Subdivision and Adjacent to Bland Circle - Public Hearing.

M. Hess said that this was a proposal to annex two island parcels that the City of West Linn city limits currently surround. He said there were two pieces of land, the larger one known as Marylhurst Island with a total of eighteen and a half acres, and the smaller island known as Bland Circle Island with a little less than an acre of land. He said the reasons for the proposed annexation were outlined in the staff report dated March 7, 1985. He said the conclusions and recommendations were that these islands be annexed, and if the Planning Commission agrees with the conclusions they should recommend to City Council that the annexations take place. He said the Council would then recommend whether these annexations be approved. He said the members of the staff were also recommending that the Planning Commission make a zone recommendation that both of the parcels be zoned R-10 which would allow single family residential on a single family lot size.

Chairman Madson said if his interpretation were correct that the only thing that made them an island was the fact that the current boundaries

of the city were drawn around those parcels.

M. Hess said there were several right-of-ways included in the map before the members of the Planning Commission. He said the reasons the right-of-ways were included in the annexations was that the city utilities ran through them.

Chairman Madson asked if these two areas being considered for annexation could be taken together or would they have to be done separately.

M. Hess said that there were two letters expressing their approval of the annexations in writing, but that he felt there would be some opposition to the Marylhurst Island annexation.

John Little, 15111 Southeast Lee Avenue, Milwaukie, said he was representing his grandmother, Mildred Judd. He said his grandmother owned Tax lot 100 on the proposed annexation on Exhibit A. He said his grandmother had given him a proxy to appear before the Planning Commission and let them know that they were in favor of the annexation. He said he would also like to voice some concerns. He said because the platted road, Mountain View Drive was not a feasible route they were considering building two residences on that section of 2.2 acres within the next year. He said they needed to get some access to the property because Mountain View Drive was not feasible. He said if they could use the other platted road shown on the map it would take them pretty close to their property. He said they were wondering if the City could provide them access to their property or whether they would have to buy more property to get into their parcels. He said basically they were in favor of annexation because they needed the sewer and water hookups for their proposed construction, but at the same time they wanted to express their concerns about the access problem.

Chairman Madson said they would appreciate a copy of the letters his grandmother had sent with him.

M. Hess said that the area owned by his grandmother would be needing some major investment from one end or the other in terms of either developing the roadway or coming in through Skyline Ridge. He said either way he could see an additional investment besides just the home building. He said another alternative would be to buy one of the lots from the hillside court and put a driveway through there.

John Little said one of the concerns about that legally was what right they had to buy someone else's property to get from the city to their own property.

M. Hess said legally they had frontage on the public right-of-way, but that it was unimproved for a great distance. He said legally it was a right-of-way if they wanted to use it, but they would have to pave it themselves. He said either way it would mean an additional investment for his grandmother. He said the proposed roadway was put into alignment to allow traction access.

T. Conser asked whether the proposed roadway had been tentatively approved. M. Hess said that it had and now the final alignment was going through the City Engineer.

T. Conser suggested that he contact the City Engineer on his grandmother's behalf as soon as possible to look at the City's topography maps to work out his problem.

D. Darling said that if a party had a piece of property that was difficult to develop, whether it was in or out of the City, it was still their final obligation to make it developable.

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M. Hess said it would still be expensive to develop regardless because of the slope of the area. He said another point was that it would be impossible to develop if they were outside the city because they wouldn't be able to get septic tank approval there.

John Little said that was one of the reasons they wanted to be annexed. He said he felt that the only thing to do would be to talk to the City Engineer about the platted road for access.

William Hoover, 18500 Mountain View Court, said he had a letter he would like to enter into the record. He said the letter was to serve as notice of opposition to the proposed annexation of Tax lot 3400, Assessor's Map 21E14CC of 4.15 acres owned by Nancy and William Hoover and included in Marylhurst Island. He said they had several reasons for opposing this annexation. He said of the first four acres in question only two were considered buildable and that the other two contain a steep sided gully which served as part of the drainage system to Skyline. He said their home was situated in the middle of two flat acres for optimum seclusion and maximum solar access. He said because of the topography and trapezoidal shape of the parcel and the location of the house the possibility for an R-10 zone was completely ludicrous. He said it was not their intention now or would it ever be to subdivide the property. He said they also maintain their own well, septic system, and help pay for grading gravel for the public road, Mountain View Court. He said as far as they were concerned there would be no advantage for them to have annexation. He said they did feel obligated for the police and fire protection offered by the City of West Linn. He said he also had a copy of the certified survey which depicted the parcel and also a topographer's map which indicated the gully that ran down beside their property and others that were referred to earlier.

William Hoover said they had looked for a long time for property that would afford them solar access, but they also had control of their own environment, and that they had invested a large sum of money to buy the property in order to develop and build their home on that piece of property. He said, therefore, they had no interest to develop or even apply for zoning that would allow them to develop their property.

Chairman Madson said his understanding of the procedure of the meeting that evening was that it included annexation, but not zoning.

William Hoover said he thought it had been stated that it was recommended for an R-10 zone. Chairman Madson said procedurally the notice requirements had not been included and that there was no indication for proposed zoning for the property.

D. Darling said that the code stated that it must be zoned within six months and that if it was zoned R-10 it would carry potential for the next owner of the property.

Robert Kokao, 18410 Mountain View Court said that he owned Tax lots 101, and 102 and that he was present to speak in opposition to the annexation of the property. He said he would like to respond to the City's policy of eliminating existing unincorporated islands. He said he felt the cost to their family did not justify that bit of tidiness. He said he would also like to speak on more efficient delivery of urban level services. He said he did not feel that they needed any additional services as they had water from a well and a septic tank. He said they lived on an unpaved road that several of residents maintained to their own satisfaction. He said if the road were upgraded to city standards with sewer and water being brought into their homes the cost would be exorbitant. He said as far as the fire and police protection costs were concerned, he felt the potential demand would be minimal and remain so if the area were to remain undeveloped. He said they had no intentions to develop the land. He said they currently pay the county a levy for fire

and police protection, and that he would like to propose to the City that the money they paid to the county be transferred to the City and that would be their contribution for the services. He said they had never used the police and fire services themselves. He said even though the cost just mentioned would be expensive, a factor that they were really concerned about that would make it impossible for them to live there would be the increase in property taxes both in the rate and in the assessment. He said those costs would force them into leaving their property or developing the land. He said he felt the capacity to provide sewer and water services should be reserved for the willing rather than the reluctant developer. He said he would ask and plead with the Planning Commission that they not annex them into the city because they enjoy their homes the way they are now. He said the property would remain available for annexation at a future time when the City actually had a demand for increased housing and would be better able to provide the services.

S. Weiss said if she understood correctly that annexed property owners would not be required to hook up to city water. M. Hess said that it was correct, that it would be new construction that would be required.

S. Weiss said the cost would not be an issue then for the current property owners because they were not required to change anything.

Robert Kokao said the tax assessment itself would be a great burden.

Chairman Madson asked what the different tax rate would be. R. Kokao said that it would multiply to such an extent that they could not afford to live there any longer.

Don Whittenger, 2100 Mountain View Court, said his property bordered the annexation properties and said he would like to go on record as opposing the annexation. He said if the property were rezoned R-10 there would be more developments going in and there would be an increase of traffic on the unimproved road. He said there was already an excessive amount of traffic. He was sure that the Safety Council would comment on that.

S. Weiss said that the proposed annexation did not have anything to do with the development of any of the properties. She said they were two separate issues and that if there were development of the property at some point there would have to be approval. She said annexation did deal with tax rates and hookup to city services.

Don Whittenger said that as they all knew before the new development on Skyline Parkway that there hadn't been an island and that annexation had come about after the development.

M. Hess said his understanding was that the island had been created about five year's ago based on the testimony of the Kokaos and others with the understanding that it would be cleaned up in a few years. He said the City policy did not like to leave unincorporated spots in the middle of the city.

Don Whittenger asked how to go about changing the policy. M. Hess said to change the policy you would have to make a case to the City Council. Don Whittenger asked if there were any exceptions. M. Hess said that it did give some discretion to the city.

Don Whittenger said that it should probably have been addressed a long time ago when Skyline was built. M. Hess said at the time they created the island that it would be cleaned up in the future.

M. Hess said he might add that if the Planning Commission were uncomfort-

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able with recommending annexation on this issue that shrinking the island as opposed to eliminating it all together would be better than nothing. He said he would also like to remind the Planning Commission that the owners of Tax lot 100 and 200 had voiced no opposition to the annexation proposal.

D. Darling said that she agreed with M. Hess in that making the island smaller was better than leaving it the way it was. She said they would basically only be making a recommendation to City Council about what they wanted to do. She said anyone that was opposed to the annexation should plan to attend the City Council meeting.

T. Conser moved to close the public hearing. R. Olson seconded the motion. The motion passed unanimously.

S. Weiss said she would tend to agree with the City policy that they should not have islands in the middle of the city, so she would be inclined toward recommending annexing the property. She said in light of the opposition to the annexation she was not sure what should be done procedurally.

M. Hess said they would make their decision based on the findings of the staff report, fire and police chief as well as other findings if they had given them sufficient findings to call for annexation even though there was opposing testimony.

Chairman Madson said he needed clarification on the property that they hadn't heard any testimony on. He said the indication in the staff report was that the nearest sewer connection line was 150 feet to the south. M. Hess said that was right and if the City annexed that property the owner would be obligated for the cost of bringing the sewer to the property line.

D. Darling said the City's obligation was to provide capacity not access to that capacity.

R. Olson said they had heard a lot of concerns about development, but that he didn't foresee that happening until owners of the lots were ready to do that sort of thing. He said he felt the concerns of the people opposed to annexation on the increase in traffic, development, etc. were unfounded at this time. He said as far as the question about the increase in taxes that they probably would go up with the annexation, but there would be no definite way of knowing without putting a zone on the property.

D. Darling said it would have to be zoned within six months for urban density.

R. Olson said he felt they should pay attention to the request for annexation for the good of the community.

T. Conser said while he respected the opposition of the owners of the property for annexation, he still felt it was their responsibility to pull all parts of the city together and make them one. He said he would tend to support full annexation of all of the parties' property rather than do it piecemeal.

Chairman Madson said that as far as the taxes were concerned it looked as though there would be a significant increase in expense for the owners of the property within the islands. He said, however, that he felt it would be only right that they pay their proper share for city services which they are already enjoying. He said he was very concerned about what would happen to the tax rate, but that he didn't know the answer to that. He said at this point he was concerned about this being a relatively new city policy and that he knew there was some reasoning that went into

the discussion of the policy. He said he was inclined to uphold it at this point and to recommend annexation of all these properties. He said if he were one of the owners involved that he would sure find how the assessment procedure worked and make that evidence known at the City Council meeting so they made a pertinent decision based on the testimony of the property owners involved in the annexation.

Chairman Madson said he would like to remind the property owners that they would have another chance to present facts regardless of the Planning Commission's recommendation. He said the City Council was the policy-making board for the city and that the property owners' concerns might cause the Council to want to modify the policy.

S. Weiss moved to recommend to City Council to approve the annexation of two islands known as Marylhurst Island and Bland Circle. Marylhurst Island to include Tax lots 100, 101, 102, 200, and 3400; Bland Circle to include Tax lot 503 based on the findings of fact in the staff report dated March 7, 1985. T. Conser seconded the motion. The motion passed unanimously.

7. Zone Change - William A. Kraschel/City of West Linn - Between 6020 and 6049 Portland Avenue - Public Hearing.

M. Hess said the situation arose this past fall with a development proposal for a property adjacent to the west. He said the property owner contacted them and said he was attempting to develop a single family residence on that site. He said at that time members of the staff noted that the zone was commercial and not single family and not the allowed use for that area. He said the owner expressed surprise and explained the topography of the lot and the access. He said the staff members then examined the situation and found that the topography of the lot had not been taken into consideration when it had been rezoned for commercial use. He said they had then asked the Planning Commission to sponser a zone change based on the fact that there had been an error on the part of the city in designating this property as commercial. He said to rectify the two inconsistencies with the Comprehensive Plan as well as the zoning, the staff report was recommending that the property be rezoned R-10 which would allow single family residential. He said the lot in question was a flat lot configuration that also had frontage on Geer Street to the north with topography that would suggest that Geer Street would be the logical access for that lot.

D. Darling said that if they were going to follow the staff report recommendations she would request that they make it a specific finding due to misinformation.

William Kraschel, 4045 S.W. Hall, Portland, asked what the possibility would be of this lot being used for a duplex.

M. Hess said there were a couple of restraints on this lot being used as a duplex lot as its driveway was only fifteen foot and the requirements called for a twenty foot driveway.

D. Darling asked William Kraschel whether the adjacent property was all commercial before last fall. He said that it had been.

M. Hess said it was at the time of the development of the Fredrick property that the proposal had been brought to the attention of the staff.

R. Olson moved to close the public hearing. T. Conser seconded the motion. The motion passed unanimously.

S. Weiss moved to recommend to City Council to approve a zone change from general commercial to single family residential for Tax lot 1902,

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Assessor's Map 21E25AD based on the staff report dated, February 28, 1985, with the additional finding that there was an error due to misinformation on the topography and access to Portland Avenue when it was originally zoned and included in the Comprehensive Plan; and to approve the Comprehensive Plan Map amendment for Tax lots 2902 and 2900. T. Conser seconded the motion. The motion passed unanimously.

8. Business from Staff.

M. Hess said he would like the Planning Commission to sponsor a possible map error on zoning and the Comprehensive Plan Map for 2757 Marylhurst Drive. He said the map error was referring to the Theis' property above Portland Avenue on Marylhurst Drive. He said there was a request made by the Theis for duplex residential zoning for two lots. He said the zoning map they had in the office indicated the front lots as being zoned for duplex, but the rear flag lot was not so designated. He said what they would have to do would be to call a public hearing to determine if a mistake was made. He said he had included with their memo a draft of September 1982 of a property map which shows the requested property as duplex residential. He said another property map from October 20, 1982 did not show the property as duplex residential. There were no records to indicate that the Theis' request had been modified in any way.

D. Darling said the Planning Commission would have to decide if there was a mistake and also determine that the zoning that was proposed for it was the proper designation.

T. Conser moved to sponsor a review of this question as to whether there was a mistake on the Comprehensive Plan Map or whether it was intended to be zoned as it was referring to the staff memo, dated March 5, 1985. S. Weiss seconded the motion. The motion passed unanimously.

9. Business from the Planning Commission.

Chairman Madson said they still had their ongoing problem of picking a representative to attend the Park Board meetings. He said he and Mike Gosling were both unable to attend last month's meeting and that it had been too late to find someone else to go to the meeting. He asked if someone would volunteer attend the meeting for the coming month. S. Weiss said that she would make the commitment to attend the meeting.

Chairman Madson said the only other thing he would like to discuss was the fact that the Planning Commission meetings might be video taped at some time in the future if the problems of editing could be resolved.

Chairman Madson said in closing he would like to remind the members about the importance of attending the meetings until their vacant seats were filled on the Planning Commission.

There was no further business and the meeting was adjourned.

Clara Corliss, Stenographer

April 29, 1985

1. Chairman G. Madson opened the special meeting at 8:00 p.m. Members present were T. Conser, R. Olson, and M. Gosling. Absent were S. Weiss, and L. Kellerman. M. Butts, Planning Director; D. Darling, City Attorney Representative; and C. Corliss, Stenographer, were also present.

2. Minutes of March 18, 1985, Regular Meeting.

R. Olson moved to approve the minutes as written. T. Conser seconded the motion. The motion passed unanimously.

3. Community Development Code Amendments - City of West Linn

M. Butts gave the staff report. He said they were recommending three amendments to the Plan Code as outlined in the staff report, dated March 27, 1985. He said the first amendment dealt with a number of inconsistencies to the Comprehensive Plan and Community Development Code regarding amendment criteria for minor revisions. He said the second amendment dealt with the Office-Business Center zoning. He said in reviewing the Comprehensive Plan and allowable uses described for this zone that hotel, motel, and restaurant facilities were mentioned in several sections but that recent developments in the hotel industry now rely upon convention and meeting facilities to improve the viability of their operations. He said what they were proposing was to add the convention facility as a conditional use in conjunction with the hotel, motel, office-business center. He said the third amendment dealt with more inconsistencies and also trying to find a better definition, better use category for their proposed recycling center that the city is sponsoring. He said they had public support facilities as allowable outright in all residential zones but that there was no definition in the code relative specifically to convention centers. He said, however, that the Public Agency Administration was defined but not listed as a permitted use in any zone. He said that Ed Druback, coordinator for the recycling plant in West Linn, had submitted some additional definitions. Those included one for a recycling depot, a recycling collection box, and a modification for the definition of a minor public utility. He said they would not recommend the modification for the minor public utilities to allow for collections. He said they were recommending to either identify it as a separate use or a conditional use in a zone for a recycling collection center or to combine it under the facility. He said either one would be acceptable to them.

R. Olson asked M. Butts if he could clarify Ed Druback's definitions. M. Butts said that since they did not want to put the collection system in the minor public utilities, Ed Druback recommended in his definitions that they be a permitted or conditional use. He said yard debris was defined as prunings and trimmings that might be deposited by residents or for conversion by composting on the site.

Russell Lawrence, 4961 Prospect, West Linn, said it had come to his attention that the Planning Commission was considering adding the convention facilities as a conditional use under the office/business zoning. He said after going through the various codes he found that there were no parking provisions for restaurants, hotels, and motels. The closest he could come to a provision for a convention meeting center were churches, mortuaries, and auditoriums. He said he felt a need to bring this matter to their attention as it would be a shame to approve the conditional use and not have a provision for parking.

M. Gosling moved to close the public hearing. T. Conser seconded the motion. The motion passed unanimously.

M. Butts said he felt there would be some merit in looking into the parking situation and if their findings warrant it, then perhaps, the Planning Commission could direct the members of the staff to go before City Council to recommend an amendment.

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Chairman G. Madson asked him what effect it would have on the application before them if they made a recommendation for a language and definition change if there were no current parking standards for that use. M. Butts said as he had stated previously, they presently use the auditorium seating capacity standards for that type of use. He said when there was no specific definition available for a particular facility the Planning Commission had the option to interpret the best provisions for that use.

M. Gosling asked if they definitely had standards for parking for hotels and restaurants. M. Butts said they did.

T. Conser asked M. Butts if he could give him some examples as to what additional facilities a convention would cover. Mr. Butts said that basically motels, restaurants, and retail facilities had their own set of standards. He said they take all these facilities into consideration when figuring what standards would be appropriate for a convention center.

T. Conser said what he had been asking was what type of facilities were they defining besides meeting rooms and similar type facilities. M. Butts said they did not have a specific definition at this time for that but they were in a position at the present time to specify what they would and would not allow under conditional use. He said they could work up a definition and carry it before City Council. He said the Planning Commission would have the opportunity to take a very close look at each type of use.

Chairman G. Madson asked if it was the members of the staff's recommendation that they substitute the recently submitted definition for minor public utility. M. Butts said they would recommend that they keep the minor public utility as defined in the code. He said he would add the yard debris collection and conversion site as a conditional use.

Chairman G. Madson said it was his understanding then that it would separate the issue of whether or not it would be done by the city or a private contractor. M. Butts said that was correct but they also propose in that definition that the word "by residents" be stricken. Chairman G. Madson said he would like a clarification on the reason for striking that word as it seemed to be better to keep it in.

D. Darling said it was her recommendation to delete the word as they had no provision for monitoring whether or not a resident or nonresident would be dumping their debris.

M. Gosling said as far as the question of monitoring was concerned, he felt that if it was permitted as a conditional use they would have more control over the operation. He said if any problems developed they would have the option of pulling the conditional use permit.

D. Darling said another way of controlling it would be to charge a nonresident a greater rate for dumping at the site but that they would still run across the problem of monitoring.

M. Butts said the issue of whether or not the site was used by a resident or nonresident would be very critical in terms of how many people the recycling center would serve. He said he felt it would be a good idea to strike the word "resident" at this point and they would have the option of adding it later if the necessity arose.

T. Conser said he felt that would be a good approach. R. Olson said that he felt that would be appropriate and the monitoring issue would probably seek its own level.

M. Gosling said that he had a question on the proposal by the members of the staff that the parking problem could be handled by City Council. Chairman Madson said that the staff had proposed that the Planning

Commission could direct them to examine the issue to see about changing the code as far as parking requirements but that there were requirements that applied currently or could be interpreted for that type of use.

T. Conser moved to accept the recommendations of the staff report, dated March 27, 1985, for the proposed code amendments with the following provision that they direct the members of the staff to look into the parking situation and to formulate a parking recommendation for City Council to consider at their next meeting. In addition they also recommended that the definition for yard debris collection and conversion site stated as "site at which yard debris (grass, clippings, leaves, prunings, and trimmings) may be deposited for transfer to a regional collection facility or conversion by composting on the site" be changed to the proposed definition of public support facility. He also moved to accept the recommendation in the letter to Mike Butts from Ed Druback, dated April 29, 1985, in defining a recycling depot. M. Gosling seconded the motion. The motion passed unanimously.

4. Oregon Sign Co./West Linn Shopping Center - Hwy. 43 at West Linn Shopping Center - Variance

M. Butts gave the staff report and passed around to the members of the Planning Commission the proposed designs for the shopping center sign and samples of color as well as snapshots. He said the applicants, Oregon Sign Co./West Linn Shopping Center, were requesting a design review approval of a new sign for the shopping center and a one-and-a-half-foot variance to the fifteen foot required setback. He said at the time when they first amended the sign code to allow changeable copy signs there had been a lot of concern raised about allowing that type of sign in West Linn. He said they had implemented some strong design controls and one of the controls had been to initiate a limit of size, height, and color to a design so that it would be compatible with the area. He said among the snapshots he had passed out to the Planning Commission were samples of reader boards for Wendy's, Burger-ville, and Mr. Steak. He said those were three examples. He said in these examples the first thing that caught the eye was the main name of the structure rather than the changeable copy portion which was the basic intent of the sign. He said that their decision would be important as the proposed sign would be one of the most prominent in West Linn for years to come. He said one of their concerns was the proposed ivory color for the background of the reader board when the code requirements state that it should be nonwhite. He said they felt that the ivory would cause a reflection similar to a white background and that they would suggest gray, blue, or more of a yellow tone. He said they also had some concern about coordination of the sign to which the applicant responded by suggesting blue borders for continuity. He said another item they looked at was rounding the corners of the sign. He said that could be done either by painting the corners or by actually rounding the cabinet. He said their recommended conditions of approval were as outlined in the staff report, dated April 16, 1985, with the additional recommendation that the old sign base be removed so that landscaping could be provided around the new base of the sign.

M. Gosling asked what the intent was in submitting Exhibits C through F if the members of the staff were recommending Exhibit D for approval. M. Butts said he would like them to be able to view all the options that were available in terms of size and design so the Planning Commission would have some understanding as to how the members of the staff had come to their final recommendations.

Chairman G. Madson said that he would like to commend the members of the staff on a very thorough, well researched report on this issue. He said he felt the additional exhibits were very helpful. He asked what communication there had been between the City staff and the Oregon Department of Transportation regarding the issue of potential encroachment to the right-of-way on Hwy. 43. M. Butts said basically that there was no encroachment of the highway itself or of the right-of-way as it

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was set back thirteen feet or so from the right-of-way. He said the fifteen-foot setback was measured from the right-of-way point back and that it was well out of the way of the right-of-way and any in the future.

R. Olson asked if any member of the staff had estimated whether the sign was encroaching and how much taller the post would have to be in order to fit the standard. M. Butts said the more the sign was put back the higher the pole and sign were going to look. He said their estimation was based on Hwy. 43 elevation and not side street elevation.

Carol Lee Jardin, 5635 Hood Street, said that she was representing the West Linn Shopping Center and that she also thought a very fine job of researching had been done on this issue. She said she also appreciated the fact that Mark Hess had called her up in advance to go over the four recommendations set out in the staff report. She said that communication was something they hadn't had very often. She said she was not aware of the four additional conditions and would like to have a chance to have Gary Allen from the Oregon Sign Co. speak to them concerning the sign and modifications recommended. She said she did not consider herself an expert but would allow Mr. Allen to speak for the shopping center. She said she would like to address condition No. 2 concerning modifying the background color for the changeable copy portion of the sign to reflect the intent of the West Linn sign code. She said she was very much aware of the controversy that had gone into revising the sign code as she had been very deeply involved in the discussions. She said there were two objectives to be had one of which was to maintain the quality image of West Linn, but also to allow effective signing for businesses in the city. She said her understanding of the term "nonwhite" adopted in the code was that it meant something other than white. Her feeling was that a cream or ivory color was nonwhite and therefore acceptable to the sign code. She said to add support to her challenge for a finding, she drove around and took pictures of various signs in the West Linn area. She said she found several examples of cream, ivory, and nonwhite backgrounds that had received staff approval. She said the next condition she would like to address was No. 4 in the staff report which concerned the wire from the power pole. She said the utility pole was leased by them from PGE and she did not know whether or not PGE would remove the existing utility pole. She said she did know that the West Linn Shopping Center was bound by the lease and she felt that the decision would be up to PGE rather than the shopping center. She said since theirs would be the first changeable copy sign in West Linn that she appreciated them wanting to do it right in setting a correct precedent.

R. Olson said he did not understand why they were requesting an eighteen-inch encroachment into the sign setback when there was land available on the corner. He said it seemed like the sign should be placed where there wouldn't be an encroachment and where it could still remain highly visible. He said, perhaps, if it could be shifted a little more to the north and slightly to the east which would be toward the shopping center that the sign could be located in a spot where it wouldn't have to have a variance.

Carol Jardin said they had spent a lot of time walking the area to see if that could be done away with. She said part of the problem was the location of the retaining wall. She said she would feel more comfortable with Gary Allen addressing that point.

Gary Allen, Oregon Sign Co., 2701 S.E. Portland Ave., Portland, said they felt and he was sure the Planning Director would concur that the exact location they had selected for the sign would end up to be the point where they would get maximum visibility as well as getting them far enough away from the retaining wall to eliminate a potential pressure point. He said he felt that if the sign were moved farther to the north they would lose a tremendous amount of advantage from the automobile

traveling in a southerly direction. He said there were other positions to put the sign but he felt it would lose its effectiveness very dramatically in another location.

Chairman G. Madson said his recollection of the layout of the street was that the current location of the existing sign was adequate.

Gary Allen said that a driver would be within five hundred feet of the sign before getting a full view of it. He said that particular street wasn't completely straight and that he had driven it many times to determine the height and setback of the proposed sign. He said the main portion of the proposed sign would actually be going in the same place as the major section of the existing sign. He said he would next like to address the condition pertaining to the background color for the changeable copy portion of the sign. He said one of the reasons they use the ivory color is that some colors work very well in the daytime, but that they don't transmit light very well at night and end up losing a certain amount of contrast. He said the light blue color had a tendency at night to give off a muddy effect and that it would diminish the legibility of the sign. He said they were trying to make it easy to read and comfortable for the motoring public. He said as far as the gray shade suggested was concerned they had pretty much the same problem because it did not transmit the light very well. He said as far as the other matter brought up concerning the power pole that PGE had assured him that it would be a simple matter to reroute the wiring of the pole to a nearby adjacent pole. He said they had been very cooperative and would be willing to discuss with them the best method for achieving their goal. He said since the power line was not a high voltage line it was not a major issue to them and that they would prefer to have it ten feet away. He said the next item he would like to address was the shape of the cabinets or the overall design of them. He said they rarely use the radius corners because of the labor costs in manufacturing them. He said another method they had used in the past to alleviate this cost were to paint the corners or use metal decoration to give the appearance of a rounded corner. He said also the pole covering that they had proposed was not cedar but that it was aluminum sheet metal or steel. He said their basic intent for the base of the pole was to have it blend in. He said there was so much happening on the sign already that they did not want any more confusion. He said it was basically a question of money if they went with the cedar on the base rather than the sheet metal.

Chairman G. Madson asked what the intended color of the post would be. Gary Allen said they would probably make it a neutral color.

Chairman Madson said his understanding then was that the issue was not color so much as it was intensity as far as what they used for background. Gary Allen said that they had charts to measure the transparency of plastic to see how much light it would give. He said he felt they were dealing with legibility and that was why they were determining sizes for the signs which involved contrast colors and working with light during the day as well as the nighttime. He said the sign would most likely be readable from a distance of six feet but they wanted to make sure that the sign would be equally readable from a further distance. He said their primary intent overall was to get the message from the shopping center across comfortably and to allow the sign to work properly.

Chairman Madson asked if they used a color for their background other than ivory if it would help to use more lamps behind the sign. Gary Allen said that it wouldn't help as they would end up burning away the copy without adding more illumination.

Chairman G. Madson asked what their intention was in regard to the base and placement of the sign and whether it would put pressure on the retaining wall. Gary Allen said they could move the placement of the sign further north beyond the retaining wall, but that they would lose fifty percent of the southbound visibility. He said it felt it made a

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very large difference on how soon a motorist could receive a message from the sign.

Chairman Madson asked if there were anything along the northeast side of Hwy. 43 that would obstruct the view of the sign. Gary Allen said that there were power poles, trees, and foliage.

Chairman Madson asked what their intent was in seeking the eighteen-inch variance. Gary Allen said they were looking at the variance to keep the sign in the same relative position as the old sign but that it would be higher. He said they were within the code as to the total height of the sign. He said their request for the variance was due to the site topography of that particular parcel of land. He said their main concern in the location of the sign was visibility from a distance traveling both from the north and south. He said after discussing the problem with the Planning Director, that M. Butts had agreed with them that they were all involved in the decision as to where the best location for the sign would be.

R. Olson asked what speed they had used in their calculations for determining the best spot for the sign. Gary Allen said they had traveled the posted speed.

R. Olson asked if Mr. Allen had indicated that the power pole would be moved. Gary Allen said that it was actually a light stand and that it would stay where it was. He said it was a secondary line not a high voltage line and that it supplied power for the parking lot lights. He said when he had spoken to PGE that they had indicated they might be willing to take the wiring farther down the street and across but that it had never been a major issue. He said he felt it was a fairly minor item and that PGE had agreed to solve it for them. He said that it would be taken care of before they installed the sign. He said the pole would remain but that the power line could be rerouted.

T. Conser asked if there had been any input from the police or Traffic Safety Commission concerning the signage and changeable copy at that location. M. Butts said they had not heard anything from them but that they had participated in the review of the sign code when it had been admitted to allow for reader boards.

T. Conser asked how they made their determination on the placement of the sign for the greatest visibility. Gary Allen said there had been many studies done on signage in various parts of the country and their effects on automobile traffic. He said basically what they found in their years of being in the sign business was that the more visible and attractive the sign the more positive effect it would have on the business advertising. He said he had never heard of a case where a sign had caused an accident. He said they try to put their signs as close as they can to a curb cut because motorist expect a sign to be located at the entrance of a business. He said he felt that they were working within the code in every way and that they had agreed to certain changes. He said it was no problem as far as the placement of the sign but that if they did move the sign further back it was going to be less visible for southbound traffic.

M. Gosling said that when Mr. Allen had spoken of the expense in making rounded corners he noticed in the exhibit that the top portion of the sign had already been rounded. Gary Allen said that was right and the reason they had done that was to tie the sign as a whole together.

M. Gosling moved to close the public hearing. R. Olson seconded the motion. The motion passed unanimously and the public hearing was closed.

Chairman G. Madson said that he would like to remind the Planning Commission that they were going to have two motions, one on the variance and the other on the design review issues.

D. Darling said that if they were going to attach the motion on variance it should be subject to design review approval.

Chairman Madson said in that case they would have a discussion on the variance issue first.

M. Gosling said he felt that what the applicant was asking for was not a significant variance when taking into account the topography of the site. T. Conser said he was leaning in favor of meeting the minimum requirements for setbacks. R. Olson said he would be in favor of keeping the sign within the required setback without granting the variance. Chairman Madson said he felt there were not sufficient findings in the testimony or staff report to warrant granting the variance.

D. Darling said that if the Planning Commission were going to deny the request for the variance that she would suggest they direct the members of the staff to come up with appropriate findings for them to adopt at the next meeting.

R. Olson moved to deny the request on the variance for an eighteen-inch setback for the proposed sign as no evidence was shown in the testimony to support the requirement or meet the variance request and that there was no testimony presented to show that the movement of the sign would have an impact on the retaining wall. T. Conser seconded the motion. The motion passed unanimously.

Design Review Request - Oregon Sign Co./West Linn Shopping Center

R. Olson moved to reopen the public hearing for design review only to view some photographs presented by Gary Allen. M. Gosling seconded the motion. The public hearing was reopened.

Gary Allen said that when the site was visited by M. Butts, himself, his client, and several other people that it had been a design decision to make the sign effective. He said he felt that was the intent of the code in addition to making everybody happy. He said it had been pointed out to him fairly strongly by the Planning Director that the placement of the sign was a design issue. He said it was their intention to be the legal twenty feet from the grade. That's how the sign was designed and that's where it would be.

Chairman Madson said he felt that they had a conflicting point concerning the measurement of the grade. He said in the staff report it indicated that the sign code specified an overall height for the sign from the front street grade not the grade at the base of the sign. Gary Allen said it wasn't an issue with the city that they use the natural grade of the street because they could change the grade by the way they used the landscaping.

Chairman Madson asked what they were proposing as far as the width of the sign. Gary Allen said on the proposed sign that they allowed a percentage for the reader board, a portion for a free-standing restaurant sign, and the Thriftway store which would actually be the most visible from the street. He said they had allowed a percentage for the reader board so they could probably calculate 150 square feet. He said the reader board would be used predominantly by the grocery store, but that it would also be used for public events and other nonselling messages.

R. Olson moved to reclose the public hearing. T. Conser seconded the motion. The motion passed unanimously and the public hearing was reclosed.

Chairman G. Madson said he would like to discuss the design review issues one at a time, but in deference to M. Butts, they had taken care of the first design review issue which had been encroachment into the setback area.

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He said the next item for discussion would be the background color for the changeable copy portion of the proposed sign. He said that the staff report had recommended that the background color be either a light gray or a light blue rather than the ivory as proposed by the applicant. He said the applicant had requested and given testimony to support that ivory was not white in terms of the definitions as laid out by the sign code.

M. Gosling said that since the introduction of the sign code that there had been signs in the city that had an off-white background. He said he was not sure whether the signs were the removable copy type or fixed signs, but that the backgrounds were certainly off-white. He said he felt the thing to look at at this time would be whether a precedent had already been set by the city.

R. Olson said he did not have any problem with the ivory color for the background of the proposed sign.

T. Conser said the thing he was most concerned about was the glare factor so he would prefer to go a tone or so darker than the proposed ivory.

M. Gosling said that the ivory color was fine with him. Chairman Madson said then he felt the consensus was that the ivory color would be fine if they could find a practical way to tone it down.

Chairman Madson said the next item to consider was whether to round the corners of the cabinet. He said they had some indication from the staff report that it would be acceptable to paint the corners to look round.

M. Gosling said he would like to see the corners rounded off rather than painted. R. Olson said he agreed with the staff report recommendation that it would help the continuity of the sign if the corners were rounded whether by painting or actually rounding the cabinet. T. Conser said he agreed with that statement and would go along with either method so that the overall effect was more harmonious.

Chairman Madson said condition No. 4 involved rerouting the wire above the proposed sign location and the removal of the existing utility pole.

M. Gosling said he felt the pole should be removed if it caused an obstruction to the sign. R. Olson said he felt the pole should be moved further away from the site. T. Conser said he felt the pole should be rerouted if it was found to conflict with the placement of the sign.

The next item for consideration was the removal of the old base and recessing the new base with landscaping around the area, and covering the new pole with cedar.

Members of the Planning Commission said they had no problem with removing the old base. M. Gosling said as far as recessing the base, he would not like to see it recessed below the ground level, but that he was in favor of the landscaping. He said in regard to the cedar he didn't feel that it would be necessary. R. Olson said he would like to see the pole left as it was. T. Conser said he was more in favor of the cedar siding as it would tend to blend more.

T. Conser moved to approve the design review request as recommended in the staff report, dated April 16, 1985, with the following modifications:

1. That the sign shape be modified by rounding the corners of the box to display continuity.
2. To be stricken.
3. That prior to construction a revised sign be submitted to the Planning Director for approval.
4. That the wiring be rerouted away from the proposed sign location, and that the sign be located so that no portion of it is obstructed by the utility pole, and that it be acceptable to the applicant and Planning Director based on the guidelines. If

no acceptable location can be found that the issue of location come back before the Planning Commission at the next meeting.

5. That the old sign base be removed.

6. That the base of the sign be landscaped to Planning Director approval.

7. To be stricken.

8. That the proposed ivory be considered nonwhite and acceptable for this application.

R. Olson seconded the motion. The motion passed unanimously.

5. Zone Change Request - City of West Linn - 2757 Marylhurst Dr.

M. Butts gave the staff report and said that the matter was before the Planning Commission because of a concern over a possible mapping error in the Zoning and Comprehensive Plan affecting the property located at 2757 Marylhurst Dr. He said one of the criteria if there had been a mapping error was that they could request an amendment to correct the error. He said based on that criteria the City of West Linn was sponsoring a zone change and were asking the Planning Commission to determine the possibility of an error. He said based on the Planning Commission's recommendation City Council would make their final decision. He said if the Planning Commission find that there was not an error, the applicant had the opportunity to come before the Planning Commission to make a zone change request. He said that he would like to add that the records on this property were quite skimpy and were based primarily on recollections from members of the staff in work sessions. He said there was nothing to indicate that the request had ever been denied or approved by the Planning Commission or that the decision had been overturned by City Council. He said from the recollections and from the records it had been approved for R-4.5, and the whole affair was simply a mapping error.

D. Darling said for clarification she would like to remind the Planning Commission that the first issue they needed to consider was to find out if there had been an error. She said once they made a decision on that they could address the specific findings in the staff report as to the appropriateness of the zoning. She said that would be done in the form of a recommendation to City Council and that it was not a final action.

M. Gosling said that he needed a clarification on what the zoning had been before the Comprehensive Plan had been put into effect. M. Butts said it had been zoned as low density residential (R-10).

Lynn Theis, 2474 Saddle Court, West Linn, said that she and her husband, Robert owned the vacant land located at 2757 Marylhurst Dr. She said she would like to correct one piece of information that was listed in the staff report and that was square footage. She said it read "10,400 square feet" and that it was actually 12,400 which would be an additional 2,000 square feet.

Chairman G. Madson asked Lynn Theis if that included the flag lot. She said that it did.

Lynn Theis said that they had made application to the Planning Commission on August 21, 1983, for a duplex zoning for both the improved piece and the vacant parcel of property. She said when she submitted the letter of application and the plat map, they indicated that they wanted both pieces upgraded and zoned. She said at the end of August 21, 30, and 31, the Planning Commission had work sessions in which they approved applications before them and that theirs had been one that had been approved as a total property. She said on September 7, 1983, the Planning Commission and the City Council had a work session in which the property had been approved. She said she thought it was at that time that the Comprehensive Plan as a whole had been presented to the city and that the City Council had approved the total plan at their

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regular session which was between October and December of that year. She said the Comprehensive Plan then went down to Salem and had been approved. She said last year they had put their property up for sale under the assumption that all was in order and had sold the property. She said it was at that point they discovered they did not have zoning and it was causing them a bit of a problem.

M. Gosling moved to close the public hearing. T. Conser seconded the motion. The motion passed unanimously and the public hearing was closed.

M. Gosling said his recollection of the work sessions were that they had been encouraging people to bring vacant land to their attention and that it had certainly been done. He said he thought they had been looking at increasing the density on vacant property. He said he did not recall any problem with the neighboring property owners on the piece of property under discussion. He said his feeling was that there had been a mapping error made.

R. Olson said his recollection was the same and that he also felt it had been a map error. T. Conser said he would tend to agree with them even though he had not been serving on the Planning Commission at that time. Chairman G. Madson said that he had not been present at those particular meetings but that he concurred with what had been indicated. He said his recollection was that they had been trying to meet the LCDC requirements as far as housing in the city was concerned.

M. Gosling said after reviewing the map of the area he remembered them approving several of the major parcels in that location and that he felt that the piece of property under discussion had been included in that decision and had been somehow misplaced.

Chairman Madson said it was their concurrence then that there must have been a mapping error and they would move on to discuss what would be an appropriate zone for the property. He said according to the staff report it indicated that the property fit the standards for medium density, duplex residential which would be the R-4.5 zone.

M. Gosling moved that they find that there had been a mapping error and that they recommend to City Council that the Zoning Map and Comprehensive Plan Map be amended on the property located at 2757 Marylhurst Dr., Tax Lot 1200, Assessor's Map 21E14DC, and that it be designated medium density, and duplex residential with a R-4.5 zoning based on the findings in the staff report, dated April 9, 1985. T. Conser seconded the motion. The motion passed unanimously.

6. Imperial Development/Neil Nedelisky - Zone Change Request - North of I-205 and East of Salamo Road - Public Hearing

M. Butts gave the staff report. He said the property was currently zoned FU-10 (Clackamas County zoning) and that the applicant was requesting a zone change to R-10 which would be consistent with the area around the property and also consistent with the Clackamas County Comprehensive Plan. He said they were recommending approval of the zone change subject to the following that the R-10 zone for Phase III be subject to the annexation of this property to the City of West Linn.

Neil Nedelisky, 4182 Imperial Dr., West Linn, said his engineers were present to represent him, but that he would like to make one comment concerning the sloping and grade lines of the property. He said he had no intention of ever building on the steep portions.

Chairman Madson asked what percent of sloping were they talking about. Neil Nedelisky said in the area he was speaking of twenty to twenty-five percent grade. He demonstrated on the map given him by the Planning Director the areas he was speaking about.

Chairman Madson asked if Neil Nedelisky would agree that according to the map that a portion of the property had been designated resource protection. Neil Nedelisky said that it was.

R. Olson moved to close the public hearing. M. Gosling seconded the motion. The motion passed unanimously and the public hearing was closed.

D. Darling said with respect to what they had just heard she would suggest that they adopt finding No. 4 which would find that a portion of the property had been designated resource protection due to the twenty percent or greater slopes.

Chairman Madson asked if it was customary to have no communication with the county when development was proposed for newly annexed lands into the city. M. Butts said for annexations that was correct.

Chairman Madson said his understanding then was that the city staff would keep a copy of the adopted Comprehensive Plan Map for Clackamas County. M. Butts that was correct.

Chairman Madson said it concerned him that there had been no input from Clackamas County on the annexation of these lands. He said the only input they had was from the applicant. M. Butts said that one of the issues that LCDC looked at was that they both identify similar areas of concern. He said they had the same resource issues, the plans were consistent, and they also had mechanisms to protect those areas.

R. Olson said his feeling was that the members of the staff had worked with the county before and he relied on their expertise in handling any problems with Clackamas County. T. Conser said he felt comfortable with the staff recommendation regarding the resource protection. He said that if they approve the zone change he thought they should put the recommendation in that there be verification from Clackamas County on the resource designation. M. Gosling said it concerned him that they didn't have a map showing the location of the resource protection.

T. Conser moved to approve the zone change from FU-10 to R-10 for the legal property described as Tax Lots 100 and 102, Assessor's Map 21E35D; Tax Lots 602 and 603, Assessor's Map 21E36; and an area to be annexed located northeast of Tax Lot 603 based on the findings of the staff report, dated April 1, 1985. Included in the findings are Nos. 1, 2, 3, and 4 (finding that a portion of the property is designated resource protection by Clackamas County). He recommended that the R-10 zone change for Phase III be subject to annexation into the City of West Linn. R. Olson seconded the motion. The motion passed unanimously.

Imperial Development/Neil Nedelisky - North of I-205 and East of Salamo Road - Tentative Subdivision Plan Approval

M. Butts gave the staff report. He said the applicant was proposing a 71 lot subdivision developed over four phases with the area identified as Phase III still pending final annexation approval to the city. He said they recommend approval of the tentative subdivision plan subject to the conditions as outlined in the staff report, dated April 1, 1985.

D. Darling said in regard to No. 6 that she would like to have it reworded to include some sort of easement from the property owner that would allow the developer or future owners of the development to maintain the clear vision area. She said in regard to condition No. 7 that she thought the cash deposit should be designated and marked with a specific name. She said the other item she would like to bring up concerned a piece of property that was situated west of the applicant's proposed development. After Salamo Road was realigned, she said they need a condition that any portion of Salamo Road that would be vacated would be designated open space rather than adding on another lot.

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Neil Nedelisky, 4182 Imperial Drive, said he did not have any presentation but would be happy to answer any questions.

Chairman Madson said a concern he had involved the property that was to be annexed to the City of West Linn. He said he wanted to know how it would affect the remaining phases if the annexation did not go through. Neil Nedelisky said that wouldn't be a problem because they could still go over the top of Riverknoll Way and connect in with Imperial Drive. He used a map of the subdivision to show the Planning Commission the location of the phases and the streets.

Chairman Madson asked for clarification on the proposed realignment of Salamo Road. Neil Nedelisky said the idea behind the realignment was to remove some of the sharp corners. He said they had also responded to the proper alignment of Barrington Drive at Salamo Drive.

Chairman Madson asked what the extent of the street improvements would be for both of the streets. Neil Nedelisky said that Barrington Drive would have a 36 foot paved improved area and that Riverknoll Way would have a 32 foot paved section.

Chairman Madson asked if the pine oak trees referred to in the recommendation were street trees. Neil Nedelisky said that his understanding was that they were not street trees, but that they were to be put in the front yard of the project and that the sidewalks would weave around them. He said he felt there might be a discrepancy with item No. 12 which said that sidewalks should be located a minimum distance of three and a half feet from the curb.

M. Butts said they could weave their sidewalks but they could be no closer than the minimum distance specified.

T. Conser asked if there had been a designation for parks anywhere in the city plans. M. Butts said that the PUD standards did not allow for a required park dedication.

Chairman Madson said he would like to touch upon the recommendation that the developer post a deposit to the city for future street improvements. He said he would like to know what the value of that should be and how it would be determined. Neil Nedelisky said in the past it had been determined pretty much from the approximate footage and made by his personal guarantee.

M. Butts said they would probably ask the developing engineer what it would cost to make the roadway improvements and that the city engineer could check the figures and based on that the city could ask for a cash deposit.

Jeff Edwards, 2378 Salamo Road, said that his property adjoins Neil Nedelisky's. He said he would like some information on what their plans for the sewer were going to be. M. Butts said it could be explained easier using a map.

Brad Slane, 3929 N.E. 21st Ave., Portland, representing the applicant said that Mr. Nedelisky wouldn't have a whole lot to say about the vacated property that would be left after the realignment of Salamo Road because it would go back to the original property owner which would be the Homeowners' Association.

M. Gosling moved to approve the tentative subdivision plan for Tax Lots 100 and 102, Assessor's Map 21E35D; Tax Lots 602 and 603, Assessor's Map 21E36; and an area to be annexed located northeast of Tax Lot 603 subject to the conditions as listed on Pages 7 & 8 of the staff report,

dated April 1, 1985, with the following qualifications:

1. That No. 5 should read a "waiver of remonstrance".
2. Amend No. 6 to read "that the developer shall obtain a permanent easement from the Newmans for the maintenance of an unobstructed clear vision area along the west side of Salamo Road. Developer shall execute a maintenance agreement satisfactory to the City Attorney for the maintenance of this clear vision area pending the formation of the Homeowners' Association and acceptance of an amendment to CC&R's for the continued maintenance of Tax Lot 400 clear vision area acceptable to the City Attorney.
3. Amend No. 7 to read that the developer shall make a cash contribution to a designated "Salamo Road Improvement Project Fund" representing the cost of full half-street improvements for the full length of the proposed realignment of Salamo Road as determined by the city engineer. Said deposit to be considered an offset for any future LID assessment for street improvements to Salamo Road.
4. That Nos. 8 through 15 be approved as per the staff report recommendations, with the exception of No. 10 which should read "two pine oaks".

R. Olson seconded the motion. Chairman Madson said he would like to make a comment in regard to the developer putting up a cash deposit. He said he understood the basic idea but he felt that any excess money should be refundable to the developer. He said he also thought that any waiver of remonstrance should be valid for ten years. AYES: Conser, Olson, Gosling. NAY: Madson. The motion passed by three to one.

7. Business from staff

Chairman Madson said he would like to schedule a workshop for May 13, at 7:30 p.m. for the upcoming business regarding the Hotel/Convention center complex.

Chairman Madson asked if there were any updates on appointments to the Planning Commission to fill the vacancies. M. Butts said there were two applicants, and that the City Council would be discussing it at their next meeting.

M. Butts said the City Council had approved the solar access issue and that it had been forwarded to Bonneville Power.

Chairman Madson said he would like to make the Planning Commission aware that during the first City Council meeting scheduled for June he would be making an annual report, and he would like them to give some thought along the line of future projects and priorities that he could present at that time. He said he would like to ask the Planning Commission to give some thought to whether they would want to renew their appointments and let them know their decision by November 1. He said that would give City Council adequate time to be aware of how many vacancies were going to have to be filled.

T. Conser said the Historic District was moving along a little behind schedule but they were doing some work on identifying designated homes in the Oregon area.

Chairman Madson said he would again like to compliment the members of the staff on their fine work.

There was no further business and the meeting was adjourned at 12:20 a.m.

Clara Corliss
Clara Corliss, Stenographer

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May 20, 1985

1. Chairman G. Madson opened the regular meeting at 8:00 p.m. with the introduction of two new members to the Planning Commission. He introduced Jane Ohleman and Frank Allen. Members present were R. Olson, T. Conser, F. Allen, J. Ohleman, and M. Gosling. Absent was S. Weiss. Also present were M. Hess, Assistant Planning Director; D. Darling, City Attorney Representative; and C. Corliss, Stenographer.

2. Minutes of the April 29, 1985, Special Meeting.

M. Gosling moved to approve the minutes as written. R. Olson seconded the motion. The motion passed unanimously.

3. Expansion of Non-conforming Structure and Design Review Approval - Cheerio's Restaurant - Public Hearing.

J. Ohleman said she would like to make the Planning Commission aware that she had an occasion to be at Cheerio's Restaurant looking over the parking situation and had an opportunity at that time to discuss the parking problem with Bill Dejardin. She said being a new member of the Planning Commission she was not aware that that was not done and that it would not happen again. She said she had no financial interest in the restaurant. In her conversation with Bill Dejardin, she said she talked to him about the parking capacity at various times during the day to determine for herself whether or not there was a sufficient flow of traffic in shopping center as to make it unnecessary for that many proposed parking spaces to be available at all times. She said she was told during the noon hour that other businesses in the center used up quite a few of the spaces. She said they also had taken a look at where the widening of the driveway would occur so that she could picture it in her mind, and the only other thing they had discussed was that the construction would be done in phasing with the lounge addition coming first. She said that was about the gist of their conversation.

M. Hess gave a summary of the staff report. He said they were recommending approval subject to several conditions listed on page 5 of the staff report dated April 16, 1985, with the addition of two modifications. The first one would be on condition No. 1 which would state that the proposed additional parking facilities that the applicant indicated would accommodate forty parking stalls be constructed to City Standards prior to occupancy and adding the sentence "addition of 18 spaces would maintain the same level of non-conformity regarding the existing parking standards by the extension of the building." He said the second, third, fourth, and fifth conditions were as written in the staff report, but that he would like to add a sixth condition which would be to replace the slats or remove the fence along Portland Avenue. He said their intention was that the existing fence which was now in disrepair would be maintained, improved, or removed altogether.

D. Darling said she would like to make an addition to No. 1 that it should be a minimum of 18 additional parking spaces.

T. Conser asked for a clarification on the addition of the 18 parking spaces. D. Darling said by adding the 18 spaces it would remain at the same level of non-conformity that it now had.

M. Hess said that the 40 spaces that were mentioned in the recommendation were what the applicant had indicated the site could accommodate. He said they were 17 spaces short right now for the amount of seating they would be adding in their addition. He said 18 would bring the addition into compliance and not make it worse.

Applicant's representative, Steve Winstead, of Gary Reddick Architects, 7225 S.E. 19th, Portland, said that the project encompassed three different proposals to be done at Cheerio's Restaurant. One would be the expansion of the lounge area, the other an extension of the storage area to the north of the site, and lastly would be the expansion of the banquet room. He said that at this time they would like to begin the construction on the lounge addition and the storage addition. He said one of the reasons they applied the way they did to the City of West Linn was that they would like to have a master plan approval for all the additions encompassing Cheerio's Restaurant. He said the banquet room would not be constructed this year. After looking through the staff report findings he said they were very complete. He said their basic intent was to try to tie in the addition to the existing restaurant as closely as they could to have continuity in their design. He said since they were only proposing to do the lounge addition at this time he would like condition No. 1 to state that they would be providing three spaces rather than forty additional which could be added when the banquet addition was constructed.

M. Hess asked what the seating capacity would be in the lounge addition.

Steve Winstead said they would basically be adding three additional tables. At the present time he said there was quite a bit of standing room in the lounge area and they were going to try to make it more of an intimate lounge area in terms of seating which would actually minimize the amount of people in the lounge area.

Chairman Madson asked what the total number of people would be that they could serve at one time. Steve Winstead said they were probably looking at adding ten to twelve additional people based on the seating change. As far as the other conditions set out by the staff report he said he felt they were good conditions.

R. Olson asked what his feeling was on condition No. 6 regarding the maintenance of the existing fence. Steve Winstead said he had talked to Bill Dejardin about that and he had agreed they would repair the fence with new slats.

T. Conser expressed a concern over the 21-foot access in that it might require the removal of a large tree.

Bill Dejardin, applicant, 5775 Skyline Drive, said he was the owner of the building and he felt that there would be setback enough from the tree mentioned. He said he had a gentleman coming to trim up the tree.

M. Gosling asked what the present scheduling was for adding the forty parking spaces. Bill Dejardin said that the additional forty spaces were supposed to be put in several months ago in the shopping center and hopefully they would be in by the summer. As far as the banquet room addition he said that would probably be two years down the line.

M. Gosling said it was his understanding that one of the parking stalls was currently being used for a garbage dumpster so he did not feel that would be available for parking. M. Hess said he understood that Cheerio's did not have a designated trash container site. Bill Dejardin said if that was a problem they would put the garbage dumpster in a location where they now had a landscaped area. He said they could pour a concrete slab and landscape around it.

Chairman G. Madson asked if the location Mr. Dejardin was indicating would be suitable as far as setbacks and so on. M. Hess said that it would but they would need to make sure that it was either site obscured

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by fencing or vegetation.

Chairman Madson asked how far the future proposed parking area would be from the restaurant. Bill Dejardin said the two proposed areas for the additional parking spaces were located next to the West Linn Bicycle Shop and a white single family dwelling. Chairman Madson asked what the distance would be from the restaurant. Steve Winstead said that it would be five hundred feet from the back. He said the health center at the present time was using the parking spaces in front of the shopping center and that when the additional parking was put they would be able to utilize that parking area instead. With those parking spaces free he said they would be able to use the stalls in the front of the shopping center which would be within fifty feet of the restaurant.

Chairman G. Madson asked if the tax lots were currently all under one ownership. Bill Dejardin said they were. Chairman Madson said what he was trying to determine was what future control there would be over the borrowed parking spaces. Bill Dejardin said they had monthly meetings and had a type of merchants' association in which they discussed many things including the parking situation and worked them out among themselves.

Chairman Madson asked in regard to the first phase where they would be adding the three additional parking spaces that were required. Steve Winstead said what they were planning was to make compact stalls in the back and restriping in the front to pick up an additional parking stall.

M. Hess said that as an additional comment that the code required the lounge to have one parking stall for each two seats plus one stall for each two employees. In order that the non-conformity not be worsened by Phase I, he said that was telling them that the three parking stalls they were adding would only allow them six additional seats in the bar.

Steve Winstead said at the present time they have what is called a waiting area in the restaurant but according to OLCC regulations they have to use it as seating. He said basically what they were doing was removing the seating in the waiting area and adding the three tables.

J. Ohleman asked how many seats were presently in the waiting area. Bill Dejardin said there were approximately ten to twelve. He said with the addition they were proposing to use area as a private meeting room which would leave the other room as a waiting room.

Opponent, Bill Rakel, 5661 First Court Street, said that he lived directly over the top of the establishment. The first thing he said he would like to ask is why the people of West Linn had to subsidize this establishment which was what they were being asked to do when you go to non-conformity. He said there was plenty of property available in that area to expand their parking if they wanted to spend the money. He said if they didn't want to spend the money why should the people of the community have to help them along. He said he would like to go into a little bit of history on the place. He said it was originally started approximately ten years ago and that it had been allowed under several conditions including that the restaurant had a closing hour of eleven o'clock at night, nothing but beer and wine to be served, and no Sunday openings. He said when the building was first proposed that several families in the area had a petition against it with the exception of the Robin's family. He said there were several changes in ownership and the first thing they knew the restaurant was serving hard liquor instead of beer and wine and no adherence to

the eleven o'clock closing. He said there had been many problems with hot rodders at night which was a nuisance to the neighbors. He said he saw no reason why the owners couldn't go out and get additional property for their parking spaces to put in the parking that was necessary. He said he felt in effect that they as citizens were having to subsidize it.

J. Ohleman asked if he had established in his own mind whether the "hot rodders" were from the restaurant area or the shopping center. Bill Raket said the noise was bothering him after he went to bed and long after the shopping center had closed so he would ascertain that it was coming from the restaurant area. Another item he would like to bring up was the ingress and egress that was allowed into the area. He said he felt one of these days there was going to be a terrible accident because it didn't have a clear view. He said that was something he would like to bring to their attention even though it had nothing to do with what they were discussing per se.

Bill Dejardin, in rebuttal, said that when the previous owners opened the restaurant they had previous conditions set for them at that time. He said when he took over Cheerio's Restaurant that they were granted a two thirty a.m. closing time as was typical for any other Class "A" establishment. He said that the OLCC has the say on whether they open on Sunday or not. As far as the screeching of tires and the loud noises he said he had no idea what Bill Raket was talking about. He said the shopping center was patrolled quite frequently by the West Linn police force. He said they had asked the police to go through periodically at night to check not only his restaurant but the whole mall as well and that they had never heard a complaint from the police concerning any trouble. He said his record with OLCC was very clean. As far as his clientele were concerned he said they were made up of primarily professional business people who he felt wouldn't be leaving his establishment with a screeching of tires. He said Cheerio's was a dining establishment with a proposed lounge addition.

F. Allen asked if there was any limitation on the approval of the plan as far as the phasing was concerned. M. Hess said that it would be five years' maximum and if it was implemented within the five years it would stay the same as whatever they approved. He said it was his understanding that the applicant was supposed to propose a time line that they would approve and if the applicant wanted to change that time line he would have to come back before the Planning Commission to change it. He said he would also like to convey to the Planning Commission that the addition of 18 parking spaces would maintain the same level of non-conformity regarding the parking spaces that had existed before the expansion to the building. He said that would satisfy 66.080.

Chairman Madson asked whether they had calculated the need for additional parking spaces for the banquet room addition. M. Hess said they had and that in Phase I the lounge addition would include 550 square feet with twelve seats, Phase II, the addition of banquet area would include 40 additional seats with employees unknown. A condition addressing these phases might read six additional parking spaces to be installed in Phase I and prior to the opening of the banquet facilities 13 additional parking spaces to be installed with Phase II. He said the only additional condition would be regarding the trash container and screening of that in order to free up another parking stall or to actually have use of the number of parking stalls they asserted they have.

D. Darling said that she did not find any time lines in response to F. Allen's question because there weren't any in non-conforming structures.

M. Gosling asked if the parking requirements in West Linn were a bit on the high side compared to other jurisdictions. M. Hess said they

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were and that there had been a study done just a week ago comparing the parking requirements of West Linn with six other jurisdictions. That study concluded that parking requirements, particularly in West Linn for restaurants, were excessive in relation to what other jurisdictions require. He said for a six thousand square foot restaurant, which was bigger than the one they were considering, that their requirements were something like a 125 parking stalls versus the next highest which was Lake Oswego at 97 parking stalls. He said their requirements were perhaps a third higher than the average for other jurisdictions.

D. Darling said there was a possible proposed change to the code coming up for the future.

J. Ohleman asked if it was within their jurisdiction to modify the parking requirements in any way at this time. D. Darling said not without a variance. She said they would have to impose a requirement of six parking stalls to maintain the same level of non-conformity.

R. Olson moved to close the public hearing. F. Allen seconded the motion. The motion passed unanimously and the public hearing was closed.

M. Gosling said his feelings were that they should go along with the original staff recommendation that required the parking before the occupancy even though it would be phased. He said by requiring the six spaces for the first addition and the rest under Phase II that he felt they were at least getting the parking organized.

T. Conser said he felt it would be placing the burden on the applicant to add forty parking stalls over and above the property that he was working on.

R. Olson said that he didn't have any problem with the development as it seemed to be a minor addition. He said he felt the six parking spaces could be worked out as the applicant had close contact with the owner of the shopping center and the applicant's indication to them was that he could develop the additional parking spaces some time this year if that met staff or Planning Director approval. He said the spaces were forthcoming and he would certainly approve the project.

F. Allen said he was in agreement with R. Olson regarding the parking situation.

Chairman G. Madson said he was assuming they had a master plan approach to the whole shopping center and he felt it was within the power of the applicant to provide the parking necessary to keep the level of non-conformity. He said he would be inclined to support approval if it was a phased approach. As far as the requirement of six more parking spaces for the lounge addition and thirteen spaces to be required with Phase II for the banquet room that he thought they were being too liberal because of the potential additional employment. He said he would support the condition if the rest of the Planning Commission were in favor of it. He said he felt that the applicant had the means and should be required to at least not increase his non-conformity.

M. Gosling moved to approve the expansion of Cheerio's Restaurant located on Tax Lot 3500 and a portion of 3400, Assessor's Map 2S2E30CA, in accordance with the staff report dated April 16, 1985 with the following modifications:

1. The addition of eighteen parking spaces due to the expansion of the building to maintain the same level of non-conformity

that now exists for current parking facilities; therefore, the level of non-conformity has not been changed and Section 66.080 has been met. The addition of six parking spaces to be installed in Phase I (lounge addition - 550 square feet) to City Standards prior to issuance of an occupancy permit; and the addition of thirteen parking spaces to be installed in Phase II (banquet room - 644 square feet) to City Standards prior to issuance of an occupancy permit.

2. That the parking lot falls within the definition of a structure.
3. That a separate site obscuring location be provided for the trash container.
4. That the fence along Portland Ave. be renewed or repaired.
5. That they accept as written Nos. 2, 3, and 4 of the staff report recommendations.

A discussion was held on the motion with J. Ohleman suggesting that the handicapped parking not be placed at the eastern end of the parking lot at this time but to wait until the second phase of the expansion and then be relocated. M. Gosling said he would accept the amendment to his motion. R. Olson seconded the motion and amendment. The motion passed unanimously.

4. Design Review Request - John Hutchison & Michael Walsh - Hwy 43 and Bland Street.

Due to a possible conflict of interest D. Darling relinquished her seat as City Attorney Representative to Jim Coleman, City Attorney for Lake Oswego for this particular item on the agenda. R. Olson said he would like to abstain from the matter to be heard as his architectural firm were representing the applicants in the preparation of the plans for the building under discussion.

Chairman G. Madson said he had substantial ex parte communication which he needed to lay on the record. At the time when City Council had approved the conditional use on the property and vacated the former Design Review approval he said he had several conversations with Claire Yoder, the gist of which was a request on her part as a representative of several people in the neighborhood that he abstain from participating in any work sessions on the matter. He said her concerns were that he would somehow jeopardize an appeal they intended to pursue. He said his response was that if all the parties who had indicated at the City Council meeting that they had a desire to see compliance on the project would give him a written letter signed by all of them asking him to withdraw from the work session that he would do so. He said he had not received that letter and that two workshops were held with several residents of the neighborhood and the applicant present. He said he moderated the workshops and as such heard about six or seven hours' worth of input. He said he'd like to indicate to all present that Mike Butts, Planning Director, was at those meetings and that there was a tape on record and also his notes which he summarized into the key issues that developed at each meeting. He said those issues were spelled out in the staff report dated April 24, 1985. He said he also had one more contact with Mrs. Yoder which happened to be today and that it was not any input of information, but just a question about an LID copy of some written material that she had presented at one of the workshop meetings. He said he had been unable to locate it so he did not have a copy of her material. He said that covered the scope of the ex parte communication that he'd had in the matter. He said if the people who participated in the workshops did not feel they were adequately represented in the staff report they could bring up any concerns at this time. He said he would also like to state that he had not been prejudiced by any involvement or ex parte communication which he had previously referred to.

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M. Hess gave the staff report. He said at the bottom of page 2 and the first part of page 3, which refers to the Comprehensive Plan Policy, that the Acting City Attorney Jim Coleman had informed him that they weren't an issue of design review and did not need to be included in the findings of the staff report. He said under design review approval standard No. 10 that they would revise the proposed 21 parking stalls to 20 to improve the access to the handicapped individual for the reception area of the building. He said the staff was recommending approval of the proposed building and site design with the conditions listed on page 10 of the staff report dated April 24, 1985, with minor modifications as outlined in Nos. 2 and 3.

F. Allen said he had a concern about the large chestnut tree that was located on the property and wanted to know if there would be any possible way of saving it. M. Hess said his only concern about the trees location was that it might be in the actual area to be paved when the road was improved. He said to alter the curb line there would be inappropriate, but that he could envision it with the sidewalk.

T. Conser asked about the root structure of the chestnut tree and said his only concern would be its effect on the sidewalk.

Applicants' representative, Ralph Olson, architect, presented a color rendering of the revised design for the proposed building.

An unidentified speaker from the audience asked if it wasn't highly irregular that a member of the Planning Commission be selling a building to the Planning Commission.

Chairman G. Madson said he couldn't speak as to whether or not it was regular or irregular. He said the only comment he'd like to make to that was that it was not a violation of the law and that he was not uncomfortable with it. He said he didn't believe any other member of the Planning Commission was uncomfortable with it either.

Ralph Olson said that he felt the members of the staff had done a good job of analyzing what their proposal was. He said in response to the neighborhood's concerns that the size of the building had been reduced from about 6640 square feet to 5970 square feet which was a reduction of about 1300 square feet. He said they were aware it did represent a considerable investment for the proponents of the building but that they felt they had achieved a very comfortable compromise and that it made the building conform more to the residential character of the neighborhood. He went on to demonstrate and explain many of the features of the building that would provide a continuity with the surrounding neighborhood residences. He said in addressing some of the design review approval standards, the first concern is that of the substantial trees on the site. Previously their landscape architect had indicated that those trees might be expendable. However he said there had been quite a substantial concern from the neighborhood group that they should try to save the trees wherever possible. He said they would do everything possible to save the two trees. He said they appreciated the comment on the sidewalk to eliminate going over a root structure. In answer to some of the concerns he said they were also planning to put in a substantial amount of lawn area in front of the building. He said they had also tried diligently to reduce the impact on the east side of the building by providing a substantial landscape berm up against the building itself, thereby reducing the apparent height of the building. One of the last two items of the landscaping that they needed to address, he said were the site obscuring fence. He said the original proposal indicated that they would put in a five foot high site obscuring fence, but at one of the workshop meetings the

neighborhood group insisted that it be a cyclone fence rather than a wooden fence. He said that was the reason that it was included in the proposal. He said it didn't make a great deal of difference to them, and whatever the Planning Commission decided would be more appropriate would be fine with them. However, he said, if one were to listen to the neighborhood group their concern was that they would like to have a fence that required little or no maintenance. He said the next item he would like to bring up was whether it would be possible to reduce the width of the ingress and egress thereby adding some additional space to the east side of the driveway and the Yoder's property. He said the members of the staff indicated that in order to reduce from the 24-foot width it would be necessary for them to ask for a variance and as a consequence their proposal was before them now. He said he believed they had effectively dealt with the traffic problem. He said the staff had requested that there be a low level of lighting and that there had been some concern from the neighborhood group that the lighting not impact greatly the surrounding residences. As a result they had indicated they would be putting three-to four-foot high ballard-type lights. He said the last item he would like to bring up was that they have two accesses to the building for handicap usage and they would prefer to keep the handicap space in the rear of the building where it had originally been indicated on their proposal. The major portion of the building would be completely accessible. He said the applicants had made provision for an office on the lower level to accommodate a handicapped client. Ralph Olson then passed around samples of the construction material to be used on the building. He said he would like to point out that the applicants had chosen to use completely high quality building materials.

M. Gosling said it seemed more logical to him to have the handicap parking space in front of the building rather than the rear.

Ralph Olson said the requirement they had to meet was one handicap parking space per fifty spaces and that experience had shown them that up to this time there had been no handicap people using the law firm and if they did it would be accessible at the lower level.

F. Allen asked what the feasibility would be of putting a two or three foot wall up around the front of the parking area to screen the cars. Ralph Olson said the concept was that they provide some lawn area in the front of the building as one of the concerns that there would not always be cars parked there for a good portion of the day, but that his point was well-taken.

Chairman G. Madson asked if there were a direct route from Hwy 43 to walk to the building. Ralph Olson said there was not, but they had examined that previously and felt the incidence of people arriving by bus would be minimal.

Opponent, Pat Gillner, 5794 N.E. Robert Moore St., said she lived directly behind the proposed parking lot and she would like to comment on how the positive achievements occurred. She said the applicants had listened to their concerns and taken notes and said they would consider their concerns and come back with a new proposal they could work on together. She said they never made it to that point, but it was a good suggestion. She said at the second workshop that Mr. Hutchison and Mr. Olson had presented the new rough draft of the design. She said they felt it was better but the size and height still bothered many of the neighbors. She said Mike Butts, Planning Director, made plans for a staff meeting where they could iron out the particulars. She said they asked if they could be present during the meeting and Mr. Butts said that it was up to his discretion and that he had said no. She said that was why they were here tonight, because they felt they did not have a great deal of input in the design but that it

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appeared better than the previous one. She said she still had one big concern to present to the Planning Commission and that was the number one complaint: the size and height of the building. She said the applicants had come down in the size of the building but that it was still oversized for the area. She said part of the design review criteria states the purpose of buffering was to lower and decrease noise levels, but still couldn't understand how the building would provide that as it is the problem, not the solution to the problem. Another criteria she said was that the structure of abutting residences should be designed to protect private areas from view and noise. She said this was one of the rare cases in West Linn where a business would be located so closely to residential properties. She said she felt the building needed to be made a one story rather than a two-story structure for privacy to the adjacent residences. She said the five concerns listed on page two of the staff report were problems directly related to the building being too large for the site and then too close in proximity to the surrounding properties. She said the top of their list of concerns was traffic safety and she felt it had not been adequately addressed. She said if the building were reduced to a one story that it would provide less parking spaces and would thus decrease the traffic on their neighborhood streets. She felt the Planning Commission had the authority to handle this rather than make it necessary for them to go through the appeal process for a problem that they could all resolve right there. She said if they would reduce the size of the building it would reduce the total impact on the neighborhood and she would ask them to make a motion to modify the building to a single story.

M. Gosling said Mrs. Gillner had not specifically addressed the problem of the fence on the rear portion of the property and wanted to know whether they had indicated they wanted a cyclone fence or a wooden site obscuring fence as recommended in the staff report.

Pat Gillner said that she thought it had been brought out in the workshop that they would like a cyclone fence, but since then the consensus had changed and that a cedar fence would be adequate.

Opponent, Tim Gillner, 5794 N.E. Robert Moore, said he had a new shirt for the meeting that evening and that he could see that the color blended in well with the other shirts in the room. He said it was also made of the finest materials on the market today and that he wanted to be just right. He said, unfortunately, the more he saw the shirt, the more he realized that something was amiss, and that it turned out that it doesn't fit just right, it was out of scale for the area it was meant to cover as well as the other shirts in the room. He said he didn't feel that anyone would say it was ugly or out of style, but that it was just too big. The proposed building in their neighborhood had a very similar impact in that he couldn't say the building was ugly or out of style, but that it was just too big. He said a councilman at the last City Council meeting on the building said his feelings very clearly in that he didn't have a problem recommending a structure with four thousand square foot or under. Tim Gillner said he thought he was going to return his out-of-scale shirt, and he would ask the Planning Commission to make a motion to amend the design of the proposed out-of-scale building to a single-story building more in scale with their older well-established neighborhood.

T. Conser asked whether there were single story or two-story homes across the street. Tim Gillner said there were two-story homes but they were of a small square footage.

Claire Yoder, 1595 Bland Street, said she had written down the six conditions which were the most pertinent to her and her husband who live right next to the property. She said after the experience of going

through the process she felt that if it wasn't made part of the motion, that it wouldn't go anywhere. She then passed out copies of her concerns to the Planning Commission. She said she would like to address the matter of the ex parte contact between her and Chairman Madson. She said the whole incident started after City Council had decided the design approval and approve a conditional use on the building. She said it was then to go to a workshop session and that it had been her understanding that ex parte contact referred to the conditional use application. She said she was not fully aware that it was a violation.

Chairman Madson said there was no violation and for her not to misunderstand the purpose of communicating the ex parte contact.

Claire Yoder said that since the copy she had asked Chairman Madson could not be found she had written up what she could recall of the contents. She said she thought the design of the building was an improvement. She said if they would take note, she was asking that they adopt the staff report recommendation for the wooden site obscuring fence, but that it be six feet rather than five feet in height. She said she would also like to have a temporary fence prior to the start of construction and would like the vegetation to be mature and at least six feet in height prior to construction. She said both the temporary fence and the vegetation would be a great help in lessening the impact of the construction. She said she also felt very strongly about the posting of a "no left turn" sign. She said the last time she had brought it up it had received positive consideration, but nothing had been done about it. Another thing she would like to bring up was that she would like the trash receptacle to be mobile as she was quite concerned about the trash pickup trucks and the noise they would generate at an early hour of the morning. She said she would also like to bring up decreasing the width of the access drive from 24 feet to 20 feet. She said Mr. Olson had indicated that a variance would be needed and that it had been discussed as being needed. She said she didn't recall it being brought up at all, and she strongly hoped it would be a condition of the application because they were encouraged to believe that there was going to be an eight-foot buffer increase. She said in conclusion they did feel the design of the building was an improvement and that they hoped to be good neighbors.

J. Ohleman said she had one comment to make about the trash receptacles and that was if they were put on rollers it might become more of a noise problem than one would anticipate.

M. Hess said in reference to a condition which Claire Yoder had brought up that Jim Coleman had found where the Planning Commission would have the authority to grant a ten-percent variance which would allow them to go 2.4 feet narrower without going through a full-blown variance procedure.

Terry Hatfield, 5774 Portland Avenue, said he lived across the street and back up the hill from the property in question. He said his main concern was the size of the building and with that would come the 21-car parking lot. He said as you traveled down Hwy 43 toward Lake Oswego it seemed all you could see was pavement for the whole way.

Ralph Olson, in rebuttal, said he would like to respond to a few points that had been raised particularly in reference to the cedar fence. He said they would concur in placing a five-foot cedar fence around the east and north side of the property, but, unfortunately, it wasn't possible to put a fence and plantings up at the same time prior to construction. He said it would have to be either one or the other, but if construction were to get underway by summer that he was sure they

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were aware that the planting of vegetation during the summer would require a massive amount of irrigating them. He said they couldn't put irrigation on the site until it had been taken care of. He would respectfully request that it not be made a condition. He said as far as the "no left turn" sign was concerned, that they would concur by putting up a sign at the exit of the parking lot. He said in response to the trash receptacle, they would be using the smallest available dumpster and that he believed that garbage pickup would only be once a month. He said they would also concur with decreasing the width of the driveway. To reiterate, he said they feel that the size of the building is quite appropriate for the area since most of the homes in the surrounding area and across the street were two-story buildings. He said he did not feel the building was out of scale to the neighborhood.

J. Ohleman said that Mr. Olson had indicated that they had no problem with a five-foot cedar fence and wanted to know how they would respond to Claire Yoder's request for a six-foot fence.

Ralph Olson said frankly they would prefer not going over five feet.

M. Gosling asked if he understood correctly in that they were going to erect the fence prior to construction. Ralph Olson said he did not feel it would be appropriate to put up a fence at that time. He said there was quite a bit of site preparation that had to be done.

J. Ohleman asked if it would be possible to put up a temporary construction fence. She said it seemed that the concern was one of privacy during the months of construction. She said she had seen various construction sites with what were obviously temporary fencing to keep people out and it could be taken down after construction was completed. Ralph Olson said there was a portion of cyclone fence already in place between the two boundaries behind the Gillner house. He said that really didn't afford a great deal of privacy. In most cases, he said fences are installed at construction sites to keep people out and protect it from people wandering through. He said he basically felt that they would get a better quality fence by putting it in at the end of construction.

Claire Yoder, opponent, said that she was very concerned about protection as she had three small children and she did not want them wandering over to the construction site. She said she felt that they had made quite a few concessions in regard to the building. She said the temporary fence was a concern which she was very adamant about and would probably continue to appeal if the applicant did not cooperate.

T. Conser asked for clarification on the enforceability of the "no left turn" sign. M. Hess said the police could not enforce it.

M. Hess said he would like to clarify another point regarding the ten-percent variance. He said they had the authority to go for the ten-percent minor exception if it was in the public interest to make that exception.

Jim Coleman said they would have to make a finding that there was community interest in the preservation of a particular nature feature of the site which might be in the public interest to grant the exception. He said that requirement was the most applicable to the situation and the other thing that M. Hess mentioned was that they did have the ability to adopt an exception not greater than twenty percent of the required setback.

J. Ohleman said that she would like to make one comment and that was she felt the homeowners in the area had made a concerted effort to comply and she was in sympathy with some of the feelings addressed

regarding the fencing and privacy factors. She said she would like to take careful consideration about their feelings.

T. Conser asked R. Olson if he'd comment on the site problem if they were to grant the twenty-percent setback. He wanted to know how that would affect the chestnut tree at the entrance. Ralph Olson said the proposed building was at the front setback line on the northwest corner and he thought there were two concerns. One was granting a minor exception for the good of the community and he felt that would be a balance they would want to leave the community not only for the neighbors in back of the proposed building but for all the people traveling up and down the highway. He said he would rather see the building the way it is and reduce the driveway in the amount they were talking about with the additional buffering. He felt that would represent a good balance.

T. Conser moved to close the public hearing. M. Gosling seconded the motion. The motion passed unanimously and the public hearing was closed.

F. Allen said he would be inclined to follow the staff report recommendations to approve six-foot high cedar fence. He said as he pointed out earlier he thought that every effort should be made to save the trees and he would want that to be a condition and that the parking lot configuration modified as depicted in Exhibit B and that a "no left turn" sign be installed at the access drive, that the trash receptacle be mobile and as small a unit as possible, and that the access drive be decreased in width by the ten percent allowable under their option in the code.

T. Conser said all this had represented a lot of effort and that it had been done very well by both parties. He said he would support a six-foot wooden fence prior to construction or as soon after grading as possible primarily because it would be in the best interest of the developer to be defined and that no intrusions would be made over those property lines. He said he also agreed with F. Allen about preserving the trees and that he thought it would be in the best interest of everybody to have a six-foot cedar fence. He said he completely agreed with the parking lot modification in Exhibit B. He said he would also support the "no left turn" courtesy sign at the access drive and that the trash receptacle be mobile. He said as far as the vegetation was concerned he was in favor of it being six foot in height, but he felt they should not be planted until after construction was completed.

J. Ohleman said she had nothing to add but that she was generally in concurrence with the statements that had been made. She said she favored putting the handicapped parking to the rear of the building and having the five spaces up near the original access to the parking lot.

M. Gosling said that he would like to see condition No. 3 eliminated. He said the six-foot wooden cedar fence bothered him a bit as far as maintenance was concerned but that he liked the idea of a temporary fence with little children in the neighborhood. He said he was in agreement with the others on the garbage receptacle and the ten-percent variance. He said he had no problem with the height of the building as he felt it would blend in well with the landscaping.

Chairman G. Madson said he did not feel that the building was out of scale for the size of the lot and that he agreed that it would be most appropriate to leave the handicap parking toward the rear of the building to try and lessen the amount of traffic. He said he would be in favor of putting in a six-foot fence, either permanent or temporary, prior to the beginning of construction at the developers' option.

F. Allen said he would be inclined to recommend a two-foot recess in the front parking lot. J. Ohleman said she felt comfortable with the

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landscaping that would be done there and felt that once it was allowed to reach a certain degree of maturity that it would screen the cars in the parking lot. She said her concern about putting up a fence or drop was that children might have a tendency to fall over it. M. Gosling said he agreed with J. Ohleman. Chairman Madson said in the absence of any compelling reason to change the design as it existed he would be inclined to be non-supportive of lowering the parking lot.

T. Conser moved to approve the design review request for Tax Lot 3600 and half of 3700, Assessor's Map 2S2E30BC, in accordance with the staff report dated April 24, 1985, and to include the following modifications:

1. That a six foot site obscuring cedar fence shall be placed along the rear property lines. The applicants shall have the fence in place at the beginning of site construction or their option, place a temporary fence during construction to be replaced by the permanent cedar fence.
2. That condition No. 2 be taken verbatim.
3. That No. 3 be eliminated.
4. That a "right turn only" courtesy sign be provided by the developer and shall be placed at the exit of the site onto Bland Street.
5. That the trash receptacle be mobile.
6. That the access drive be reduced by the ten percent allowable under the jurisdiction in the interest of increasing the above for the betterment of the public.
7. That the arborvitae landscaping placed along the east property line shall be mature in height on placement in order to carry out the intent that the buffering and screening provided by that landscaping occur upon planting and does not require a growth period to become effective.

M. Gosling seconded the motion. The motion passed unanimously with R. Olson abstaining from the vote.

Chairman G. Madson said he would like to speak for everyone on the Planning Commission and thank everyone involved for their courtesy, consideration, and patience. He said he would also like to ask everyone while it was still fresh in their minds if they would take a few minutes within the next few days to submit in writing any suggestions or observations after having been through their procedure as to how it might be improved. He said he would ask that they address their letters to the Planning Commission in writing so it wouldn't get mistranslated or misplaced.

5. Business From Planning Commission

Chairman G. Madson said he would like to remind everyone that the Planning Commission was up to full strength and that they need to provide a representative to the Park Board. He said he would like that on the agenda for the next meeting and they could make an appointment at that time. He said he would also like to remind the members of the Planning Commission that at the first City Council meeting in June he would be making a report to the Council and that he would like them to make a list of what they view as priority items. He said he would appreciate them conveying their thoughts to him in person, by a phone call, or a written communication. He said he would like to have a list of the expiration dates of the members of the Planning Commission and he would also like a review of the minutes for the last twelve months to determine the absenteeism of the members for the last year.

There was no further business and the meeting was adjourned.

Clara Corliss
 Clara Corliss, Stenographer

May 28, 1985

1. Chairman G. Madson opened the special meeting at 8:00 p.m. Members present were R. Olson, T. Conser, F. Allen, J. Ohleman, S. Weiss, and M. Gosling. Also present were M. Butts, Planning Director; D. Darling, City Attorney Representative; and C. Corliss, Stenographer.

2. Final Order - Hutchison/Walsh - General Item

Chairman G. Madson said they would be changing the order of the agenda for this meeting with agenda item No. 3 to be heard before agenda item No. 2 as No. 2 might prove to be quite lengthy.

R. Olson said he wished to abstain from the agenda item for the same reasons he had given at the last meeting in that his architectural firm was representing Mr. Hutchison and Mr. Walsh and that he would not be voting on the matter.

D. Darling said she would not be able to participate or assist the Planning Commission in any way on this matter nor could she give them any advice on it.

Chairman G. Madson asked if any member of the Planning Commission had any legal questions before they moved on the final order before them.

M. Gosling moved to approve the findings, conclusions, and order as presented in the submission from Jim Coleman summarizing their meeting of May 20, 1985. F. Allen seconded the motion. The motion passed unanimously with R. Olson abstaining from the vote.

3. Plan and Zone Change, Conditional Use, Design Review - Bill Tripp & Skyland Investment, Inc. - Public Hearing

R. Olson resumed his seat on the Planning Commission and D. Darling resumed her position as City Attorney Representative.

J. Ohleman said she would like to make the Planning Commission aware that prior to her becoming the manager of the Oregon Tri-City Chamber of Commerce, she had served as office manager of the Chamber and that in February and March she had typed letters that had been written by JoAnne Stalder, Chamber Manager, to the gentlemen proposing the motel development, to the West Linn Planning Commission, and City Council indicating support by the Chamber of the project. She said her involvement had been as a secretary in the matter and that she had typed the letters. She said she had also attended the West Linn Business Group meeting that afternoon and one of the speakers at the luncheon had been Russel Lawrence who had explained to them the concept of the proposal. She said he had shown a rendering of the motel and had answered questions concerning it but that he had not gone into a great deal of detail. She said both of the gentlemen involved in the project had called the Chamber of Commerce office recently requesting information on motels in the area and a Clackamas County map. She said she had turned the request over to her staff and had not participated in any discussion with either gentleman. She said in conclusion that she didn't feel that any of the above involvement would make it impossible for her to hear the matter before them and she did not feel biased in any way.

D. Darling asked her what her present position was with the Chamber of Commerce. J. Ohleman said that she was presently the manager of the Oregon Tri-City Chamber of Commerce.

T. Conser said he would like to make the Planning Commission aware that he had a relationship with the Tripps and that they had been friends of the family for some time. He said he had known Bill and

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Janet Tripp for approximately the last ten years and that he didn't feel the relationship would affect his hearing the matter before them as it was a very casual, social-type friendship. He said he had also had a professional or business association with Russel Lawrence in connection with organizing Pacific Northwest Bell. He said he did not feel any of those contacts or relationships would interfere with his decision making in the matter.

R. Olson said he would like to make the Planning Commission aware that he had previously met one of the architects involved in the matter through his architectural firm two or three years before, and he had not had any conversation with him at all since that time. He said he did not feel that would affect his impartiality and that he could still render a fair and just verdict in the matter before them.

M. Butts gave the staff report. He said there were essentially three procedures before them: plan and zone change, conditional use, and design review. He said both the conditional use and design review requests would be subject to City Council taking action on the plan and zone change request. He said the staff report was recommending a two-phase approval process and that it was organized by issues which were land use; availability of city services; architectural compatibility with the surrounding area; relationship to environment; dimensional requirements; parking and circulation; off-site traffic impact; landscape and buffering; and signs. He said they were asking that the Planning Commission follow very closely the findings as laid out as it would be very complex to make a motion the way the issues had been set up and if they did not concur with the staff report recommendations the Planning Commission would have to set up their own findings. He said they had received a great deal of communication from the applicants, the citizens in the area, and business groups, etc. He said they were recommending approval as outlined in the staff report, dated May 13, 1985 on pages 22 and 23. He said on condition No. 3 they had originally proposed a light signal at Willamette Falls Drive and West "A" Street, but that the applicant had submitted a revised traffic plan and after reviewing that they did not feel a signal was warranted at that location. He said they would also like to add the following conditions:

1. Under condition No. 10: Limit the height of the proposed eight-foot wood fence between the project site and the high school to six feet, as measured from the finished grade of the parking lot.
2. Under condition No. 11: Install an on-site I-205/Hwy 43 directional sign pointing south on the exit side of the project driveway.

D. Darling said there were some additional conditions she would like added to the record. They are the following:

1. That if there was conditional use and design review approval that it also be conditioned upon City Council approval of the plan and zone change.
2. Sign a written agreement with the City of West Linn and the Oregon Department of Transportation (ODOT) to fund the re-design of the Willamette Falls Drive and Hwy 43 intersection to purchase required signal lights and associated facilities and fund all installation costs.
3. Quality of construction materials shall meet or exceed those submitted with the Phase I concept plan.
4. Wording on the plan and zone change would be conditioned upon the development of motel/convention center and pending the conditions of approval.

Chairman G. Madson said he had a couple of exhibits that had come very late and were not part of what they normally consider the staff report. He said Exhibit V was a letter from PGE field service representative for the area voicing support for the proposed motel/convention center.

Exhibit W was a written communication from the City Engineer which involved an analysis of the applicants' latest revised traffic submittal. He said the City Engineer expressed concerns about traffic backup on Willamette Falls Drive and Hwy 43 intersection. He said they had also received a communication which was marked Exhibit X from the West Linn Business Group stating their complete approval and support of the proposed site adjacent to the West Linn High School as it had been presented to their group.

Russel Lawrence, 5001 Willamette Falls Drive, said he had been retained to represent the applicant for this particular issue. He said as far as land use he felt they were dealing within the General Plan Policy which he quoted in part. He said he felt that based on the items as set out in the General Plan Policy that they were brought forth in this particular application and were suited for it. He said it would be bringing up employment, would provide services to all areas of the City, and it would reduce their dependence on outside services. He said at the present time there were no meeting facilities within their area and he felt it would make others more dependent on them. In addition, he said, they were on a proposed scheduled Tri-Met stop. He said they were also compatible with neighboring land areas as they were surrounded by I-205, the Camassia area, a residential area and the high school. He outlined the areas within the motel/convention center in which they would be using employees from the local area. He said as far as land availability was concerned, the proposed site was the most appropriate for their type of facility in terms of the freeway access and other factors. He said under city services they would be providing separate lines from the domestic supply of water, that it would come from the same loop system, but would not be interconnected. He said they would be providing four fire hydrants which was one more than the fire chief had asked for. He said the storm drain retention storage would be approximately 1950 cubic feet and that it would basically look like a wide place in the street. He said this proposal also includes an oil trap that meets or exceeds DEQ plumbing code requirements. He said it would be below the paved parking area and all that would be seen would be a manhole. Covering architectural compatibility, he said as they could see from the rendering before them, they had looked the area over somewhat before they had begun work on the project. He said the surrounding neighborhood is composed of houses from the forties and fifties, a few apartment complexes, the high school, and the Camassia area. He said they had decided to base their design of the building on a house in the area with turrets rather than trying to match the other mixture of homes in the community. He said their main concern was to try to blend the design in with the area as well as they could. In regard to relationship with natural environment, they had had the pleasure of discussing the project with Catherine Macdonald, Oregon Land Steward, for what is commonly called the "Camassia area." She told him she would rather see some kind of commercial development on that site rather than residential because of the many problems involved in a residential development. He said in response to her requests and concerns, they had reduced the lights in the area adjacent to the Camassia. He said they were also talking about reducing the building, expanding the landscaping, and increasing the setback from 70 feet to 75 feet. As far as the high school was concerned he said the room closest to their structure would be the music room which had no windows. On item No. 6 regarding parking and circulation, he said a five-percent exception had been discussed and that he would like to point out that they could very easily meet the standards set forth by the various codes. However, he said he would like to suggest an exception to that code of five percent or greater should be allowed for preserving public features. He said on the off-site traffic impact, they would agree to a center-turn lane, and a forty-two-foot wide street improvement as it would give them adequate room. He said the driveway that was proposed was thirty foot which would accommodate right-and left-turn lanes as well, and an access lane which would help alleviate traffic. In response

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to concerns expressed at several community meetings he said he would like to address the intersection of Willamette Falls Drive and West "A" Street. He said at the present time it has a L.O.S. "C" which would be average delay and one weekend per month would move to type "A" which would mean very long delays. He said Hwy 43 had a L.O.S. "F" which was defined as complete failure congestion and would probably move to a level of "H" with the proposed traffic load that they would be putting on it. He said it would very definitely warrant a signal at that particular intersection and they had no argument with that as traffic level would be improved to level "D". He said he felt the flow of traffic could be improved by programming the signals. Under landscaping and buffering he said the trees with a six-inch caliper and five feet in height had not been identified in the site plan. He said they would try to preserve all the trees they possibly could, but that several trees would have to be removed to prepare a level site. He said there was a particular problem area close to West "A" Street where there would be a maintenance problem with rocks shifting down or falling into the street so he felt trees in that area could not be saved. He said in addressing the proposed fencing along the Camassia area that they would prefer a fence similar in height to what had been requested but made up of woven wire and slats rather than a decorative wood fence as something like that might work out better in terms of maintenance and blending into the natural Camassia area. He said as far as signs were concerned they would be presented under Phase II of the approval process. He said in addressing condition No. 5 on page 23 of the staff report dated May 13, 1985, where it called for a pedestrian access to be provided to the Camassia area that it was his understanding that they did not want any pedestrian traffic entering from that end of the site at any time. He said also under condition No. 10 on page 23 he would suggest that they be looking at a service development cost sharing situation on this item. He said he didn't feel they were creating all the problem and that they would like to share the cost of installation.

M. Gosling said they had a letter from the Nature Conservancy which indicated that they had an easement across the Tripp property and he would like to know whether he could confirm this legal easement. Russel Lawrence said they did have an easement but that it was a maintenance easement not a public access easement which was between the Tripp family and the Camassia people.

J. Ohleman said at one point he had been referring to a picnic area to be set up on the far side of the back lot and wanted to know if that would still be feasible with their new parking arrangements. Russel Lawrence said it would be an asset to the site but also to be taken into consideration was the fact that it would be in a remote area and might possibly create a police problem.

T. Conser said he would like Russel Lawrence to expand on how they proposed to level the existing site. Russel Lawrence said they were going to keep all of the major material they move on site. He said, basically, what they were going to try to do was shift the design elevation and that way they could accommodate a lot of material. He said as far as the method of removal they would be blasting by drilling deep holes in the top seven feet so the load would be deep down. He said they were requiring a four million dollar bond and an insurance policy from the blasting people. He said they didn't expect to have any difficulties with the people they were dealing with as they were professionals.

T. Conser asked if he would also expand on his reference to the root structures of the trees breaking up the rock and throwing it into the street. Russel Lawrence said everything would be sloped back at two to one and right now there were areas that were overhanging. He said the only thing that had been holding it there was the roots. He said

each year they wind up taking five or six yards of rock out of a particular ditch line as weathering took place.

Chairman G. Madson said he would like to clarify the traffic analysis that had been presented to them. He said if he understood it correctly the presumption was that all the traffic would be arriving at the site by Hwy 43 and West "A" Street. Russel Lawrence said they expect most of the traffic except the residents of West Linn to be coming underneath I-205 and up Willamette Drive access to West "A". He said they prefer to keep it out of the residential neighborhood.

Chairman G. Madson asked if he had any projection of the amount of traffic that would come from local residents versus outside traffic from the freeway. Russel Lawrence said during peak hours there were now 210 cars coming down Willamette Drive and another 350 going across the bridge.

Chairman Madson asked where the people were coming from that they based their traffic projection on. Russel Lawrence said some were coming from West Linn, but the predominant traffic was from Hwy 43 and the freeway.

Chairman Madson said the other question he had concerning the traffic had to do with the upgrading of the intersection at Hwy 43 and McKillican that was purportedly to be done by ODOT. Russel Lawrence said that was under consideration right now and he would expect to see construction started by the summer.

Chairman Madson asked what the determining factor would be and who would be paying for it. Russel Lawrence said it was the Highway Department's project for this year and they would be paying for it.

J. Ohleman said that on Exhibit T it said that the intersection would be improved the summer of 1986 and wanted to know if that was a typographical error. M. Butts said it was his understanding that it was to be started this summer so it must be an error.

M. Gosling asked if Russel Lawrence could elaborate on what type of business would be occupying the proposed site. Russel Lawrence said at this time he was unable to tell them who the operator was going to be. He said it was going to be a moderately priced operation similar to the Monarch which was located up the road.

Proponent, Steve Housel, said he was with the West Linn Business Group and at their luncheon that afternoon they had listened to a presentation by Russel Lawrence and associates. He said Mr. Lawrence was representing a developer who was proposing a motel/convention complex on the property adjacent to West Linn High School. He said after listening to the presentation and asking several questions concerning the impact of the proposal by their group they felt that it would be an asset to the City.

Don Rider, member of the Executive Board of the Chamber of Commerce, said they were very much in favor of the proposed project. He said they had been writing letters in support of it. He said two months ago at a Chamber luncheon they had had Mayor Bud Clark as a speaker and after he had expounded on all their history and heritage in the West Linn area that he had come up with a statement that in his opinion convention and tourist dollars were the cleanest revenues they could receive. Don Rider said they felt that the proposed facility would qualify.

T. Conser asked if he had any idea what the turnover dollar per ratio would be for a project of this size. Don Rider said he had no experience on that but that Mayor Clark had been advocating the convention dollar for the Portland area and he felt the proposed facility would fit into that program.

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Dea Cox, Superintendent of Schools in West Linn, said he would like to be a neutral party to express some concerns the School Board had to the Planning Commission. He said one of the major issues they were concerned about was the traffic congestion around the high school. He said their traffic peak at the high school was between the hours of 7:30 and 8:30 in the morning and again 2:30 to 3:30 in the afternoon. In addition to that he said they had events at the school periodically that attracted a great number of people. He said another concern of theirs was the possibility of classroom disruption during construction. He said there also some technical considerations that they had been wondering about. One was the drainage problem that had been addressed. He said they weren't so concerned about their drainage that runs into "A" Street as they had worked pretty hard and pulled things together. He said they were concerned about the open ditch that runs near the Camassia property. He said when they get heavy rains that tends to back up and that was a very major concern. He said he felt there needed to be a provision for a large amount of runoff and that periodically the ditch would need to be cleaned. He said as they were all aware one of the major problems they had at the high school was parking and they were wondering about the possibility of joint usage of parking at the site. He said it seemed to him that with the amount of parking the project would be required to put in that there would be many times when a portion of the parking would not be used. He said if they could solve their parking problems at the school there would be a variety of things they could do with the spaces that were now occupied.

T. Conser asked for clarification of the bus scheduling as it came and went from the school. Dea Cox said there was no set schedule, they basically tried to get them going in many different directions to alleviate congestion.

R. Olson said if the proposed project would receive all the approvals it would be conceivably possible they could begin construction as early as this summer and that a lot of the disruption would occur during a period that was not during the peak usage of the school. He said he realized they had students that attended school during the summer and wanted to know approximately how many. Dea Cox said there were about 200 students attending summer school but it would not be the same dimension of the problem because those students would be using a building farther away from the construction site. He said a summer schedule for construction would be far better for the school from that standpoint.

J. Ohleman asked whether Mr. Cox was referring to special events parking when he was speaking of sharing joint use of the adjacent parking site. Dea Cox said they were really thinking about everyday staff parking as it would leave a number of parking spaces at the school for other uses. He said he wasn't sure that could be worked out but it was something that they were discussing with the developer.

Patricia Tyron, 2365 Dillow Drive, said many of the people that were present that evening had general concerns about the proposed motel/convention center. She said it was as much a land use issue as it was an issue of existing development. She said the issues that had come up in their neighborhood association meeting touched on jobs that would be brought into the area as well city and school revenue base. She said first of all that she was not all that convinced that 75 to a 100 jobs in the motel industry would be such a great addition to the betterment of West Linn when you looked at the pay scales that the majority of people were going to be receiving. She said the question had come up whether many of these people could afford to live in a community like West Linn. She said it had recently come to her attention that the average turnaround for the tourist dollar was something like eleven times before it left the community and she didn't feel like there

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were eleven places for the money to go in their area unless they were going to have something like strip development. She said something she had a real question about was how West Linn would get the most money from the developer. She said most of the people who lived in West Linn were willing to absorb taxes basically because they thought it was worth it to live in the area. She said she was very concerned with the type of developer that would be putting a motel in West Linn and what it would bring for their future. After looking around at what had been going on in the state, generally right now it seemed to her that many of those types of organizations were very ill-equipped to protect themselves and that they turned to either government bodies or the Chamber of Commerce. She said she was not particularly excited about that type of development going in. She said the last issue she would like to bring up was not at all resolved in her mind regarding the backer of this development. She said if they didn't know who the operator was going to be that made credibility very poor. She said they did not even know what kind of experience those people had in handling capital for that kind of venture in the past. She said she felt that was an issue that needed to be addressed. She said she was not trying to make waves, but she wanted the Planning Commission to be aware that they were making a very difficult decision that would have a great effect on their town.

T. Conser said one of the areas he could see a return on the tourist dollar into the area would be the gas stations around the freeway.

Patricia Tyron said she couldn't see the return they would be getting on that unless City Council was contemplating an extraordinary tax on gas. She said if they were to use the taxable revenue as a basis for their consideration, they should keep in mind that they were in a time of considerable tax reform, and that any consideration they made would have to be made with that in mind. She said she had also talked to the Nature Conservancy as Mr. Lawrence had said that he had done and she had come away with a completely different recommendation. She hoped the Planning Commission would have the opportunity to question them about it as well as look over any documents they had received from them.

Claire Yoder, 1595 S.W. Bland Street, said she would also like to remain a neutral party, that she had some concerns that she had written down which she would read to them that had come about by her own personal concerns as well as the Bolton Neighborhood Association of which she was president. She said their basic concerns were around the very large project, lighting, but most important traffic circulation which they felt should be minimized. There was also concern about the wild-life in the Camassia area being disrupted and the blasting schedule during the summer as well as during the school year. She said they felt the blasting schedule should be satisfactory to the school and the residents in the area and that notification should be done via the paper or by other notice. She said they also would like the lighting reduced to five feet in the parking lot, that they should grant the ten-foot variance for the parking situation. She said they would also like to see the fencing to be a six-foot structure around the entire high school rather than the three and a half foot along the Camassia as proposed. She said the directional signs as recommended by the staff report would be satisfactory. She said they would also like to see a permit subject to an ordinance for noise so that they could request an investigation if something arose.

Sandra Gates O'Keefe, 4273 West "A" Street, said she would like to voice several concerns, one of which was what the project would do to their property values as they lived directly across the street. She said she was also concerned about the traffic because it was already quite congested by the high school. She said her other concern was about the blasting and whether they would be prepared with insurance and

would post that with the City.

Chairman Madson said Russel Lawrence had indicated that they would require a four million dollar bond that would not be posted with the City, but would be a private matter between the developer and contractor.

Norm Day, 5901 West "A" Street said that some of the things he had heard there that evening had disturbed him to a great extent. One of the disturbing factors involved the landscaping which sounded to him as though it was going to be a virtual jungle and wondered whether the chief of police had been advised and what his comment would be on the high generation of foot and vehicle traffic as well as the dense landscaping in five or six years. He said he was all for the development but felt they could be creating problems. He said another thing that concerned him was the blasting as he was familiar with the construction of the freeway.

M. Butts said approximately a month ago they had a meeting which the police chief had attended and he had looked the plan over. He said as far as the landscaping getting out of hand that they had a provision in the code for maintenance so they did have a mechanism for maintaining it.

Wayne Waits, 4845 Willamette Falls Drive, said he lived directly behind City Hall. He said his comments to the architect or whoever planned the proposed building was that it was a beautiful structure and that it was very pastoral, but that he felt it was a shame and was the first step toward changing the climate of the area that people had moved there for. He was afraid the structure would dominate the entire skyline. He said he also felt the traffic would cause a great deal of problem as they already had existing traffic congestion in that area. He said his wife had also talked to the Nature Conservancy and had come away with a different opinion also. He thought it would be definitely worthwhile for the Planning Commission to hear from someone at the Nature Conservancy to give their opinion on the matter. He said he could not understand why the high school was not more concerned about having a building of that nature so close to its premises. He said he also questioned the compatibility of the facility with some of the goals and objectives of the Planning Commission. He said he couldn't see the compatibility with the high school and the nature area. He said overall he felt they were going to have more traffic, more lights, more street noises, and they were going to be right in the heart of it which would affect the liveability of the city.

Dorothy Schwantes said she lived directly across the street on West "A" from the proposed project. She said what she would like to know was whether the developer's representative could tell her whether they were applying for a liquor license.

Chairman G. Madson said he felt that would come under the Oregon Liquor Control Commission.

Dorothy Schwantes said she would like to know whether they would allow a tavern to be located across the street from the high school and whether they would issue a permit for a tavern to be located there. She said she felt the proposed building with a lounge would be the same as having a tavern where alcoholic beverages were going to be served. She said having it next to the high school was a very strong objection of hers.

Sam H. Nixon, 5426 Broadway Street, said there were two overpasses that Russel Lawrence had not mentioned in his presentation. He said the first overpass ran into Broadway, and he felt it ought to be taken into consideration in their traffic plan. He thought they should take care of

the roads and the traffic so that it would be liveable. He said he had been principal at the high school during the time they were shooting the freeway and he felt they might as well dismiss school with all the noise and disruption that would go on during the blasting.

Russel Lawrence, in rebuttal, said that he appreciated having the short recess because it gave him an opportunity to give some thought to their comments. He said he would try to take all their concerns in order beginning with traffic during the peak periods at the school. He said their peak time would occur after 4:30 p.m. which would be an hour after the congestion was down which help alleviate the bus problems. He said the Traffic Engineers had studied the bus problem and they said there were no problems expected and that it would just be a matter of courtesy while driving and driving with good sense. He said as far as the construction schedule was concerned if they received approval tonight and it was endorsed by City Council on June 12 that they would expect to be under construction by mid-July and most of the blasting would be taken care of. He said their construction schedule was contingent upon approval. He said the Camassia area ditch which had been brought up was amenable to amendment and that it could be straightened out. He said he felt parking had been discussed at length and the idea of joint parking with the school was under discussion. He felt the developer would be amenable to that but they could not commit the operator at this point. He felt sure they were going to see a joint usage of the parking area. He said the question of who was going to be the operator of the proposed building seemed to be a good question. He said he had been informed by the developer that anonymity had been requested as they were still in discussion and also because of the possibility of adverse publicity. He felt it would be over nothing if they did not get approval. He said they were basically in a situation where they couldn't sell anything until they had an approval and when they did receive it at that point they would make the operator of the development known. He said regarding a comment made by Claire Yoder on the Camassia area that he would agree with her and that was one of the reasons they had come up with shielded lighting. He said there was a situation brought up by Mr. Day about crime. He said the last thing they would want would be a poorly lit parking lot. Another concern he would like to address was the blasting schedule. They were planning to post doors with the days and hours they were going to shoot. He said he had heard about the turnover of the tourist dollar that had been referred to by Mrs. Tyron and that he understood it turned over 26 times before it left the state. In an average community it would turn over 11 times. He said he didn't feel that West Linn could be considered an average community so he did not feel it would turn over that many times. He said having a development of this type would generate employment for the community. What he would like to bring to their attention was that the Clackamas County Associated Chamber of Commerce was presenting a program in mid-June dealing with promoting tourism in Clackamas County to attract tourist dollars to land there instead of elsewhere.

R. Olson asked whether the project would go forward by the developer prior to the time that they had an operator signed. Russel Lawrence said it was his understanding that they had three hot prospects awaiting the results of the meeting this evening, but that no one was going to make a move until City Council had made a decision.

F. Allen said there had been a discussion of enlarging the creek to use as a holding basin and asked if he could expand on that. Russel Lawrence said there was an area that was pretty choked out by swamp grass that would make a nice natural basin. He said the basin would be about the size of the room they were in and would be virtually invisible if it were done properly.

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F. Allen asked if the basin would accept water from further up the hill. Russel Lawrence said that it wouldn't hold very much but what it would hold would be designed for their site. He once it contained the 1950 cubic feet the water would go over the spillway.

S. Weiss asked how long a period the blasting would continue for a project of the size proposed. Russel Lawrence said about every third day to two weeks with a maximum of twenty seconds.

S. Weiss asked what their schedule for blasting would be if it got underway after school had started. Russel Lawrence said as far as school being in attendance they would most likely do their blasting after school hours as it would give minimum impact on class time.

S. Weiss asked if he could comment on the impact that construction work and traffic would have on the residents in the immediate area. Russel Lawrence said since they were going to be able to keep most of the material on site during development there would be some truck traffic but they would have control over the route the drivers would take in leaving the site.

S. Weiss asked what kind of time they were talking about to finish. Russel Lawrence said if they were successful in their application and it went through City Council on June 12 that they were anticipating occupancy by this time next year.

M. Gosling said he was under the impression that some of the material they would be removing would be used to raise the elevation of West "A" Street. Russel Lawrence said there was a bad dip at Buse Street and West "A". He said he had been in discussion with the City Public Works Director and the City Engineer and they had come to the agreement that the intersection would be fixed no matter where the material came from. He said basically the rock they were going to be using on the site would be too large to use for that area.

M. Gosling said a question raised by Mrs. Tyron earlier concerning what other hotels the prospective developers had completed piqued his interest and he would also like to know the answer to that. Russel Lawrence said he was not aware of any as they had not confided in him on that particular issue.

Chairman G. Madson asked if it would be safe to assume that West "A" Street would be an unsafe area during the time they would be blasting. Russel Lawrence said it would not be a good assumption because there would be a short period of time during blasting when there would be small traffic interruptions. He said he wanted to emphasize that they would be hiring professionals to do the job.

Chairman G. Madson asked what provisions they would use to protect students and innocent passerbys during the construction activity. Russel Lawrence said the fence line between the school and the site were intact and if the need arose they could put up temporary construction fencing. He said as far as the site itself was concerned there would be people equipped with radios and in communication with one another and he felt they would find it a very safe procedure.

Chairman G. Madson asked if they had any way of insuring that with construction employee traffic and construction delivery it would be routed away from West "A" Street. Russel Lawrence said they did only to the extent of instructing someone that could not use a certain route. He said if their rules were not complied to they could always dismiss the worker. He said their general feeling was that they would like to be good citizens, good neighbors, and leave the community as happy as they can.

Chairman G. Madson said in most cases employees at a construction site were not residents of the area so his concern was whether they had given some thought to controlling that before it became a problem rather than leaving it to the City to deal with the issues. Russel Lawrence said he had dealt with the construction process in the community since 1973 and that he had a provision in his construction specifications that contractors had to sign that would allow him to dismiss any employee from the site for the remainder of the job without discussing his actions. He said it had been upheld in Court.

Chairman G. Madson asked if he would expand on how he planned to control the traffic patterns and routes of patrons of the proposed project, citizens, and employees. Russel Lawrence said basically people would go whichever way they felt would be the quickest for them, but that with the use of a sign off the freeway he felt it could direct them to a less congested route.

Chairman G. Madson read into the record a letter dated May 3, 1985, from the Nature Conservancy written by Catherine Macdonald, Oregon Land Steward.

J. Ohleman said that she felt a little more comfortable with not knowing who the developer was prior to the testimony she had heard that evening. She wanted to know what their recourse would be if the developer turned out to be someone undesirable. M. Butts said when they developed the conditions of approval in the staff report they had tried to put forward to the Planning Commission exactly what terms they expected from the proposed developer. He said the wording of the conditions were very critical for the matters they were considering that evening. He said it would assure them that it would come back for Phase II.

M. Gosling asked if M. Butts could elaborate on the elevation of West "A" Street and whether it would be straightened out satisfactorily. M. Butts said there was no problem with that. He said the Public Works Department liked the fact that they were going to share partially in the cost.

R. Olson moved to close the public hearing. S. Weiss seconded the motion. The motion passed unanimously and the public hearing was closed.

D. Darling she would like to add one issue concerning the parking situation. She said they had heard testimony and received an exhibit and in regard to the number of employees that were anticipated, she felt it would have an impact on the number of parking spaces that were originally required. She said the number of employees that were anticipated were higher than what the members of the staff had been led to believe when they had done their report on the parking requirements. She said they were probably going to need 450 to 460 spaces to deal with that number. She said if the Planning Commission was thinking of approving and of limiting the parking she would suggest they find the ten-percent variance would be warranted because of the need to preserve the Camassia area and to provide as much buffering along the area as possible. She said that would come as part of the findings under Phase I. Under Phase II, she said they should add that it would provide the number of parking spaces required under the code less the ten-percent exception or whatever exception they found. She said even though they were talking about reviewing the parking requirements in September it would not affect the application that was before them now. She said they needed to address whether or not they wanted to reduce parking now.

R. Olson asked if that was taking into account the reduction of the size of the building. D. Darling said that it wouldn't but it might offset some of the increase as far as the employees were concerned. She said it might end up working out exactly the same. She said it might make it more difficult so they might want to postpone the decision to Phase II when the final plan would be in and do it as part of that.

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She said, however, she did feel they did need to get some guidance as to how much landscaping would be needed.

R. Olson said he felt comfortable with the plan and that he liked the appearance of the building. He said he thought it would be an asset to West Linn and that it was an intelligent and wise use of the property. He said after hearing the testimony he felt the main concern of the public that evening was traffic and he believed that had been adequately addressed and could be handled by the promulgation of signs and control of direction.

T. Conser said he also agreed that it would be a nice facility for the city. He said his concerns were centered around the blasting, but he felt there would be every effort to make a minimal impact. He said he also felt the traffic was the biggest concern and he would like to suggest the possibility of considering a "right turn only" out of the driveway where it aligns with Buse Street. He felt that might help in controlling the flow of traffic toward Willamette Falls Drive. He said he had another concern about the landscaping in front of the development. He said he also personally liked the idea of the picnic area which they had talked about earlier located near the Camassia area. He thought it spoke well of the community that they had chosen that particular site, that they cared about the community and the leisure life they tried to promote in the West Linn area. As far as parking he said he had a real concern about that as the residents were well aware of the lack of parking at the high school and felt it should be addressed to the fullest extent.

F. Allen said he thought the first question before them was whether they were going to approve the zone change so he would address himself to that. He said he felt the hotel project would not happen without the zone change which he would be in favor of.

J. Ohleman said she would like to concur with F. Allen on the zone change and she saw it as a reasonable step for the Planning Commission to make a recommended zone change with the understanding that if they decided not to go ahead with the project that it would revert back to the original zoning. She also felt that the traffic situation was the biggest concern about the project. She said traffic was heavy at the present time and she felt that the residents of the area had a right to expect free access to their places of work or wherever they were going. Overall she said she was pleased with the design of the building, and with having that type of facility in West Linn. She said she saw it only as a potential good in their community.

S. Weiss said she felt that looking at the available sites in West Linn that the proposed project was the best suited use for that particular site. She said she had a question in her mind as to whether the development would have a negative impact on the community. She felt that any facility of that size would have a negative effect as far as the traffic and parking were concerned. She said they were doing their best to minimize that but there was going to be some negative impact anyway. She said she was basically in support of the facility.

M. Gosling said the three issues before them were the zone change, conditional use, and design review. He said he was quite concerned about the traffic problem, especially concerning the stop sign at West "A" and Willamette Falls Drive. He said he felt that location as well as the Hwy 43 location would be better suited for a signal light. Another concern of his was the identification of the operator of the development. He said he would feel more comfortable with having a basic idea of who it might be because he would like them to be a good representative of the quality of West Linn. He said he would also like

to postpone as much of the final design as they could. He felt they should approve the preliminary design and hold back approval until the final design was presented. He said he would also like to see the joint parking issue addressed. He said basically he felt it was a good quality development. As far as serving alcoholic beverages was concerned, he felt a good quality establishment would certainly not want high school students smoking and drinking on their premises. He said except for a couple issues regarding the traffic situation he was comfortable with the proposal.

Chairman G. Madson said he felt pretty much in agreement with the rest of the Planning Commission, but he would like to emphasize his concern about the unknown operator of the facility. He said he had no problem with the land use or zone change. Another concern also was the traffic and he would like to agree with M. Gosling's comment about the signal light at Willamette Falls Drive and West "A" Street. He said he felt there should also be a temporary construction fence installed because of the location of the high school and the Camassia area. He felt they were facing a trade-off situation regarding the parking issue and the granting of a ten-percent variance. He said he would also like to see some cooperation on the part of the applicant and the high school in sharing parking. To summarize he said he would be in favor of the zone change and was concerned about having an unknown operator of the proposed facility which could affect West Linn either favorably or unfavorably.

T. Conser moved to recommend that they approve the plan and zone change for the property known as Tax Lot 900, Assessor's Map 2S2E30; Tax Lots 4500, 4600, 4700, and 4800, Assessor's Map 22E30CD based on the findings of the staff report dated May 13, 1985, and revised May 24, 1985, and that the planned zone change be conditional upon the development of the proposed motel/convention center subject to conditions of approval by City Council. If the proposal is not acted upon within the one year's time allotted for conditional use that the plan and zone change be nullified with the expiration of the conditional use approval. M. Gosling seconded the motion. The motion passed unanimously.

M. Gosling moved to approve the conditional use and design review of Phase I for Tax Lot 900, Assessor's Map 2S2E30 and Tax Lots 4500, 4600, 4700, and 4800, Assessor's Map 22E30CD, as a motel/convention center based on the findings specified in the staff report dated May 13, 1985, and amended May 24, 1985, subject to the following conditions:

1. That Phase II design plans be submitted and approved by the Planning Commission prior to construction.
2. Submit a final grading plan for City Engineer approval.
3. Submit a Rock Removal Plan indicating method and schedule for City Engineer approval and to include notification of residents within a radius as they deem appropriate with safety precautions to protect the life and welfare of the citizens of West Linn.
4. In those areas not subject to grading that all trees having a six-inch caliper or greater at five feet in height might be located and tagged by a licensed land surveyor and that such tree should be preserved and not located in the paved area of the parking lot. Said survey should be completed prior to site excavation and shall require Planning Commission approval.
5. Construct a sight obscuring "decorative" wood fence a minimum of 48 inches in height along the west and southeastern boundaries of the site. This fence should also be a vehicle-proof fence. A pedestrian access shall be provided to the Camassia area at the northwestern corner of the site as

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- requested by the Nature Conservancy.
6. Provide a pedestrian stair/walkway at the north end of the site from the structure to West "A" Street located a minimum distance of 20 feet from the driveway entrance.
 7. Provide a backing area for small trucks next to the loading dock with plans to be presented under Phase II approval.
 8. Design and construct a 21-foot width to the center line street improvements to West "A" Street. The design shall assure adequate sight distance at the driveway entrance. City shall participate in the right-of-way improvement costs incurred on the east side of West "A" Street.
 9. Construct an 8- to 9-foot sidewalk (same width as provided along "A" Street at the north end of the project site) along West "A" Street.
 10. Install all street improvements to include signal lights at the facility and sign costs at the intersection of Willamette Falls Drive and Hwy 43 as deemed necessary by the City Engineer and the Oregon Department of Transportation and execute a written agreement with those two parties for said improvements satisfactory to the City Attorney and the Attorney General. Said lights to be coordinated or aligned to the existing lights at the intersection of I-205 north-bound exit ramp and Hwy 43.
 11. To sign a written agreement with the City of West Linn to fund the redesign and installation of signals at the intersection of West "A" Street and Willamette Falls Drive. Timing of said signals to be subject to City Engineer's specifications.
 12. Limit the height of the proposed 8-foot fence between the project site and the high school to 6 feet as measured from the finished grade of the parking lot.
 13. Install an on-site directional sign identifying I-205 and Hwy 43 pointing south on the exit side of the project driveway.
 14. The quality of construction materials shall meet or exceed that of the samples submitted with the Phase I design application.
 15. That the proposed picnic tables adjacent to the Camassia area on the west side of the parking lot shall not be constructed.

Subject also to the following conditions for Phase II design review to which the applicant shall submit the following:

1. A detailed parking and circulation plan.
2. A detailed exterior design and interior floor plan of the motel/convention center structure.
3. A detailed signage plan.
4. Final landscaping plan as per revisions to the circulation and parking plan.
5. A detailed fence design plan.
6. A detailed stairway plan.
7. That the conditional use and design review approval be conditioned upon City Council approval of the plan and zone change.

F. Allen seconded the motion. A detailed discussion was held on the motion. The motion passed unanimously.

4. Business From Planning Commission

M. Gosling said he would like to recommend to the City Staff to do necessary research to consolidate the Campus/Industrial and Office/Business zones for submittal to City Council at the next Comprehensive Plan review.

T. Conser said the Historic District was progressing and that they would be taking a walk through the district itself and would then hold a neighborhood meeting.

Chairman G. Madson said they were looking for a volunteer for Park Board representative. He said he wanted to remind the Planning Commission that it was a very important link they needed to keep because there were a lot of issues that came up regarding park activities. He said he would like to turn to the two new members of the Planning Commission to ask for a volunteer.

J. Ohleman said she was not avoiding the issue but that she had only been appointed as a fill-in position that her term would be expiring in December. She felt that if she took the Park Board position there would not be the continuity that was needed.

Chairman G. Madson said he would appoint F. Allen as an interim appointment and see how it worked out for him. F. Allen said he had quite a bit of involvement with other things in the City, but he would give it a try.

T. Conser moved to adjourn the meeting. M. Gosling seconded the motion. The motion passed unanimously and the meeting was adjourned.

Clara Corliss
 Clara Corliss, Stenographer

June 17, 1985

1. Chairman G. Madson opened the regular meeting at 8:00 p.m. Members present were F. Allen, S. Weiss, and M. Gosling. Absent were T. Conser, R. Olson, and J. Ohleman. Also present were M. Butts, Planning Director; D. Darling, City Attorney Representative; and C. Corliss, Stenographer.

2. Minutes of the May 20, 1985 Regular Meeting.

Chairman G. Madson said he had a minor correction on Page 206 referring to the reduction of square footage on the proposed Hutchison/Walsh office building which showed an inconsistency in figures. F. Allen moved to approve the minutes with the correction. M. Gosling seconded the motion. The motion passed unanimously.

3. Minutes of the May 28, 1985 Special Meeting.

Chairman G. Madson said he had a correction on Page 213 dealing with the fact that Jim Coleman, acting City Attorney Representative from Lake Oswego, was not present. He said he had brought that to the Planning Commission's attention and if they had any legal questions, they would have to put the item over for a future agenda. There were none and the Commission acted on that item. M. Gosling moved to approve the minutes with the correction. F. Allen seconded the motion. The motion passed unanimously.

4. Zone Change Request - Karl Wustrack - 2900 Haskins Road - Public Hearing.

M. Butts gave a summary of the staff report. He said the applicant was requesting a zone change from FU-10 to R-10. He said the staff report was recommending approval based on their findings.

There was no one present who wished to speak in favor or in opposition to the zone change request.

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M. Gosling moved to close the public hearing. F. Allen seconded the motion. The motion passed unanimously and the public hearing was closed.

F. Allen moved to approve the zone change request based on the findings in the staff report dated June 4, 1985. S. Weiss seconded the motion. The motion passed unanimously.

5. Design Review Approval - Skyland Investment, Inc. - West "A" Street - Public Hearing.

M. Butts gave a summary of the staff report. He said the applicant was requesting Phase II design approval for a hotel/convention center proposed on the west side of West "A" Street. He said item No. 5 would be changed in terms of conditions of use that would include a hedge with a minimum of 48 inches in height around the west and south-western borders with a six-foot cyclone fence on the western border between the project site and the Camassia area with a locked gate. He said the Planning Commission should have two staff reports before them, one dated June 7, 1985, and June 14, 1985. He said the staff report was recommending approval of Phase II subject to the following conditions:

1. Modify the parking lot layout similar to that illustrated in Exhibit D. He said there were a couple of areas in the parking lot that would require a larger radius for turning around of trucks.
2. The applicant to provide a more detailed landscape plan within 90 days for Planning Director approval. He said he would like the Planning Commission to consider that the revised landscape plan be reviewed and approved by Cathy Macdonald, Oregon Land Steward, of the Nature Conservancy who had concerns about some of the species that might be introduced near the Camassia area.

M. Butts said the rest of their conditions were outlined on Page 8 of the staff report dated June 7, 1985 and in the amendment to the staff report dated June 14, 1985.

Chairman G. Madson said he would like to make the additional comment that all of the previous considerations for the conditional use application were a part of the record for this hearing because they also contained conditions of approval which would be applied to this process. He said they had received a recent letter from the Nature Conservancy dated June 12, 1985, from Catherine Macdonald who was present and would be allowed to present her testimony at the appropriate time.

D. Darling said if they were going to grant a parking exception as was recommended in the staff report that the Planning Commission would need to make a finding as to their reasons for doing that. She said it was her recommendation that they require a minimum number of parking spaces that would be allowed.

Applicant's representative, Russel Lawrence of R.A. Lawrence & Associates, 5001 Willamette Falls Drive, said in reviewing the conclusions and recommendations of the staff report that he had a few comments he would like to make. He said as far as parking lot modifications were concerned that it would be fine with them. In asking for a more detailed landscape plan, he felt that had come about as a result of their discussions after the last Planning Commission meeting and the result of their discussions with the Camassia interest. He said the staff report indicated that there was a concern about variety in the landscaping. He said they would be very limited in what they could put in certain areas as some of the ground was solid rock. He said there was a difference in philosophy as to what was thought to be good landscaping. He said their basic intent was to have a very hardy landscaped area. Russel Lawrence then presented to the Planning Commission and the audience a slide show of the type of landscaping they intended to incorporate into their plan. He said all of the plantings he had shown

in the slide presentation were not the type to propagate naturally. He said whatever type of tree they selected would be very carefully chosen and that they would concur with the revised site plan that a professional landscape person be involved in it.

Russel Lawrence said in connection with the detailed stairway design taking the octagonal section to West "A" Street that there would be no access from that area with the exception of the fire doors on the end of the building. He said, however, they were putting up a similar stairway at the north end of the building which would serve as the normal access out of that area. He said it was their contention that to have the stairway at the southerly end where the freeway was located would serve no purpose. He said he would like to suggest that the Planning Commission give them 180 days for Planning Director approval on the design details. He said they had no problem at all with the lighting plans as they would probably be included with the landscape plan.

M. Gosling asked if he had seen the letter from the Nature Conservancy and whether their proposed landscaping would be addressing those concerns. Russel Lawrence said that he was recommending that the Nature Conservancy be included in the final approval of the landscaping plans. He felt the big concern would be to have compatible plantings with the Camassia area.

F. Allen asked if he would clarify the elevation of the lower level in relation to the exterior grade. Russel Lawrence said he felt that sheet 11 before them would show the Oregon City site elevation and would give them a pretty good idea of what was going on. He said they had done several things to accommodate the site which included having the lobby four feet below the restaurant area. He said they had done some modifications to handle the handicap requirements. He said from the lobby area you would go up four feet to the coffee shop and down approximately nine to ten feet to reach the ground floor which would house the convention and food handling. He said if there were some sort of convention going on that the food handling would be critical and that it would be very difficult to put a public access to the exterior at that point.

Russel Lawrence said another thing he would like to bring up was the location that the staff report recommended they put the sidewalk or set the stairs. He said at that point it was around 40 to 45 feet above the street level, whereas at the end they were proposing the stairway it would be 25 feet. He said he felt that was quite a distance.

Chairman G. Madson said one of the difficulties he had with the design was visualizing the relationship of the building to the street level and the amount of grade and distance involved. He said he would like to know how much the elevation would change on the West "A" Street side. Russel Lawrence said he felt it would be around fifteen feet.

Chairman Madson said if he understood his testimony correctly that they were saying that the design included a main floor area which would actually be the second floor. He asked whether it was their contention there was no way to incorporate into the design an accessway that would go directly outside at that point and down to ground level. Russel Lawrence said on the West "A" Street side that was correct. Chairman Madson asked what would prevent that from being incorporated into the design. Russel Lawrence said there was no head room or restaurant as they would note on sheet 10. He said the design was laid out so that when you went into the lobby you would go up four feet to the restaurant and down about nine feet to the convention facility. He said he felt it would not be a wise move to have public access there as security would be a major problem. Chairman Madson asked how that would differ from the access they had proposed at the north end. Russel Lawrence said that was a point well-taken. He felt security would not be as much a problem in that area as there would be exposure from the parking lot. Chairman Madson asked if it was conceivable to expect motel guests

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to walk such a long distance from the private to the public area. Russel Lawrence said he felt that he was probably right in that people would want to take the shortest route going down the hill. Chairman Madson said it appeared to be a bit of a trade-off then.

Chairman G. Madson asked him if he had seen a copy of the June 14, 1985, amendment and whether he had any comment on it. Russel Lawrence said he would suggest that the greater exception that could be made would make it easier to cooperate with the school district. He said they were going to put in the parking lot that the Planning Commission had before them which depicted 406 parking spaces. Chairman Madson asked if he would clarify what he meant by "greater exception". Russel Lawrence said his understanding was that they needed a certain number of spaces to serve their facility and they also had an opportunity through the variance procedure to joint share off-time use. He said they could possibly share some of the parking with the staff at the high school to alleviate some of the school's daytime problems. He said he felt that they were in excess of their requirements as set by the staff report that would give them a lot more latitude as far as negotiation with the school district was concerned. He said if they were required to provide 380 spaces and they had 406, he felt they would have 25 spaces available for negotiation. Chairman Madson asked him if he could further clarify his reasoning.

F. Allen said he could see where they were both coming from and he felt the number they set for the parking spaces would have to be taken into consideration with the possible five-percent variance.

Chairman Madson said the applicant could commit to a shared use, but they could not build more parking sites using the example just cited by F. Allen. He said it would be a requirement that they could not build more parking spaces because they were going to share the use of it with the city.

F. Allen said he understood that the figure the Planning Commission came up with would be the required figure which the applicant could not exceed. Russel Lawrence asked if that would be considered a minimum. Chairman G. Madson said if they reduced the amount of parking for whatever reason it seemed to him that it would become a maximum rather than a minimum.

M. Butts said in order for them to get the 5 or 10 percent exception it would have to be established because of circumstances and that would be what the Planning Commission would be basing their decision on. He said if they were to say 5 or 10 percent variance they would be nullifying the exception. Russel Lawrence said he would withdraw his exception to the parking requirements as he didn't understand the rules.

F. Allen asked for clarification on the handicap access from the main area of the building to the other facilities and whether that would be accomplished by elevator. Russel Lawrence said that was a correct assumption.

F. Allen asked if there would be any direct access to the other floor levels. Russel Lawrence said there would be no ramp access from the second floor but that there would be from the end of the building to the first floor.

Chairman Madson asked for clarification on the design for the truck turning radius addressed on sheet 12. He said the staff report was recommending that those spaces be parallel to the curb rather than head-in parking spaces. He said he understood the design would actually add one more space than was currently available. Russel Lawrence said that

was correct. Chairman Madson said it looked to him with the proposal that they would come out in the end with the same number of spaces. Russel Lawrence said that was correct and that was why they were not objecting to it.

Opponent, Patricia Tryon, 2365 Dillow Drive, said it was not a secret anymore as to who the developer would be of the motel/convention center. She said according to the record the developer would be the Travel Lodge franchise and wanted to know what impact that would have on the design review process. She said in her opinion it would have quite a large impact, especially since so little was known about the investors who were proposing the project. She said they did know there was no prior experience in managing and marketing. She said she was compelled to ask for a delay until such time as the developers could assure them of their ability to carry out in good faith the terms of the design review approval. She said she would urge them without delay to appear themselves or at least to arrange a competent representative to answer community questions and concerns. She said if the Planning Commission were going to make a decision on the information before them to please keep the following matters in mind. First, she said the developer was going to be the Travel Lodge franchise which evoked a substantially different picture than what the residents had in mind. Second, that the developer had not come forward to respond to the school district's case or a resolution of the concerns or serious questions involved. Third, that there seemed to be no track record by the developer showing they could handle the specialized business of a convention center.

Chairman G. Madson explained to Patricia Tyron that the only issues the Planning Commission could consider would be design review and that they could not take into consideration land use itself. He said he would ask her to confine her testimony to design review issues.

Patricia Tryon said she had studied the Community Development Code on this issue and that she felt the issues she had been presenting fell within those requirements.

Chairman Madson said he shared her concerns and had expressed similar ones at the previous hearing. He said he would have felt more comfortable if they had known the identity of the franchisee before the hearing, but on reflection it was not an appropriate consideration for them. He said what the Planning Commission had to do was base their decision on the Design Review and Development Codes and not their subjective opinions of who they thought would be a better franchisee. He said he would again ask her to confine her remarks to design review issues.

Patricia Tryon said she felt the Planning Commission should take the time to realize the impact their approval would have on the community as they would all live with the effects for a very long time.

Opponent, Wayne Waits, 4845 Willamette Falls Drive, said he would first like to offer his personal apology for any remarks he may have made about the character of the Planning Commission. He said he was concerned about a possible conflict of interest regarding J. Ohleman, but that he should not have said anything personal about any member of the Planning Commission. He said he would try to restrict himself to the design review issues, but he was not particularly in favor of the project as a whole. He said he appreciated the revisions to the parking plan as he didn't want to see the parking lot pushed closer to the Camassia or to the high school. He said he was also wondering about the shared parking with the high school. Another concern, he said, was the fact that the motel/convention center would be having a more formal dress code. He said it made him wonder what kind of clientele would be attracted to the facility. He said he felt also that the cliff should be saved if possible as a buffer for the neighborhood. He said the last issue he would like to address was design. He said it was asked that the developer come to the meeting with some specific guidelines. He said he did not feel the developer should

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be given the 180 day grace period because he didn't think they had as yet a developer or operator for the convention facility. He said he had called Travel Lodge national headquarters in El Cajon and had talked to Joan Simmons. He said she told him there were no applications and didn't know about the proposed project except for a letter from the proposed developer stating that he was looking for financing. She said general affiliation was required before going after financing. Wayne Waits said one of the things the Planning Commission had asked Mr. Lawrence to do was come back to the meeting with the identity of the operator and that he hadn't heard any response to that.

Chairman G. Madson said he had two people who would like to speak on the proposed project as neutral parties.

Cathy Macdonald, 1234 Northwest 25th, Portland, said she was representing the Nature Conservancy and the Camassia area. She said she had addressed two letters to the Planning Commission, the first written May 3, 1985, and the second June 12, 1985. She said among their concerns were the possibility of increased vandalism through access to the property, increased problem for species, increased unnatural lighting, and changes in the logistic patterns around the retention pond that had been proposed. She said she had been at the City Council meeting last week and had heard the amendment on Condition No. 5 which required the fence on the property boundary and the hedge on the parking lot boundary. She said she felt satisfied that would meet their needs in terms of access and help with some of the lighting problems. She said they felt comfortable with the amendment and those two problems. She also said she had reviewed the landscape plans she had received from Mr. Lawrence and she did have some concerns about the species he had listed. She said she didn't agree that these particular trees would not propagate easily in the area. She said she would like to see an expert with a better sense of landscaping answer those questions. She said she did list the species that could be used that would be compatible with those already in existence in the Camassia area. She said she did not want to impose undue restrictions on the development by requiring that they have certain species there, but she would like any species that were to be used be either a native species or an ornamental that would not produce fruit. As far as ground cover she said they would like to have a curb on the Camassia area boundary so they would have a defined line. She said they would also like the buffer strip to remain as much intact as possible during the excavation and construction. She hoped that would be the only time it would have to be crossed. She didn't feel that their concerns about the water retention and the cleaning of the creek had been adequately addressed and they would like to see some more detailed plans at some point in the process.

F. Allen asked if their request for a revised landscape plan and the Nature Conservancy input would take care of her concerns. She said she felt it would as she was comfortable with the input they had had and felt they had a good working relationship. She said they would be happy to review later proposals.

Chairman G. Madson said he found the title Oregon Land Stewart to be very interesting and wanted to know exactly how much land it encompassed. Cathy Macdonald said that her job encompassed 35,000 acres in Oregon and that the Camassia area was one of their first and smallest preserves. She said they had 32 areas under management.

Bruce Brandtrop, 4629 Riverview Drive, said he had decided to be a neutral speaker because he had a concern. He said before he addressed his concern he would like to mention that he had been watching the proposed motel/convention center on television and had been reading about it in the paper. He said he was pretty ecstatic about the project because he spent a lot of time in hotels. He said he looked forward to

using the facility for business associations, dining, and a casual evening out. He said as far as the design was concerned he liked the overall look of the building including the tile roof and cedar siding. He said he would like to commend the Planning Commission on their approval of the project and in looking ahead to include this type of facility for West Linn. He said the concern he had dealt with the bluff or cliff along West "A" Street. He said he would have to agree with the other gentleman who spoke in that he felt by sloping that area it would take away from the natural look, and by leaving the bluff as steep as possible it would give a nice effect. He said he would like to recommend that they keep it as natural as possible. He said he felt again that the Planning Commission was heading in the right direction and he liked to see the citizen involvement whether it was pro or con. He said as a citizen of West Linn he would like to be able to put money back into his community by spending it at a facility like the one proposed. He said he also hoped that the restaurant and facility would allow jeans as he liked to wear them himself.

Russel Lawrence, in rebuttal, said there were several things he would like to comment on including the fact that at the last meeting the Planning Commission's legal counsel had cited the fact that there was no mechanism by which a developer could be judged competent or incompetent. He said he had not been told who the operator was going to be.

Chairman Madson asked Russel Lawrence if that could be the last they'd hear on the issue of the operator.

Russel Lawrence said as far as the dress code was concerned it would be compatible to that of a first-class restaurant. He said he had heard two suggestions regarding leaving the bluff as intact as possible and thought that it was an excellent idea.

Chairman Madson asked Russel Lawrence if he could briefly sketch the placement of the building, the elevation of the street at its lowest point, and his proposal versus leaving the bluff intact. Russel Lawrence complied with his request.

F. Allen asked if Russel Lawrence could show them the location of the trees in his sketch. Russel Lawrence said they would most likely be located on a five-foot strip behind the sidewalk.

F. Allen said he personally liked the idea of the natural rock in that area.

Russel Lawrence said he thought Wayne Waits had come up with an excellent idea at the last hearing when he suggested that they move away from the unnatural sloped area.

Chairman Madson said he felt the narrow base next to the sidewalk would be inappropriate for the type of trees that were proposed. He said it seemed a more formal vegetation might be more appropriate than planting a row of trees. Russel Lawrence said the idea would take an entirely new concept on the front side of the planting situation.

Russel Lawrence said he would like to comment on the storm water problem that Cathy Macdonald had brought up and that they had talked about earlier. He said they would naturally be pleased to have her involved in that also and that their goal was to be a good neighbor. He said one of the conditions they were putting on him was a revised stairway design in 90 days. He said it was becoming rather obvious from the various effect of the appeals that they were being delayed as long as possible and he would like to suggest a time line upon the resolution of the appeals.

F. Allen asked for clarification on the drainage and retention area at the end and out of the 40-foot buffer at the corner of the property. He wanted to know if that area was lower at that point. Russel Lawrence

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said they would be filling that in. He said one of the things he needed to address about the stream was that it was not of adequate size to handle the water off-site. He said they would be cleaning it to alleviate the problem.

Chairman G. Madson asked how he felt about incorporating native trees into the area adjacent to the Camassia. He also asked about the possibility of moving the proposed building farther forward if they were to leave the bluff as natural as possible. Russel Lawrence said the possibility did exist, but that he would have concerns about doing that in relation to the 40-foot buffer.

M. Gosling moved to close the public hearing. F. Allen seconded the motion. The motion passed unanimously and the public hearing was closed.

M. Gosling said he was in agreement with the recommendation for the parking plan as detailed in Exhibit D and that he liked the overall design of the proposed project. He said he also liked the idea of leaving the area on West "A" Street as natural as possible. He said he had no objection to the applicant's request for a 180 day grace period. He said he didn't see any reason why it shouldn't go from the date of the appeal rather than today's date.

Chairman Madson asked whether the conditional use approval had a one year time frame that had already started and whether the zone change was conditioned on the conditional use.

D. Darling said that the time line for the conditional use would begin at the cessation of all available appeals as it would not be final until the appeal had been resolved and no building could be done in the interim.

M. Gosling said he also felt that the concerns of the Nature Conservancy as far as the landscaping was concerned should be addressed and that Planning Director approval should take that into consideration.

S. Weiss said the only concern she had was the 90 days and that she felt the stairway would be inappropriate as recommended if they were to leave the bluff in a fairly natural state.

F. Allen said he felt that the recommendation requiring 402 parking spaces would be satisfactory as it would help save the buffer strip adjacent to the Camassia area. He said he was very much in favor of leaving the bluff as natural as possible. He said he had no problem as far as the recommendation involving the landscaping plan and would like to see the Nature Conservancy included in the approval process. He said he was also strongly in favor of native plants for that area. He said he had no problem with the design and the 180 days time line. He said in conclusion he felt the design could be submitted in accordance with the standard design code requirements.

Chairman Madson said he felt they were very much in accord on their feelings. He said if they restricted the parking on the site within Code requirements they would be making it more difficult for the developer. He said they should try to provide the opportunity for the applicant and the high school to work out some sort of shared parking. He said he differed on the idea of the variance to reduce the parking requirement as much as possible. He said the stairway issue was a trade-off. He said he would like to suggest an additional condition for their motion in that all of the things that had been suggested be delayed for a new submittal and Planning Director approval. He said that approval should include a notification that would be much broader than it normally would be in that all parties to the proceedings at this point be identified and notified of the Planning Director's approval

of the submittals. He said he felt this would give all interested parties an opportunity to come in and review the Planning Director's approval and appeal it if they wished to do so.

D. Darling said the only thing she would add would be an inclusion that they would be granting the 5-percent variance to preserve a particular natural feature of the site and that if they were going to grant the exception that a specific number of parking spaces be set.

Chairman Madson said he felt they hadn't really articulated on the fact that the parking requirement was structured around the restaurant which required a certain number of parking spaces, around the motel with a required number, and also the convention center. He said a concern they had already addressed was the fact that the City of West Linn's parking requirements were excessive and had been identified in comparison to other like jurisdictions. He said although he had made a point of not supporting the variance that after looking to the future he would probably not emphasize that concern too strongly as he felt there would be some relief coming soon.

F. Allen moved to approve the Design Review proposal based on the findings in the staff reports dated June 7, 1985, and June 14, 1985, with the following conditions:

1. That the parking requirement of 423 spaces be reduced by a 5-percent exception to 402 spaces in order to preserve and assist in promoting the buffer strip near the Camassia area; that the modifications for the parking plan be included as recommended on Exhibit D of the staff report dated June 7, 1985 and June 14, 1985.
2. That the rock bluff along West "A" Street be maintained with the removal only of loose and dangerous rock formations in that area; that the sloping of the bluff be in concurrence with the required space necessary to provide for sidewalks with the sloping left as close to vertical as possible and that no trees be planted as shown on the landscape plan.
3. That the revised landscape plan be prepared by a registered landscape architect and be submitted within 90 days of final approval of the zone change; that the landscape plan be developed taking into consideration the concerns of the Nature Conservancy in using native materials as much as possible; that the applicant be required to submit a revised plan with respect to maintenance of the landscape plan; that the lighting layout be included in the landscape plans.
4. That the signage details be submitted within 180 days before final approval of the zone change and that they conform to the normal sign code procedures.
5. That all parties who had participated in the discussion of the project, and by so doing had gained status in the process, be informed of the approvals at the time they materialize.
6. That the stairway be left at the north end as shown on the submitted material.
7. That any reference to time lines for submission of additional plans be referred to the Planning Director for final approval of the zone change as well as conditional use.

S. Weiss seconded the motion. The motion passed unanimously.

Chairman Madson said he would like to read for the record a letter he'd just received before going on to the next agenda item. He said the letter was from Ralph Olson tendering his resignation effective July 1, 1985, as a member of the West Linn Planning Commission. Chairman Madson said it was with a great deal of regret that he accepted the resignation of R. Olson as he had been a valuable member for many years to the Planning Commission.

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6. Planning Commission Goals and Objectives Program Proposal

Chairman Madson said that they had been planning for some time to discuss this agenda item, but due to a lack of a full membership until recent appointments, it had delayed their discussion. He said it seemed appropriate that they should be looking ahead to the future of the Planning Commission and what goals they would be setting. He proceeded to outline a few of the goals and objectives as presented in the staff report dated June 6, 1985. He said one of the first things he felt they should do in that respect would be to have a session to discuss among themselves their individual goals and to incorporate them into group goals. He said included in their packets was a copy of a generic agenda from the Portland Planning Commission. He said he felt it might help them to see another Planning Commission's goals set out and some of the actions they might work toward to achieve those goals. He said he felt it would be appropriate for the Planning Commission to review the proposed Planning Projects and work toward coordination with City Council, the Planning Staff, and others and then work actively to see those projects implemented. He said he wanted to raise the issue and have the members think about it and if there was support for it he would like to suggest that they move ahead on it. He would like to see them schedule a work session for a future discussion in preparation for implementing the process soon. He said because of the time lost it was imperative that they start action on this right away in order to formulate their plans before Fall.

F. Allen said he felt there was a need to set goals and objectives and felt they could utilize some of the information from the Portland Planning Commission.

S. Weiss said she felt this was very important from the time she had first been a part of the Planning Commission. She felt one of the things lacking was education and that by setting goals and objectives it would help.

M. Gosling said he felt they definitely needed to set goals.

Chairman Madson said he felt that setting goals and objectives would allow them the opportunity to set their own agenda and he was pleased to hear that they were in support of this item. He said he would like to see them set a date for a work shop to get started on the project. July 8, 1985 was the date selected for the work shop.

7. Business from Planning Commission

Chairman Madson said that his Planning Commission report to City Council was now set for June 26, 1985. He said M. Butts had convinced him that it would be a good opportunity to toot their horn a little bit and he thought he was right. He said he would spent some time going over past accomplishments and he intended to concentrate his report on two things. He said, basically, he felt he would like to emphasize continuity and improved communication. He said he would appreciate any input from the members of the Planning Commission.

Chairman Madson said he would also like to remind everyone that the Planning Commission meetings were shown on Cable Channel 11 at 7 p.m. on Wednesday night which would be two days after the actual meeting occurred.

There was no further business and the meeting was adjourned.


Clara Corliss, Stenographer

July 15, 1985

1. Chairman G. Madson opened the regular meeting at 8:00 p.m. Members present were F. Allen, T. Conser, J. Ohleman, and M. Gosling. Absent was S. Weiss. Also present were M. Hess, Assistant Planning Director; D. Darling, City Attorney Representative; and C. Corliss, Stenographer.

2. Minutes of the June 17, 1985 Regular Meeting.

Chairman G. Madson said he had two editorial corrections to make to the minutes. One on Page 235, Item 4, concerning the submittal on the signing details. He said it should read after final approval of zone change. The second correction was concerning Item 5, should refer to the actual parties that have participated and by so doing have gained legal standing in the process. M. Gosling moved to approve the minutes with corrections. F. Allen seconded the motion. The motion passed unanimously with T. Conser and J. Ohleman abstaining from the vote.

3. Expansion of a Non-conforming Structure and Design Review - West Linn Thriftway, Inc. - Public Hearing.

J. Ohleman said she would like to make the Planning Commission aware of the fact that she had served with Carol Dejardin on the Mayor's Task Force which looked into the whole sidewalk ordinance issue. She said had not talked with her on the agenda item before them and it would not prevent her from making a proper decision.

M. Hess gave a summary of the staff report dated July 3, 1985, and an amendment to the staff report dated July 10, 1985. He said the amendment to the staff report included some additional terms on the number of parking spaces. He said a letter was attached to the July 10, 1985 staff report from the Dejardins which outlined the parking they had available and showing that the shopping center was not as non-conforming as it had been originally thought during the Cheerio's proposal. M. Hess said it was still non-conforming by sixty-five spaces, therefore, the Code for non-conforming structures could apply. He said that would basically strike the Conditions Nos. 1 and 2 from the staff report dated July 3, 1985. He said the staff report was recommending approval of the requested addition subject to the conditions outlined in the staff reports dated July 3, 1985 and July 10, 1985.

D. Darling asked M. Hess if there had been some reference in the tapes he had listened to of the 1980 City Council meeting that referred to elimination of parking on the east side of Hood Street at that time. M. Hess said there had been talk of elimination on the east side of Hood Street in order to allow recognition of pedestrian traffic in the area. He said he understood from John Buol, City Administrator, that there had been such an outcry at that time that they put the parking back on the street. He said the Council did take action recognizing that there were pedestrian problems, but not so far as recommending sidewalks for the area.

M. Gosling asked if the sidewalk that was proposed along Hood Street would be on the pavement from the existing curb where there was some landscaping. M. Hess said that it was and that the existing curb was on the right-of-way lane so the sidewalk would come out where the parking lane was. He said they had an eight-foot parking lane existing and they would be replacing it with a five-foot sidewalk so they would gain three feet for maneuverability.

J. Ohleman asked how many cars could be parked along that area if it was used for parking. M. Hess said each lot was seventy-five foot deep and that it looked to be approximately 230 to 240 feet. He said allowing twenty feet for each car there would be room for eleven cars to be parked there.

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T. Conser asked if they intended the sidewalk to go the full length of the property. M. Hess said what the Code required was that the site have public improvements installed. He said the City would take a look for the best place for the sidewalk and make the determination. He said he thought the City would like to see the sidewalk on Hood Street and that the other improvements would be waived. He said he felt that there would be a great deal of flexibility as far as the sidewalk went and he thought the City would like to see it go to the existing parking lot.

Chairman G. Madson asked how that varied from the original recommendation. M. Hess said the original recommendation was misleading in the sense that the Code defined a project site as all tax lots under a single ownership, therefore if that definition was used they would be talking about going to the north end of the post office property. He said it seemed unreasonable to him based on the scale of the proposal to require the entire site to have sidewalks.

Chairman G. Madson asked for clarification of the proposed new crosswalk and what its destination would be. M. Hess said it would be at the end of the parking stalls which head into the side of the liquor store. He said there would be some twenty-five percent monies that would be available that were left from the Milltown Mall remodeling. He said he hadn't seen the plans, but he understood from the Public Works Department that they had been working with the Dejardins to use the monies for curbing in that area. He said it should be coordinated in terms of where the crosswalk would actually come out.

Chairman G. Madson asked the purpose of the proposed stepping stones. M. Hess said he based that on passengers getting out of their cars and going straight to the sidewalk. He said the landscaping would entail ground covering with taller species in between.

Chairman G. Madson said he noticed that all the new parking spaces were compact, and wanted to know the amount allowed under Code requirements. M. Hess said it was twenty-five percent of the total site. Chairman Madson said the staff report didn't give an indication as to how many there were. M. Hess said he didn't bring it up because they were still well within the range allowed. He said they had 230 spaces and therefore could go something over 50 total in compact. He said they were only proposing 18 and there were only two he was aware of as existing compact spaces. He said they were not getting close to the maximum of 50 compact spaces.

T. Conser asked if there was an ordinance to control a full-size car parking in a compact area. M. Hess said not that he was aware of.

M. Gosling asked which one of the staff reports was relevant to the amount of parking spaces required. M. Hess said the amendment to the staff report dated July 10, 1985 that they had before them included more detailed information that had been submitted by Carol Dejardin. He said she had gone out herself and counted the number of spaces. He said Exhibit C was based on the Cheerio's addition and it didn't seem right to her, and her architect and found that there were more spaces than Exhibit C had identified.

Jon Henricksen, High Rocks Town Center, Suite 47-B, Gladstone, said he was an attorney representing the applicant, Phyllis Dejardin. He said they needed to clear up for the record that the applicant was Phyllis Dejardin and that she was the owner of the entire shopping center property. He said Carol Dejardin was the owner of the business of the Thriftway Store. He said he would like to state for the record that he did not have any interest in the outcome of this application other than as an attorney. He said the applicant wholeheartedly agreed with the conditions in the staff report with one exception. He said he had been provided with the July 10, 1985 amendment to the staff report taking out Nos. 1 and

2. He said he would like to address Condition No. 1. He said the neighborhood association in the area, of whom Claire Yoder was chairman, had informed him that M. Hess had talked to her and wanted their group to insist that the sidewalks be installed. He said after she had spoken to the Dejardins and looked at the physical layout of the roadway of Hood Street she indicated to Mrs. Dejardin that neither she nor her group was going to support the City's position. He said D. Darling had indicated it was her interpretation that the 1980 decision had nothing to do with requiring sidewalks on that street at the present time. He said back in 1980 the requirement was to put a sidewalk on Hood Street and there had been no requirement to put a sidewalk and amenities and improvements on Hwy 43. He said both were not required. After extensive discussions it was felt it would be better to spend the money to improve the frontage on Hwy 43. He said Mrs. Dejardin would be willing to testify that that was her full and complete understanding and nowhere within the City did the City ever remind her that some day they were going to have to put in sidewalks on Hood Street. He said it was her opinion that the agreement back in 1980 took care of that issue. He said the recommendation of the staff report that requires a five-foot sidewalk and curbing along Hood and Garden Street signify an exorbitant outlay of capital. He said the sidewalk and curbing would serve no purpose but for a few people walking through Garden Street over to the post office. He said by putting a curb and sidewalk along the street, it would be taking away an additional three feet of width and by doing that they would have to eliminate the on-street parking. He said it would be his suggestion to use the proposed landscape area for a pedestrian walkway. He said he would also like to submit for the record a letter from the Fit For Life Exercise Center, dated July 15, 1985. As far as the rest of the conditions were concerned he said his client would concur with those as set out by the staff report.

J. Ohelman said in reference to Mr. Henricksen's suggestion of using the proposed landscape area as a pedestrian walkway, she was wondering whether he was talking about modifying the existing landscaping and taking out whatever was necessary. Mr. Henricksen said it was a suggestion on his part that he felt could be done.

Chairman G. Madson asked for a clarification on the letter from the Fit For Life Center. He asked whether the three-foot sidewalk ran on the outside of what was identified as dock space on Exhibit E or whether it ran between the docks. Mr. Henricksen said it ran to the left of the dock to the end of the building and that was as far as it went.

M. Hess asked whether that was on private property or on public right-of-way. Mr. Henricksen said he had no idea. M. Hess said the reason he was asking was that the existing docks would actually give a little leeway in terms of loading. He said he felt based on the drawing of where the docks were it was all on private property rather than public right-of-way. Mr. Henricksen said he didn't know if that was on public right-of-way or not.

Chairman G. Madson said that Exhibit E indicated that the strip was approximately eight-foot wide and the dock was something less than that. Mr. Henricksen said if the docks were built on private property then Chairman Madson was correct. He said he didn't know whether they were or not.

J. Ohleman asked whether he knew what it cost to put the sidewalks in on Hwy 43. Mr. Henricksen said he believed it was between \$25,000 and \$27,000.

T. Conser asked if he could clarify the area that the forty-foot truck trailers served. He said it was his recollection that they basically served the back of the Thriftway store. Mr. Henricksen said he didn't know whether they were restricted to the back of the store or not, but he felt Mrs. Dejardin could better answer that question.

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Representative for West Linn Thriftway, Inc., Carol Dejardin said she had also represented in the past her mother, Phyllis Dejardin. She said that was the case back in 1980 when they were addressing City Council on moving the sidewalks from Hood Street to Hwy 43. She said her purpose in testifying this evening was to offer her recollections and understanding involved in the City Council decision. She said their Thriftway application had been approved and construction well underway when they had been told that the sidewalk ordinance had been overlooked. She said they had been told they were not in compliance with their plans under the new ordinance. She said there were several lengthy meetings with the City Engineer and architects to see what could be done to bring them into compliance at that time. She said there was one conclusion they agreed to and that was the width of Hood Street was too narrow with the existing landscaping and curb improvements that had been put in 1973. She said the same consideration came up for the Fit For Life Center that they could install a three-foot sidewalk instead of a five-foot sidewalk on Hood Street. She said in spite of the conclusions reached about the width, it was agreed by all that something had to be done since there was a lot of pressure from other commercial property owners. She said it was then proposed by a City official that they place the required sidewalks above the shopping center on Hwy 43 rather than Hood Street. She said they agreed to do so if the City would support it and they got proper authority. She said she felt the sidewalk issue had been resolved and that had always been her understanding that that had been a permanent decision. Unfortunately she said there had been a change on the Council and she couldn't go back and talk to people that might remember what was involved at that time. She said she was surprised when they made their application in 1985 that the sidewalk issue had come up again. She said in her opinion she thought that installing sidewalks as recommended in the July 3, 1985 staff report along Hood Street was no more proper in 1985 than it was in 1980. She said they had put a lot of time, effort, and money into resolving the issue.

F. Allen said he had been on City Council at that time when the decision had been made. He said he couldn't say from his recollection what went on one way or the other that there was any discussion on future requirements.

T. Conser asked if forty-foot trucks serviced the old store. Carol Dejardin said large trucks serviced the Coast-to-Coast Store and liquor store. T. Conser asked how they gained access to the dock area. Carol Dejardin said they often used both streets and usually ended up parallel parking. She said they didn't allow parking in that area when deliveries were being made.

Chairman Madson said the only alternative then other than parallel parking next to the dock would be to jackknife the truck and park directly across the entire street. Mrs. Dejardin said that was the case for many years before they put the signs up for parallel parking only for those loading and unloading.

Chairman G. Madson asked if there would be any restrictions on hours of loading and unloading. Carol Dejardin said she felt that by restricting the hours the other businesses could cooperate and it was something they could look into.

Chairman G. Madson said it was his understanding then that there was no major conflict between the truck unloading and the traffic on the street. He asked Carol Dejardin if she had any knowledge to the contrary. She said since they had been allowing parallel parking there was no conflict to her knowledge but she couldn't address the hours.

Chairman G. Madson asked what the difference would be between space available, assuming cars were parked along Hood Street, plus the right-of-way available for parallel parked trucks or other traffic to drive up and down the street. He asked if they were not gaining about three feet

of extra room that they would not have with the current configuration. Carol Dejardin said they were in hopes of long-range planning in terms of vacating. She said they felt a thirteen-foot lane was too narrow and that by engineering standards when they were talking about delivery, she was talking about safety traveling in and out with a car. She said they would be willing to bend where they could.

J. Ohleman said she would like some indication as to how much the sidewalk cost in comparison to the cost of the addition to the property. Carol Dejardin said they didn't have a signed contract and that there were still estimates out on various work to be done, but that the actual cost for the 1800 square foot addition was estimated at \$84,000. She said there were other improvements being made inside the business that were not included in that price.

D. Darling asked whether the City was looking at the shopping mall to make improvements along where the two highways were located at the time of the bakery addition in 1980. Carol Dejardin said they were not.

Wes Wood of C.W. Wood, 723 Washington, Oregon City, said he had provided Mrs. Dejardin with preliminary estimates and he would be willing to answer any questions they might have.

Chairman G. Madson asked whether he would be willing to venture his estimate for the cost of the sidewalks and curb improvements for 280 plus feet. Wes Wood said he felt there was a little misinterpretation concerning the cost. He said a 10,000 to \$12,000 figure would fairly cover the sidewalk portion of the area they were talking about.

M. Gosling said \$85,000 for that addition alone didn't jibe and wanted to know what portion of the \$85,000 was the cost of putting on the addition ignoring the interior remodeling. Wes Wood said the \$85,000 all went toward that portion of the work being done. He said there were other monies applied toward improvements that were happening on the building.

M. Hess asked whether they had a figure for the parking lot portion of this project. Mr. Wood said they didn't.

Joe Hart, 1585 Garden Street, said he had signed up as an opponent, but after listening to the exchanges he felt he should have signed up as a neutral party. He said he had two things to talk about. One was a concern as an adjacent resident and current occupant of the bicycle shop. He said they had been there for thirteen years and watched the area develop and grow and felt they really lived in the core area of West Linn. He said they don't object to the development, but they had a few concerns they would like addressed. One concern was the buffering and in lieu of the five-foot fence they would request a minimum of a six-foot fence as they didn't know what the height of the parking lot was going to be next to them. He said they also had a birch tree that was only a few feet from the property line that they would like protected from excavation and grading or whatever might take place there that might damage the tree. He said their last concern is non-intrusive lighting of some sort. He said the other main issue which had been brought up earlier and stirred up old memories was the sidewalk issue from 1980. He said he had also been on the City Council at that time when the decision had been made to relocate the sidewalks on Hwy 43 rather than Hood Street. He said he didn't have any great objection to that because his understanding was that later on other improvements would eventually place sidewalks on Hood Street. He said it was his idea to put parking on Hood Street to accommodate pedestrian travel. He said at that time there wasn't as much traffic and it was a nice quiet little street with lots of room for pedestrians and there was no parking. He said a few days later the City Manager came to the City Council and said they didn't have authority to do that. The City Manager told them they had to abide by certain standards

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of criteria. He said consequently they put in the one hour parking in front of the parking lot and post office. He said at no time based on his opinion was it understood that the sidewalks were not at some time going to be required. He said the idea that only the residents from Garden Street would use the sidewalk to walk to the post office was not correct. He said he was a resident on Garden Street and probably walked to the post office more often than anybody. He said he also saw lots of students coming down from the high school and that the residents from Hood Street also walked toward the bank and merchants used the area to walk to the bank and post office. In all he said a lot more people use that area than just the residents of Garden Street. He said he would particularly like to see sidewalks along the area because there was a lot more traffic down that street than when the original decision was made in 1980. He said he felt sidewalks would provide more safety for pedestrians and also would encourage more pedestrian traffic if there were some place to walk. He said as a suggestion he felt that three-foot wide sidewalks would be just as adequate as five-foot wide sidewalks. He said he didn't know if that would still allow for some parking on Hood Street. He said before any action is taken on Hood Street on the parking issue he would suggest they make sure it meets the standards. He said he was sure if they put in the sidewalk and reduce the right-of-way, they would probably meet the criteria for sidewalks.

M. Gosling asked Joe Hart what his understanding was of the original decision made on the sidewalk issue. Joe Hart said the issue came up when the plans were approved without sidewalks. He said they should have been included but they weren't, so rather than go back and require the sidewalks or make them tear out the landscaping that was in, it was decided that City Council would pass a new ordinance which stated that the City Council could require the sidewalks to be placed in another location as long as it was still within the shopping center area. He said as he understood the discussions, it should not have been the impression given that sidewalks would never again be required on Hood Street. The idea was rather than tear up the landscaping and put in the sidewalks it would be better to place them on the highway where it made more sense at that particular time and as other development took place in the shopping center, the sidewalks could then be required on Hood Street. He said they were now getting to the point where more and more traffic would be traveling up and down Hood Street, so it made more sense now to have sidewalks along there.

Jon Henricksen, in rebuttal, said if what the last gentleman had stated was true, there was no landscaping to be torn up. He said they were not asking that landscaping be torn up now. He said it didn't make sense that the applicant would spend \$25,000 on top of the hill if it was in truth a trade-off. He said he would like to suggest two alternatives. One of which would be leaving the landscape width as is, but requiring the sidewalks to be on the interior side of the landscape berm and extending it all the way through to Garden Street. He said that would eliminate the cost of curbing on the Hood Street side.

Chairman G. Madson asked whether the sidewalk width would come out the same as that shown for the landscaping width. Mr. Henricksen said it would and he felt it would eliminate a hardship in cost and would not create a tremendous problem with the City if it decided to vacate the street in the future.

T. Conser asked M. Hess whether he had any thoughts on the alternative proposals presented by Mr. Henricksen. M. Hess said he had some thoughts about the alternative going into the landscaping area. He said it was very clear that the Code requires ten feet of landscape buffer at the ends of the public right-of-way. He said if that was done they would be violating what had already been established. He said it was clear that the sidewalks would be used by other people besides the residents on Garden Street.

Chairman G. Madson asked whether he had any further comment on Mr. Henricksen's second alternative which suggested raising the curb. M. Hess said he felt they would be setting a future pattern for Hood Street and that should be taken into consideration.

D. Darling said that the Code required a nine-foot buffer between the parking lot and the street and in Exhibit E it was met by the five-foot landscape, five-foot sidewalk.

T. Conser asked if they had any comments on making a "no parking zone" through that area. D. Darling said she was not aware of any requirements for eliminating parking. M. Hess said he was not aware of the standards Mr. Hart had referred to, but he was certain given the width of the street, it was clear there was no room for all the things to go on including the parking.

Chairman G. Madson asked what other jurisdiction would establish standards for local streets. M. Hess said he felt those were engineering standards, but he was not certain. D. Darling said there were no set standards. She said the finding they needed to make on that issue was that it would make the turning lane too narrow to accommodate loading plus two travel lanes, therefore for safety reasons they would have to eliminate parking.

Chairman G. Madson asked whether the Traffic Safety Department had had an opportunity to look at the proposal. M. Hess said he hadn't gotten anything back in writing.

Jon Henricksen said that Wes Wood the engineer had indicated to him that because of the requirement in the staff report eliminating the access on Exhibit E they were going to four additional parking spaces, so instead of eighteen there would be twenty-two.

Bill Brady, 5695 Hood Street, said he lived next-door to the post office.

Chairman G. Madson advised Mr. Brady that they were long past the process of taking any more testimony.

J. Ohleman said she didn't understand why Mr. Brady couldn't speak as they hadn't closed the public hearing.

Chairman G. Madson said if anyone on the Planning Commission desired to hear from anybody else in the audience they would have to request it at that point.

J. Ohleman said because she was a curious person, she would like to make that request. M. Gosling seconded the request.

Bill Brady said he didn't think he had anything to say anymore because he didn't think they would listen anyway.

M. Gosling moved to close the public hearing. F. Allen seconded the motion. The motion passed unanimously and the public hearing was closed.

Chairman G. Madson said they had some new input from the staff that could have a significant bearing on the issue before them. He said it dealt with when, how, and under what standards they could remove street parking.

D. Darling said Jon Henricksen had informed her of statutes that governed the elimination of parking on public streets and that it required the governing body to have a public hearing with notice prior to the elimination of existing parking. She said in this case if the Planning Commission wishes to eliminate parking and impose the sidewalks where the parking originally was, they would have to make elimination of parking conditioned on concurrence by City Council. She said the Council would have to have a notice and determine whether or not the parking would be eliminated.

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She said if they don't eliminate the parking, they could have the issue come back with just street improvements and they could then go ahead and get the approval for the rest of it, and then have the issue of the street improvements and sidewalks come back depending on what the Council said. She said as far as the width of the loading lanes were concerned there was a possibility that it was regulated by State statute and that she didn't have that information with her.

F. Allen said he would be in favor of approving the application with the conditions as listed in the staff reports. He said he felt a six-foot sight obscuring fence would be appropriate.

T. Conser said he would agree with those remarks with the consideration that they approve it with the condition that if there is a problem with the statute or with elimination of parking that it would come back to the Planning Commission. He said as far as the birch tree located on Joe Hart's property was concerned he would like that to be protected as well. He said he felt it would be a good idea to have non-obstrusive lighting in the back area.

J. Ohleman said she was in concurrence and that she felt the design application for the addition fit well with the existing structure. She said she had no problem with the removal of the existing homes and the addition of the parking area. She said the one exception she had to the staff report recommendations was that she personally did not support the addition of a sidewalk. She said she saw that as a matter of pedestrian safety and if that safety could be maintained by doing something in adjusting the landscaping that was already there, she could see that as an alternative to requiring a five-foot sidewalk. She said she felt if there was a trade-off between beautiful landscaping and pedestrian safety, she would sacrifice the landscaping.

M. Gosling said he had no problem with the design review part of the application. He said, basically, he felt the issue boiled down to sidewalks and whether to have them or not to have them. He said he felt that traffic had increased quite dramatically along Hood Street since the remodeling of the shopping center. He said he was very definitely in favor of no parking along Hood Street at least during the day.

Chairman G. Madson said he had no problem at all with the sidewalk requirements. He said he did not feel in his opinion that it was an overly large burden considering the size of the expansion that was being done. He said he did have a concern as he had indicated earlier about putting in a good pedestrian route to separate automobiles from people. He said he would be very supportive of developing the staff report's recommendation for the addition of the sidewalk requirements conditioned upon the removal of parking along that street. He said as he understood the process that would require a public hearing and a motion from City Council to initiate the process. He said if the result of that hearing was not to remove the parking along Hood Street, he would like to see the matter come back some other way to resolve the conflicting issues and conflicting traffic needs on Hood Street.

M. Gosling moved to approve the request to expand the West Linn Thriftway based on the findings in the staff reports dated July 3, 1985, and July 10, 1985; that the building expansion would not increase the non-conformity of the parking requirements; subject to condition No. 1 on Page 2 of the July 10, 1985 staff report, sidewalk improvements to be installed along Garden Street and Hood Street as illustrated in Exhibit E which would carry the sidewalk up to the east side of Hood Street to the point opposite the end of the existing sidewalk; that the parking be eliminated on both sides of Hood Street except the loading and unloading at the docks on the west side, conditioned upon concurrence by City Council on parking elimination. If it is not eliminated the application

shall be returned to the Planning Commission for further review. Subsequent conditions as per staff report recommendations 3 through 7 on Pages 5 and 6 of the staff report dated July 3, 1985, with the exception that the sight obscuring fence be six feet in height and reduced to 42 inches. On item No. 5 every attempt should be made to protect the existing birch tree on the adjacent property, and No. 8 lighting in the parking lot to be as non-obstrusive to the adjacent property owner as possible, subject to Planning Director approval. All other conditions as incorporated from both staff reports. F. Allen seconded the motion. AYES: Conser, Allen, Gosling, and Madson. NAY: Ohleman. The motion passed four to one.

4. West Bank Subdivision - Johnnie Summers - Above West "A" Street, accessed off Caufield Street.

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M. Hess gave a summary of the staff report. He said they were recommending denial of the application submitted by Westbank Subdivision. He said the applicants had submitted some alternatives which the Planning Commission had before them. He said the applicants had also met with the City Engineer's office during the day and part of the discussion was brought up in the amended staff report. He said the Engineer indicated that the Caufield/Buck intersection had still not been adequately addressed, and they concur that the project should be denied at this point unless an alternative access was secured. He said in the amended staff report dated July 15, 1985 they had also now provided two conditions that could conceivably be applied if the Planning Commission wished to go forward and approve the proposal.

T. Conser asked whether the access road was put across the land to recoup the cost when that would allow two additional lots and the City of West Linn would then lose the dedication. M. Hess said he might also add with a private drive it would then be eighteen-foot wide which was what the applicants were proposing allowing 2 nine-foot travel lanes. He said the original submittal had a trail which would run through a track that would link with Webb Street so the foot traffic to the high school facility would be accommodated that way. He said the private drive would conceivably be difficult to maneuver with pedestrians and cars with it being eighteen-foot wide with no sidewalks.

Chairman Madson said with the vast volume of exhibits that had been submitted to them he felt a need to clarify the exhibit numbers. He said the traffic reports they had would be Exhibit A and B, the staff generated alternative would be Exhibit C, the alternative with the steep road would be Exhibit D, staff's newest proposal Exhibit E, staff's original proposal Exhibit F, Murray, Smith & Associates letter dated July 9, 1985 Exhibit G, May 18, 1985 letter from Ryan O'Brien Exhibit H, June 25, 1985 letter from Ryan O'Brien Exhibit I.

Planning Consultant for the applicant, Ryan O'Brien, 209 N.E. Lincoln St. Hillsboro, said he would like to put up two more exhibits for the Planning Commission to view. He said they were identified as old alternative A and B. He said the members of the staff had been very cooperative in working with them on their application. He said some members of the Planning Commission might remember the proposal for the property that had been presented in 1980. He said it had been designated multiple family residential. He said he would also like to hand out an exhibit which would illustrate the actual pavement of the street in the area.

Chairman G. Madson said they would make that Exhibit J.

Ryan O'Brien said there were two things he would like to point out on the particualr exhibit. He said Exhibit J illustrated a road that had been under construction in 1963 at the south end of Caufield Street. He said it had a lot of blackberry bushes on it at the present time. He said the reason he chose that route was that it would work out quite well for not having very much cut and fill. He said as they could see on the

exhibit, Buck Street was in the area and could very easily be closed off, and that Caufield Street went to the north and could also be closed off. He said they only served a few houses in that area. He said it was part of their proposal that those two streets should be eliminated. He said their alternative was acceptable according to traffic design standards, but that if the Planning Commission felt it was not acceptable, they would be willing to go with the plan that the staff had proposed. He said if the Planning Commission decided they should build the road all the way out to West A Street then they would like to get two extra lots because it would stabilize the cost of building the street. He said they had provided the City with a cross section of their alternative which would provide a forty-foot roadway out "A" Street. He said the members of the staff felt that it was too steep. Ryan O'Brien presented a slide presentation to the Planning Commission of the area involved in application and the possible alternatives for a through street. He said developing the eighteen-foot roadway would be a good trade-off as it would allow development of the property yet would not be disruptive. He said they would let their traffic engineer speak more about the adequacies of the eighteen-foot roadway. He said in the City of West Linn there were a lot of eighteen-foot roadways and they had been working adequately for years. He said he felt they would be doing basically the same thing. He also submitted Exhibit K. He said if the Planning Commission had a problem with anything they had presented so far they would appreciate some direction on what their feelings were so they could go back to the drawing board.

Chairman G. Madson said that the variance application at the bottom of the first page had several references to high risk and liability to the City and so on. He said if they had something other than the cul-de-sac that was originally proposed, he was totally at a loss to know what they were referring to.

Ryan O'Brien said if they had to build a through street they would be looking at thirty to forty foot cuts, but that the road they were proposing would be quite alot less than that. He said the problem with a roadway like that was that the City would have to maintain the roadway and the slopes. He said if they were to cause a slide, the City would open itself up to some type of liability. He said that was the reason they felt that the temporary access which would be the eighteen-foot roadway would be the better alternative. He said if they had another alternative they probably wouldn't need that roadway. He said they did have a possibility of another roadway, but they had approached the property owner who said he wasn't interested in developing the property at that time.

Chairman Madson asked whether they had the possibility of the twenty-foot roadway rather than an eighteen-foot proposal to Webb Street. Ryan O'Brien said that was an alternative, but the only problem was making a turn. He said they were dealing with a very steep slope. He said another alternative that the Planning Director had suggested was closing off a roadway.

Chairman G. Madson asked whether the realignment or extension of Buck Street would curve primarily into the existing right-of-way. Ryan O'Brien said it would. He said they would have to take out a slope and some vegetation.

Chairman G. Madson said somewhere in their submittal there was a statement made that the State and City were currently working together on Hwy 43. He said the statement was made that they were very soon going to ask closure of Buck and Caufield Streets to Hwy 43. He said that was a very interesting statement and what was their basis for it. Ryan O'Brien said it was pure logic. He said there were only a few houses involved that had another access further to the north.

Chairman G. Madson said the conclusion he had made from that statement was that they were aware of some sort of information and study that the

State and City staff were currently doing. He said they had in their submittal a recommendation from the acting City Engineer that nothing should be done on the proposal. He said in their work shop session, the acting City Engineer had indicated no communication between the City and Highway Department at that point. Ryan O'Brien said he believed that the traffic consultant had talked about it directly and that those two roads most likely should be closed. He said he felt it would be desirable to have total input from the State and felt that they had come to the conclusion they would have to get approval from the State on anything they would do on the property. He said if the State didn't approve then they couldn't develop it. He said his understanding was that the study hadn't really started yet and that it would take about a year to finish. He said that really didn't do them a lot of good right now, but he felt pretty confident that those two roads would be closed.

Bob Keach said he was a traffic engineer and had been practicing since 1979. He said in his opinion both alternative C and E would have acceptable circulation. He said for them to keep in mind that they were only dealing with 31 to 33 residential units. He said his initial report was based on no alternative access. He said essentially all the traffic was coming out on Caufield to Portland Avenue. He said in this case they had assumed that the approach to Caufield and Buck Street would be closed, and the reason for that assumption was that it was provided to him indicating that the City was looking at the matter pretty seriously.

Chairman G. Madson asked who had provided him that information. Bob Keach said it was through discussions with Ryan O'Brien. He said Exhibit A and B were designed around trying to minimize the number of configurations that currently exist on Portland Avenue and they were trying to reduce the interaction between the two streets. He said Exhibit A concentrates on vehicles turning out on either Buck or Caufield Street. He said that would add to the burden of the left-turn movement, but since it was relatively light it was not really significant. He said Exhibit B attempted to address the two intersections and so far they were acting independently. He said alternative C would provide an alternative access to Webb Street and because of the topography constraints it was not practical to put in a full street. He said what they had done was put in a reasonable standard eighteen-foot roadway. He said basically what they were talking about was a fairly local-type street that would be used to access to Hwy 43. He said it would not be the type of street where you would anticipate very high speed as it would be used primarily by local traffic. He felt the eighteen-foot street would work very well. He said once they got into a more detailed design they would be able to identify areas within the existing topography and would be able to make the street wider which would provide for parking.

Chairman G. Madson said Bob Keach had indicated in their submittal that if they took away the access from Buck and Caufield to Hwy 43 and replaced it with their access from the west side the total vehicle impact from that intersection would be about the same. He said the conclusion he had drawn from looking at the proposal is it would mean they were looking at generating approximately 300 trips a day. He asked if they had explored the impact on the east side of Hwy 43. He said he was asking where the traffic problem would go if they closed the two streets.

Bob Keach said there was currently more of the street network on the east side and there were opportunities for an access control plan to take care of the additional traffic. He said he had not looked into it very deeply other than the fact there was more on the east side.

Johnnie Summers, 840 N.E. 5th Ave., Hillsboro, said what they would like to do was to provide the necessary utilization of traffic study B instead of A as a temporary-type of situation until such time as the State and City get together and decide what they were going to do with Hwy 43. He

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said they were in total agreement with Exhibit E to provide access out to "A" Street. He said what they were trying to do is utilize the temporary access to Webb along with Caufield until that occurred. He said they weren't asking that it should or shouldn't be a permanent-type situation because it was a temporary workable access to and from their property. He said the same thing went for Webb Street as they were not asking for it to be a permanent-type situation. He said the members of the staff didn't want it to be permanent and he was sure the Planning Commission felt the same. He said the drainage and construction problems could be handled with the engineering and that it should not be addressed at this particular time. He said what what they were trying to do was to provide the area with a nice plan. He said if they were going to deny the application he would like to be able to have enough time to talk about any of the problems they might have and try to take care of them in an engineering-type situation with their engineer. He felt they had handled the problem per Code.

M. Gosling asked what his ownership situation was. Johnnie Summers said the owner was Norma Matsui and that he was the contract purchaser.

M. Gosling asked if he was knew or had he received the ownership history from the present owner. Johnnie Summers said he had been involved in the 1980 proposal. He said at that time their application had been denied as well as their appeal.

T. Conser said he had a real concern as to who would be responsible for the development of the roadway after they were given access to the public right-of-way. Johnnie Summers said he had an indication from members of the staff that they would like to see a non-remonstrance on their total piece of property to be joined with LID.

F. Allen said he was concerned with the temporariness of the solution to Buck and Caufield Street. He said he would like to know who was going to be around to do away with the temporary when the time came. Johnnie Summers said he felt he had some indication from the staff that they would like to see the intersection cut off totally. F. Allen said if the streets were closed as a temporary solution, he would like to know who would be around to do away with the access in the future. Johnnie Summers said he thought it would be the City of West Linn and the State of Oregon because they were the only ones who could actually close the road.

Chairman G. Madson asked if he understood correctly that looking ahead a little farther the Planning Staff would like to get a good access to West "A" Street and then in terms of development close the access to Caufield Street. M. Hess said that was basically what the Planning Director had in mind. He said a long cul-de-sac would be preferable to allowing an access to Hwy 43. Johnnie Summers said the reason they asked for a variance for a cul-de-sac off Caufield was that it seemed the best solution.

M. Gosling said he felt it would only be correct to have a representative from the State Highway Department talk to them about the proposal. He said he felt they couldn't make a decision based on the knowledge they had.

Chairman G. Madson said he understood his frustration, but he felt they should go ahead and hear the rest of the testimony that was available and then discuss the possibilities open to them.

Dwayne Osburn, 5910 West "A", said he was representing a group of neighbors along his street. He said all the testimony they had heard indicated there was access to the development, but he and his wife happened to own the twenty-foot strip of land indicated as access. He said they were not against the development of the property, but they had concerns about the traffic problems. He said one of the questions that had been brought

up in their group discussions was whether the property owner was going to build a storm sewer line. He said they were representing about eight or nine families on West "A" Street and were associated with the Bolton Neighborhood Association, but their particular group was called the Broadway Neighborhood Association.

J. Ohleman asked Dwayne Osburn if he had any inclination to sell his property. Mr. Osburn said they liked what they had and didn't want to change it.

Al Pfahl, 6003 Skyline Circle, said his wife Brenda was with him that evening and that they own the property to the south identified as Tax lot 7300 and 7400. He said the issue he wished to address was that they were more pleased with the layout of the plan than they had been four or five years ago. He said their concern was that they would like to see something in writing, a guarantee that the vegetation would not be removed for some time as the area was quite steep. He said there was quite a bit of shifting and movement and that in 1964 the side of their homes moved two or three yards. He said since that time they had done major reconstruction to their homes and had done extensive work in order to stabilize the hillside. He said there was still minor movement around there, but that it hadn't been a real problem. He said they were concerned though if there was digging around the area that it would create some problems. He said they all had quite an investment in their properties and would like to see that maintained.

Sally McLarty, 6717 N.E. Portland Avenue, said she had a piece of property on West "A" Street close to the highway. She said she assumed the owners of the property under discussion were aware of the lack of access when they purchased the property. She said she would like to speak a little bit about the closure of Buck and Caulfield Street. She said those streets provided access to everybody from the highway to the river. She said she would also like to know what provisions the applicants had for getting the Bolton school bus onto the highway going north. She said she felt there were all kinds of problems with the access that a person who didn't live in the area wouldn't realize. She said she was not really sure that West Linn was in dire need of more housing. She said she also liked this proposal better than the last time it was presented in 1980.

Frank Pickle, 5820 West "A" Street, said he had lived at his residence for five years. He said one of the things he would like to know was what the applicant was going to do with all the water coming down the hill. He said he thought something should be done about the drainage. He said he also had a real concern about the closure of the streets and the access problem that would cause for everyone in the area. He said one word of caution he would like to give the applicant was he felt he should look into what was going on before he actually started construction.

Chairman G. Madson said one of the exhibits that had been submitted to the Planning Commission was a letter from the acting City Engineer and one of the many issues he had covered in his three-page letter concerned the storm drainage and its inadequacies. He said for the information of the audience that the City Engineering staff had the same concerns that had been brought up and they would have to be addressed to the City Engineer's satisfaction before the development could proceed.

Mary Miller, 6442 West "A" Street, said her concern was the fact that she might possibly be landlocked by the development. She said they had a 200 foot deep lot, and they would never be able to do anything with it the way the applicant was proposing their development. Among her other concerns were the drainage and the reservoir.

J. Ohleman said she got the impression that Mary Miller would not be against selling her property.

Mary Miller said she was not against selling, but she was very much in

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favor of being able to sell her parcel of property. She said she was afraid she might not be able to if it was landlocked. She was not opposed to the development as she knew sooner or later it would have happened.

M. Hess said he would like to add a point related to Mary Miller's testimony. He said because West "A" Street was a minor arterial that property owners along the frontage were not allowed to subdivide their property. He said because it was a minor arterial the Code prohibited new accesses coming onto it.

Ryan O'Brien, in rebuttal, said that he had heard a comment about the mud slide a few years back. He said it was basically caused by a valve that had been released every so often from the reservoir. He said they planned to try to solve some of the drainage problems and that they had discussed it and were going to attempt to pipe the system. He said the other thing he would like to comment on was the fact that there seemed to be some confusion about the exits. He said he probably should have said the City may recommend closure of the street and that there were a lot of streets that front on Portland Avenue that aren't improved. He said he had also discussed with Dwayne Osburn the possibility of the future development of his property. Mr. Osburn said he might discuss it eventually, but he wasn't willing to do anything right now and wouldn't be for a long time. He said Mr. Osburn's property was a fairly large piece and that there was only room for two more lots on the property. He said they were definitely planning on leaving the vegetation in the area and that the slopes would not be touched because he felt it was an asset to the property.

Johnnie Summers said he would like to make one last comment. He said the drainage study would be completed prior to final platting to the satisfaction of the City Engineer. He said he felt the traffic problem would have to be handled in the same way. He said Mr. Osburn had said he would never develop his piece of property and if that was the case, he would like to go with Exhibit C where they were proposing a cul-de-sac. He said what they could do was provide right-of-way access to accommodate that. He said Mr. Osburn might change his mind as there were a lot of things that could happen. He said he had not heard anyone say anything they didn't like about the project and he knew there were concerns, but they would address those to the best of their ability. He said if they couldn't provide satisfaction then they wouldn't be able to do the construction anyway.

Chairman G. Madson said they had several alternatives floating around, but his primary objection to Exhibit D was that it had a twenty-five percent slope.

Johnnie Summers said Mary Miller had indicated she would be willing to give her half of the right-of-way and Linda Gravis wanted him to purchase the whole piece of property. He said Mrs. Miller really wanted to sell off her back piece and they would provide a fifteen-foot access to the back of her property.

Chairman Madson said that was a presumption that the purchase would join the lot in its entirety.

Johnnie Summers said they would provide a fifteen-foot access to the back end of her lot which would not create a flag lot onto a minor arterial. If that was what the lady wanted, that was what the lady would get.

M. Gosling said he felt quite frankly that they didn't have an obligation to give anybody a profit and he would like to have a history of the ownership of the property and would like to see the staff look into it. He said he would also like to see someone from the State Highway Department look into the problem of the intersection and how they should handle it.

He said he felt something should be done now so it wouldn't come back in the next few years. He said there were a lot of concerns that could not be addressed and that they should continue the matter until the next meeting and get some more information.

Chairman G. Madson said he would like them all to express what kind of information they would like so the members of the staff could respond and get it together.

M. Hess said his experience with the State was that they tended to ask the developer to show them something and then not respond. He said they simply respond to drawn proposals.

Chairman G. Madson asked D. Darling if she would give them some information on what some of the alternatives for the City and applicant would be for securing a good permanent access to the property.

D. Darling said she didn't think there were any that hadn't been identified and the only thing left was the possibility of condemnation. She said in order to do that you had to have a public need and public interest and would have to consider the cost of what it would entail. She said it was very costly and that the Council had traditionally taken the stand that condemnation would not occur unless it was absolutely required. She said she could not recall ever having done one.

T. Conser said he felt there were a lot of concerns that should be addressed by the City Engineer and questions that needed to be answered by the State Highway Department.

M. Gosling moved to continue the hearing until the next regularly scheduled meeting of August 19, 1985, for the purpose of providing information on a temporary access from Caufield to Hwy 43 and long-term proposals for access onto West "A" Street. T. Conser seconded the motion. The motion passed unanimously.

5. Hidden Heights Subdivision - Ancor Development/Kerry Angelos - South of Hidden Springs Ranch, No. 8, adjacent to Santa Anita Drive.

J. Ohleman said she wasn't sure whether it was appropriate or necessary, but Herb Koss had sold her her present home about a year ago. She said he really wasn't the applicant in the case, but she didn't want to take any chances. She said she had not discussed the matter with him at all, and she didn't know it was even coming up.

M. Hess gave a summary of the staff report. He said the key issues that the staff report identified were fencing and the public pump station. He said as far as the fencing was concerned the members of the staff felt there should be some element of the original fence design incorporated into the screening that would go along the side of the development. He said the pump station issue related to the future development of the adjoining properties. He said the members of the staff would simply like time to contact the adjoining property owners to see if there is interest on their part to develop a larger pumping facility to the commercial site immediately to the south or the residential properties on the other side of Santa Anita. He said they were recommending approval with the conditions as outlined in the staff report dated July 3, 1985. He said there was also an amendment to the staff report dated July 15, 1985, with four additional conditions. He said an eighth condition they would like to add on the advice of the City Attorney would be that the Hidden Heights Subdivision also be approved with the affirmation of the Hidden Springs No. 8 approvals, so the conditions that applied to Hidden Springs No. 8 would similarly be applied to this development.

D. Darling said she thought they ought to reword Condition No. 3 to more accurately describe the City's position in regard to the pump station. She said she felt it should state that the members of the staff would

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investigate for a period of sixty days the possibility of creating additional interest in the pump station so as to create an economy of scale and that the City not be a financial participant in the project.

Chairman G. Madson asked whether the Comprehensive Plan designation for the property was low density residential through the entire parcel.

M. Hess said the Hidden Springs No. 8 parcel had a medium to high density designation on the western side and low density on the eastern side.

J. Ohleman asked if they were going to address the problem of water pressure. M. Hess said he did not have any information on that. He said he had been assured they had adequate pressure throughout the system and that was all he had to go on. He said he had heard complaints about the water pressure, but he could not give any response in terms of when the City would act on it.

J. Ohleman said one of the reasons she had a concern about the water pressure was that with more new homes going in, she felt it would be a fire danger. M. Hess said the only information he had been given was from the engineer who said the capacity of the system was fine and there was a lot of pressure in that area.

Tom Tye, Compass Engineering, said they concur with everything in the staff report, but he would like to address the screening along Santa Anita. He said he thought the Homeowners Association had made a statement about the screening. He said they would like to tie it down so they wouldn't be back arguing with the members of the staff about the proposal. He said they would basically like to incorporate the screening to go with what they had already done by putting brick posts with arborvitae between them. He said he felt the sixty days to investigate the pump station would be satisfactory to see if the others involved would be interested. He said they'd work it out with the City and County and the adjacent neighbors. He said they concur with all the conditions in the staff report.

Chairman G. Madson asked if he also concurred with the July 15, 1985, amendment to the staff report.

Tom Tye said they would be concerned about Condition No. 8, but they would live with it.

T. Conser asked if the new construction would be similar to the homes in Hidden Springs No. 8 but on a smaller scale.

Herb Koss, K&F Development, sellers of the property, said there would be less units, but he said they had the greatest financial interest in the property and would maintain the quality of the project. He said basically they would have the same quality but be smaller homes and more affordable.

Chairman G. Madson asked Herb Koss if he could refresh his memory on the public facilities and the maintenance responsibility and the right of use that applied to it.

Herb Koss said people with Hidden Spring Heights would still be able to use the tennis courts if they paid the fee. He said there would be no change in the maintenance responsibility.

Chairman G. Madson said he understood then that all the obligations would transfer with the property.

Herb Koss said that was his understanding.

Audrey Mischel said she had acreage on the corner of Rosemont and Horton Road. She said she came to find out about the pump station and see what was going to happen and whether it could be made big enough to facilitate the adjacent property owners. She said she felt it had been pretty well addressed, and other than that she was in favor of the subdivision only if a bigger pumping station could be put in to accommodate the additional homes.

Chairman G. Madson read into the record a letter from the Hidden Springs Ranch Neighborhood Association which stated that they would remain neutral on the matter, but they would like to see the proposed fence incorporated to blend into the existing fence. He said they also raised a concern about the duplicity of street names.

M. Gosling moved to close the public hearing. T. Conser seconded the motion. The motion passed unanimously and the public hearing was closed.

F. Allen asked whether M. Hess had heard from the fire department about having two streets with the same name. M. Hess said the fire chief had expressed a concern about that.

M. Gosling said he thought they should have a Condition No. 9 to change the street names.

T. Conser said he had brought up a couple of times the issue of the treatment of the property to the south and how they were going to allow that property to access Rosemont Road onto Santa Anita. He said he felt some thought should be put into that.

Chairman G. Madson asked what the property to the southwest was designated. M. Hess said it was low density residential and commercial.

Chairman G. Madson asked how large a portion was commercial. M. Hess said he was not positive, but he thought four acres of that had been zoned by Clackamas County. He said his understanding from the Planning Director, M. Butts, was that the City had always approached it as a neighborhood commercial site.

T. Conser made a motion to reopen the public hearing. M. Gosling seconded the motion. The motion passed unanimously and the public hearing was reopened.

Tom Tye, Compass Engineering, said that the property they were dealing with was on the County Comprehensive Plan and Future Commercial. He said obviously they didn't want a road down to the commercial property. He said the other thing was that they also thought they needed frontage on Rosemont Road. He said if the road were extended from the entrance then they would have commercial on one side and residential on the other. He said he felt their concerns about access to the property could be left open for future planning. He said there were quite a few options available for the property.

T. Conser moved to close the public hearing. M. Gosling seconded the motion. The motion passed unanimously and the public hearing was closed.

M. Gosling moved to approve the amendments and conditions to Hidden Springs No. 8 with tentative subdivision Hidden Springs Heights Subdivision with the legal description of Tax lots 703 and 800, Assessor's Map 21E26 based on the findings of the staff reports dated July 3, 1985, and July 15, 1985, to be included as conditions:

1. Condition No. 8, that it be subject to the same conditions that are applicable under Ordinance No. 1138.
2. Condition No. 9, that they negotiate with the members of the staff on renaming the streets to comply and to avoid duplication

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of those streets.

3. Condition No. 3 to be changed to state that the staff will investigate for a period of sixty days the possibility of creating additional interest in the pumping station so as to create an economy of scale and that the City not be a financial participant in the project.

Amendment to motion: That the screening design along Santa Anita consisting of Tax lot 1 (also known originally as Tax lot 76 in Hidden Springs No. 8) be continued in the existing pattern that has already been established along Santa Anita and its confluence with Tax lot 13 with plantings of arborvitae being planted with a minimum of five feet in height with three foot centers.

M. Gosling seconded the motion. The motion passed unanimously.

6. Business from Staff

M. Hess said he had a letter requesting that the Planning Commission consider modifying the West Linn sign code. He said the letter asked that they explore the possibility of changing the allowable signage area for real estate signs in the commercial zone. He said the sign code was very clear and that real estate signs could not be more than six feet. He said there was no variance procedure for that.

Chairman G. Madson asked M. Hess if he had a recommendation for them. M. Hess said he had no recommendation.

Chairman G. Madson said he would like to give his input on the signage issue and that was that they had gone through everything and they had had their day in court and he wasn't particularly interested in opening up the case again. He said they had had their opportunity when they were constructing the sign code.

J. Ohleman said the real estate people had been well represented on her committee.

M. Gosling said the point was very valid. He said he felt it could be given back to the Chamber of Commerce and business groups to make a decision on.

M. Hess said he could say that he didn't see a lot of support from the Planning Commission on their request.

D. Darling said with respect to parking on Hood Street it was her understanding in order to initiate the public hearing process to eliminate parking, there had to be a motion or request from someone to do so. She said she would request them as the Planning Commission to make a motion to recommend to City Council that parking on Hood Street be eliminated and that they commence the public hearing process pursuant to do so.

M. Gosling moved to request after having discussed several alternatives, including parallel parking and complete removal of parking, that City Council initiate the hearing process to eliminate all parking along Hood Street with the exception of commercial loading on the west side.

T. Conser seconded the motion. The motion passed unanimously.

D. Darling told the members of the Planning Commission that after this evening's meeting their student Court Reporter, C. Corliss would be resigning and would be replaced starting next month by a new student Court Reporter, Mary Newell.

7. Business from Planning Commission

Chairman G. Madson said he would like to have a report from the Park Board Representative. F. Allen said he had not been to a meeting yet, so he

had nothing to report.

T. Conser said the Historic District had had a neighborhood meeting and said M. Hess was putting together a final document to send out to residents.

Chairman G. Madson said they needed to set a date for discussing the group's goals. The date decided on was July 22, 1985.

The Planning Commission was reminded that there would be an old fashion fair on July 26, 27, and 28 in West Linn with all sorts of things going on.

There was no further business and the meeting was adjourned at 2:00 a.m.

Clara Corliss
Clara Corliss Stenographer

August 19, 1985

1. Chairman G. Madson opened the regular meeting at 8:15 p.m. Members present were M. Gosling, J. Ohlemann, F. Allen and T. Cosner. Absent was S. Weiss. Also present were M. Butts, Planning Director; M. Hess, Assistant Planning Director; D. Darling, City Attorney Representative; and M. Newell, Hearings Reporter.

2. Minutes of the July 15, 1985, Regular Meeting.

T. Cosner moved to approve the minutes as written. M. Gosling seconded the motion. The motion passed unanimously.

3. Johnnie Summers - "West Bank" Subdivision - Above West "A" Street, accessed off Caufield Street - Public Hearing Continued.

J. Ohleman said she would like to make the Planning Commission aware that she called Russ Lawrence earlier in the week regarding another matter not associated with this hearing. She stated that the subject of street grading did come up. He shared with her some information regarding how street grading is affected by various weather conditions. She stated Mr. Lawrence will be here tonight to advise the other Commissioners of this information so all will be mutually informed.

T. Cosner said he ran into a person who had testified at the prior hearings. He said that their conversation was very general, more or less a polite inquiry regarding each other's health.

M. Hess presented the Staff Report. He said they were again recommending denial of this application based on poor access onto Hwy. 43 and the applicant's failure to resolve the traffic conflict at that intersection. He indicated that the alternative access to either West "A" Street or Webb Street was felt to be essential in order for the property to be developed. M. Hess said correspondence had been received from the State Highway Division regarding the proposed Caufield-Buck modifications. He said they had reviewed a traffic analysis for the proposal and felt that if alternative access were provided as applicant proposes in Exhibit Q, the result would be traffic conflicts. M. Hess stated that Exhibit Q includes a new street entitled "Miller Street" and has a twenty-two to twenty-five percent slope. He said that according to the Engineering Department, West Linn has streets approaching a 20 percent grade but none exceeding 20 percent. M. Hess reiterated Staff's position of denial and stated that the access provided in the current proposal does not adequately serve the property and the Caufield-Buck intersection will not accommodate the additional traffic. M. Hess said that Exhibit P was a proposal worked up by Staff to see if there was a possibility of allowing the development to occur by blocking the Caufield-Buck access to the property. He said that what this scheme envisions is that the primary access will be Miller Street, with a secondary access over to Webb Street until such time as property to West "A" would be developed as a street with a 15 percent grade. To accomplish this, it would be required that the street be

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stubbed out on the property to the east. He stated that this would allow the subdivision to be served by an acceptable graded street, and in the meantime, would have an eighteen-foot access plus a full street with a 25 percent slope. M. Hess stated that Staff still has reservations about this proposal, but it is more in keeping with what the Staff envisions for the property.

M. Hess advised the Commissioners on some of the exhibits not available to the Commissioners last month. The response from the City Engineer's office in response on the storm drainage study: their response indicates that the City Engineer could not approve the conclusions of the study because the use of storm drainage facilities is contrary to City's storm drainage master plan, therefore, applicant has not adequately addressed the problem of drainage.

G. Madson questioned whether the City Engineer really addressed "detention ponds" as opposed to "underground storage" or was it a flat prohibition on any on-site retention as a way of dealing with runoff. M. Hess indicated he thought it was the City Engineer's Office uncomfortableness with storm drainage retention facilities.

In response to a question from T. Cosner, M. Hess stated that when it is determined that the new development is going to impact some downstream facilities, they will start negotiating how that will be resolved in cooperation with the developer. He indicated that these negotiations had not been initiated in this instance and the studies have not been finalized enough to determine what kinds of improvements need to be made downstream.

G. Madson advised the applicant that Staff had been directed to prepare a new index of the exhibits in order to avoid confusion. He stated Exhibit "L" is the Murry-Smith Response on surface drainage; Exhibit "M" is State Highway Letter of August 8; Exhibit "N" is a traffic analysis dated August 5 (M. Hess indicated this was the traffic analysis reviewed by the State but has not been reviewed by the City Engineer.); Exhibit "O" is a letter from the Traffic Safety Committee dated July 15 which refers to a previous traffic analysis, not Exhibit "N"; Exhibit "P" is Staff's modification of applicant's final proposal; and Exhibit "Q" is a map of the applicant's final proposal.

Ryan O'Brien, appearing in behalf of the applicant, suggested that applicant receive a final letter from the City Engineer instead of the multiple letters shown in exhibits. G. Madson explained that the technical transmittals first go to Staff for examination, then proceed to the Commissioners along with the Staff's analysis. Mr. O'Brien stated that some exhibits are no longer valid and should receive no further consideration should the matter be continued.

Mr. O'Brien, referring to the Staff Report, Page 3, very bottom, stated that applicant did comply with the request to supply "access to "A" Street with a "T" cul-de-sac configuration . . ." Indicating to Exhibit "P", Mr. O'Brien stated that it was totally unacceptable. He stated there was no way they could do this, and if they took it to the bank, they would laugh at them.

G. Madson asked what makes it unacceptable. Mr. O'Brien, indicating on Exhibit "P", showed the Commissioners why the plan would not be feasible. He indicated that the major objection to going out to Webb Road was because it would take a lot of landscaping, it would cut into the toe-in slope, and it was not desirable to cut into the slope. He stated it would have an impact on surrounding property owners.

Mr. O'Brien, referring to the Engineer's Report dated 9, 1985, Page 2, "Consideration should be given to alternative routes, either from "A" Street or from Webb Street." Mr. O'Brien indicated it was either/or, not both.

G. Madson clarified that those points were secondary access points in addition to Caufield-Buck. Mr. O'Brien agreed. He also indicated that approval from the Oregon Department of Transportation had been required as a condition of the Staff Report. Mr. O'Brien feels both requirements have been met.

Mr. O'Brien read the letter from the Oregon State Highway Division into the record, stressing their approval of the proposed plan. Mr. O'Brien then addressed the Traffic Report, dated August 5, 1985. Using the exhibits, he indicated that both alternatives had been suggested, and that traffic distribution was just about the same. He stated that according to the traffic consultant, just about 30 percent of the traffic will be going north and 70 percent will be going south on Hwy. 43. He stressed that the only turning movement that's a problem is the left turn.

G. Madson asked if his traffic analysis addressed what proportion of the traffic would use the Caufield-Buck access versus Miller Street (the "T" configuration versus the access to Webb). Mr. O'Brien, utilizing the exhibits, explained how and what percentage of traffic would be going in each direction. Mr. O'Brien provided the Commissioners with a copy of the report.

G. Madson clarified that 60 percent of the traffic from the development would use Webb Street. Mr. O'Brien concurred.

Mr. O'Brien, in closing, stated that Mr. Osburn was opposed to a particular access indicated on Exhibit "P". Also, he stated that the night of the hearing was the first time he had been aware of Exhibit "P", and so was not fully prepared for the hearing.

G. Madson asked for clarification on the traffic analysis. He stated that everyone from that development who wants to go south will almost always use "A" Street rather than Hwy. 43. Mr. O'Brien concurred and indicated that most of the traffic would be going to I-205.

John Summers addressed the matter of storm drainage. He said that they had tried to eliminate any downstream problems, eliminate any increase in the volume of waters into the system that now exists. He said he did not realize that West Linn did not allow storage retention facilities. He emphasized that the City's downstream water flows are inadequate and suggested a complete storm drainage study and design, and construction for future development.

J. Summers stated that they had fulfilled the requests of Staff to resolve the storm drainage and access problems and to get a recommendation from the State regarding Caufield-Buck intersection. Utilizing Exhibit "P", J. Summers stated his dissatisfaction with the proposal and indicated why it is not feasible. He agreed that there was a grade problem. He stressed that Mr. Osburn did not want to develop his piece of property. He said that there are only two possible access points to "A" Street, through Mr. Osburn's property, through Linda and Harry Cravus' property, or through Ed and Mary Miller's property. He stated that he has already negotiated the rights for access through the Miller's property, and now the Staff does not approve of this proposal.

G. Madson stated that, as the Planning Commission for the City of West Linn, they must consider not only the short-term plan, but also the long-term traffic plan for Hwy. 43, and how it applies to the matter under consideration. He said that the letter they received from ODOT did not address the long-range concern. J. Summers stated that the amount of traffic generated by the new development is not significant enough at this time to be a problem. He stressed that once this project is completed, there will not be a larger impact.

Mary Miller, in support of the application, said she owned one of the access properties, Lot 27, and owned another lot, Lot 28. She indicated that they own one lot which will be divided into two buildable lots. She stated that their lot is presently 250 feet. They plan to keep 120 feet and sell off the balance.

M. Miller named some of the streets with a steep grade: 12th Street, Failing Street, Wildwood Street, Hidden Spring Road, Spring Road, 6th, 7th, and 9th Streets.

G. Madson said that Hidden Springs Road was a good example for people to use to visualize the slope of the new road. He indicated the comparison would be that Hidden Springs Road is at 18 percent and the proposed road would be near 25 percent, or 1/3 steeper.

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M. Hess indicated that requests for profiles had been requested but had not been received.

Opponent, Russ Castleman, West Linn Fire Department, said he had reservations about the 25 percent grade. He cited problems with access for emergency vehicles. He also expressed concern with the 18-foot-wide access if it is approved. He said emergency access is greatly diminished by substandard streets. He stated that an emergency vehicle of any size will have trouble getting up a 25 percent grade at any time of the year.

Opponent, D. H. Osburn, expressed concern with the traffic that would be generated by the subdivision. He asked whether the traffic analysis took into consideration the traffic flow during the school year, the difference in traffic from summer to winter, and the amount of pedestrian traffic. Regarding the water runoff in winter time, he indicated that the water sewers during the winter months were inadequate at this time and asked if the analysis done differentiates between summer and winter. He asked whether a moratorium could be instituted until sufficient sewers and storm drains could be provided for the subdivision.

T. Cosner said the studies involved here are based on the worst possible cases that might arise within the subdivision.

D. Osburn expressed an opinion that there would be more than thirty or forty cars as estimated in the analysis. He cited the high school traffic as an example.

Opponent, Russ Lawrence, stated he is very pro-development and that this property can and should be developed. He said he was in opposition to this particular proposal because of the 25 percent grade. He indicated there were several 20 percent grades in West Linn. He said the 20 percent grade in the College Hills area is virtually impassable once winter weather sets in. He said he speaks from personal experience. He said the Code called for a 15 percent grade. He said if they wished to exceed that, to talk in terms of a Variance. He said that heavy rains would leave the proposed road impassable for a day or two due to the oil slick that's going to remain. He cited Skyline as an example of closure during the winter months due to snow conditions, it being only 14 percent grade. He said that due to the northeast exposure, this particular area would remain icy longer than other areas due to lack of sufficient sun. He said 12th Street was 15 to 18 percent grade. He said there are several 18-foot-wide streets in West Linn that were built in the past but felt that it would be an error to allow a substandard street to be built now. He suggested that the Planning Commission look at no less than a 28-foot street. He told of the City of Lake Oswego accepting a 24-foot street which cannot accommodate an emergency vehicle. He said, in defense of J. Summer's comments on the storm drainage, that the City Engineer's Office is inconsistent with the requirements that have been placed on previous subdivisions and developments by outlawing detention and retention facilities. He suggested that if applicant can come up with a detention facility for such a steep grade that will work, that the Planning Commission allow it. He suggested that if improvements are required downstream, Planning Commission make a recommendation to City Council that those requirements come from System Development fees, in participation with them and not load the whole burden on the applicant. Regarding alternative access, R. Lawrence said he was the engineer who took this particular piece of property through design approval in 1980. He said they had access off of Webb Street. He said it's tricky but it can be done.

M. Gosling asked what R. Lawrence was involved in in 1980 regarding this property. R. Lawrence replied that he spent twelve months engineering the design and getting approval for development of this property. Due to poor economic times, the development was shelved.

Opponent, Joseph W. Koziol, expressed his opposition to this proposal because he is against having an access road so close to his home. He said traffic would be increased should the development go in. He said that if the Miller's developed their second lot, the residence would face the back of his property. He asked what the developer plans to do about erosion and running water.

G. Madson said the City requires a soil engineer study and provide input on anything over twenty-five percent grade. He said the Code requires that a registered soils engineer make a determination of the foundation requirements and prevention methods for erosion.

Proponent, Claudia Allsup, qualified that her favor is for this proposal over any prior proposal for development of this property. G. Madson confirmed that she was in favor of Exhibit "Q". She indicated that she lived on "K" Street and felt that Staff had not given notice to the property residents in her area.

G. Madson asked if she was suggesting "K" Street as an alternative route for traffic. She said it was easier to go straight, therefore, she thought the City's alternate route was not feasible. C. Allsup said she opposed the twenty-five percent grade due to problems during the winter months.

G. Madson asked C. Allsup if she were opposed to the proposal. She indicated she was in favor of putting in thirty lots of single family residences. She stated that she had been in opposition to a proposal to build high-rise apartments.

Robert L. Hoffman, indicating a neutral standing on the application, said he had not been able to attend the prior hearing. He said he did oppose a twenty-five percent grade for the proposed street. He said he used Webb Street for his trips to the post office and Thriftway. He said he assumed that any new residents from the new development would also use the same route. R. Hoffman said his main concern was the drainage and what it might do to his property. He said there is an existing easement for drainage on his property, but indicated that he had found it only marginally handled the draining water under adverse conditions. He said his lot is the lowest lot on the street, and water consistently backs up around and on his property. He said the geology reports, applicant's plans and the kind of drainage which would be installed are of specific concern to him because they will either help the existing conditions around his property or make them worse.

Ryan O'Brien addressed the access for fire trucks. He said he did not think they would have to use Miller Street; he suggested they use Caufield Street. He said the 18-foot street would be open for emergency traffic because only two houses would be on the street. R. O'Brien said there was no opposition at the last hearing regarding their first proposal. He asked for the Planning Commission to give applicant some direction on exactly what they want.

J. Summers said the only reason the access onto Webb was proposed back in 1980 was because the City Council and Planning Commission required two accesses. He said this requirement was imposed because of traffic which was expected to be generated from the proposed 176 units on the property. He said it is not economically feasible to build this road for only 33 units. He said he had provided the two accesses required by the Commission. J. Summers said he had provided for water retention and suggested that the Commission was in error for not allowing his proposal for water retention to stand because they had allowed it for the hotel just two months before. He said he has provided everything that the Commission required in last month's hearing. J. Summers reiterated D. Osburn's denial of access to his property.

M. Hess indicated that Staff was recommending denial of the application. He suggested that if Mr. Osburn's access were absolutely required, it would have been a condition of approval. He said Staff was merely exploring possible solutions, none of which seem acceptable at this point.

J. Summers said it was economically infeasible to build the road to Webb unless he builds approximately 75 units. He said that is not what he wants to do. He said that is not what the people want on the property.

G. Madson asked D. Darling to discuss the 120-day clock and possible ramifications on the issue of closing the public hearing versus continuing the public hearing.

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D. Darling said that State statute says that when there is an application such as this pending, local government must be through with it within 120 days from the date it's deemed complete. The date of completion for this application was June 25, 1985. She said the entire process, including appeals at the local level, must be completed by October 25, 1985. She said that this matter could not be set over until the next meeting because it would not give Counsel sufficient time to prepare should there be an appeal filed. She indicated that if a decision were not made tonight, she would like to see a special meeting scheduled no more than two weeks from August 19, 1985. She said that once the letter of decision is dated, the 14-day appeal period starts. She said that in this case it would be possible that either side might appeal the decision.

T. Cosner asked M. Hess what the City's requirement is for a flat grade prior to an intersection. M. Hess said that that is the problem with the current proposal. He said a flat area is required prior to an intersection to allow a vehicle to sit level before entering the intersection. He said it required approximately a car length or more depending on the steepness of the grade.

T. Cosner asked for background information on what could be done for water retention. M. Hess said he had not had an opportunity to look at the storm drain study to make comment on this matter.

T. Cosner asked M. Hess if Staff had any further input on the Caufield proposal and the impact it would have on the surrounding area. M. Hess said they were in the initial stages of the access management process for Hwy. 43. He said it would probably be a year before a long-term impact could be determined.

J. Ohlemann asked how the question of storm drainage was addressed in the 1980 proposal. M. Hess said the Code and Comprehensive Plan has been amended and regulations are more strict than they were in 1980.

F. Allen asked how many units would be allowed on this property. M. Hess said he had no exact figures but the number would be at least double what is proposed in this application. He said it was zoned R4.5 and also a PUD. T. Cosner figured approximately 100 units would be allowed.

G. Madson said that if downstream drainage facilities won't accept further runoff from the property and the master plan doesn't allow storm water retention, the only other option is to increase the capacity downstream to handle the runoff. M. Hess concurred. G. Madson asked who is required to pay for the system. M. Hess said his understanding is the developer is required to fund whatever downstream improvements are needed to handle the runoff created by the development.

M. Gosling moved to close the Public Hearing. F. Allen seconded the motion. F. Allen expressed opposition to the 25 percent grade. G. Madson suggested a better way to go would be to give the applicant all the requirements and a time extension, then have a special hearing to determine whether or not the applicant has met all the specific requirements. T. Cosner said there were three areas still unresolved: how to handle the downstream water problem, intersection at Caufield, and the 25 percent grade. Those voting in favor of the motion were M. Gosling, J. Ohlemann, F. Allen, and T. Cosner. G. Madson voted in opposition. The motion passed, and the public hearing was closed.

Discussion followed. M. Gosling said it was a good concept for a development, but there were some problems. He identified the problems as being access, the intersections, and drainage. He said the drainage issue could be addressed with a condition. He stated that Exhibit "P" could not be considered because applicant does not like it. He stated that the 25 percent grade is not acceptable. He said that based on these reasons, he is not in favor of the application.

J. Ohlemann said J. Summers had made a real attempt to comply with all of Planning Commission's requests. She indicated she would be willing to grant approval for this project if Mr. Summers would be willing to put in the road from Caufield to Webb.

F. Allen said he liked the development, but would not be in favor of the proposal because of the twenty-five percent grade.

T. Cosner said a development needs to be an asset to the community. He said he does not feel twenty-five percent grades, eighteen-foot access ways, and six-way intersections are assets. He said, based on lack of proper access, he was not in favor of the proposal.

G. Madson said a good reason for accepting this proposal is because it is a good low density proposal for the property. He suggested a compromise that would take care of the short-term problem with Hwy. 43 that would allow development of the property, but that designed into it would be a long-range solution that will spread the impact of the development. Discussion followed regarding G. Madson's argument of short-term versus long-term.

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M. Gosling moved that the Planning Commission deny the proposed subdivision of West Bank based on the findings mentioned in the Staff Report of July 2, 1985, also denying the Zone Change, Variance, and Conditional Use based on the findings and conditions in the Staff Report, specifically, that the proposed access to the subdivision is not sufficient to handle the traffic, namely, the intersection of Buck-Caufield at Hwy. 43 and cannot be made to accommodate the additional traffic generated; and that a twenty percent grade or greater slope or grade on an access street isn't safe so that the proposed access along Miller Street is not an alternative access -- that was recommended by the Oregon State Highway Division -- and that as illustrated by Exhibits "P" and "Q" alternative designs which would eliminate the need for variance and hence not be needed. Finding also that the variance approval would be detrimental to the purposes of the Code and properties in the vicinity; that the access proposed conflicts with the Comprehensive Plan, specifically Policy 2D, Page 63, specifically no safe and adequate access to Hwy. 43 is proposed to accommodate the proposed development and one hundred feet of distance does not exist from the centerline to the streets intersecting at Buck-Caufield and Hwy. 43 on any of the street proposals, and finally, that eighteen-foot road space -- as evidenced here tonight -- is insufficient and unsafe. T. Cosner seconded the motion. The motion passed: Yeas - M. Gosling, F. Allen, and T. Cosner. Nays - G. Madson and J. Ohlemann.

4. Review of Proposed Amendments to West Linn Comprehensive Plan, Inventories and Community Development Code.

T. Cosner said he was a member of the Task Force and enjoyed it very much.

M. Butts presented a summary of the Staff Report. He touched on each individual revision, stating Staff's reasons for proposing such amendments as outlined in the July 19, 1985, Staff Report.

G. Madson asked M. Hess to explain the drawings submitted to the Planning Commission in his letter of August 19, 1985. M. Hess felt it would be helpful to include in the Code sections relating to the Historic District some illustrations that would show the type of designs that exist or that would be acceptable.

T. Cosner said the Task Force developed a pamphlet regarding the recommendations. He asked if it would be any way to incorporate the pamphlet into the Code. M. Butts indicated it would be a good thing to develop into an information brochure, but would not recommend incorporating it into the Code since it already exceeds four hundred pages.

G. Madson suggested that all public testimony be taken first and suspend any questions of Staff. Commissioners concurred.

Wayne Waits addressed Issue #18, Petition for Rehearing. He said he doesn't think it is constructive to bring the same information before the same body when there is no new evidence. He suggested there is a flaw in the whole system that allows the public to challenge a decision, and feels that whole process should be addressed.

W. Waits feels this issue would be a possible matter for the Citizens Advisory Committee. He does not feel that the Citizens Advisory Committee should be dropped.

T. Cosner asked M. Waits if what he was trying to say was that the problem is not in the rehearing process but actually in the preliminary application prior to the public hearing. M. Waits said that hearings such as the Planning Commission hearings are not the forum for addressing the general application information. He feels these issues should be addressed at a prior time, possibly a general meeting where all information would be discussed. He said public testimony should be limited and the problem of notification should be addressed. He said the issue of rehearing should be dropped from the Planning Commission's recommendation.

M. Gosling asked if new evidence could be presented at a rehearing. D. Darling said no new evidence is allowed at a rehearing.

Charles Tryon addressed Issue #18, Petition for Rehearing. He said he failed to see any need for this change. He said occasions arise where people have legitimate reasons for requesting a rehearing. He said that if the reasons aren't good, the petitions for rehearing are simply denied by the approval authorities without having to take further public testimony. He said the use of this provision is not a very potent "delay tactic" as stated in the Staff Report. C. Tryon said he thought it necessary to find ways to increase public participation in land use matters and to give all concerned parties as much opportunity to have their views and concerns fairly heard.

Russ Lawrence addressed Issue #1, Historic District Boundary and Design Standards. Referring to Page 7, New Construction, Siting, Side Yard, he proposed that a clause be added, "providing the adjoining buildings be five feet or more from the side yard" so that there is a minimum of eight feet between buildings. He said a smaller space tends to become a catchall for miscellany and could create a health hazard or attract rats. He addressed Issue #5, Lot line Adjustment Definition. He recommend that "buildable lot" not be included. He said the Staff was astute enough to pick up on the "paper subdivisions" which would abuse this section. R. Lawrence addressed Issue #15, Utility Easements. He suggested that this addition would be useless since all new subdivisions are by Code required to put in underground utilities. He addressed Issue #18. He said it is a very effective tactic for delaying a project for up to an extra month. He suggested No. "B" should read, "upon the granting of a rehearing." He indicated this would give the public the opportunity to request a rehearing, but it would also effectively block any opportunity for using this provision as a delaying tactic.

In response to T. Cosner's question regarding the fourteen-day-appeal period, R. Lawrence explained how the appeal process works and how his suggested modification to No. B would affect the appeal process.

T. Cosner asked Staff for clarification of the Code regarding underground utilities. M. Butts indicated that the Code did require utilities to be underground in new subdivisions, but this provision referred to existing utilities which were already overhead. R. Lawrence then suggested that that provision be addressed especially to minor partitions because tieback easements are not needed in new construction. T. Cosner expressed agreement with R. Lawrence's recommendation regarding Issue #1 providing the structure is five feet or more away from the adjacent structure.

Claudia Allsup addressed Issue #1, Historic District Boundary and Design Standards. She said she was a property owner in the historic district. She expressed concern with the specific requirements imposed upon property owners within the Historic District such as type and size of windows, siding, color of buildings, et cetera. She felt the proposed amendment would tie the hands of the property owners. She questioned Amendment "D" regarding the building shapes and sizes. She asked if this amendment disallowed the building of a house that is more than twenty-eight feet wide. She said it would not be feasible to leave twenty-two feet as open space in the front of a fifty-foot lot. She said this would make it very difficult to build a ranch-style home. She addressed Issue #17, Notice Requirements. She said all postings regarding land use matters should

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specify hearing dates, times, and all pertinent information. She indicated a lack of neighborhood participation at Planning Commission hearings is due to a lack of notification by the Planning Staff. F. Allen expressed surprise at C. Allsup's remark about building a ranch-style house in the Historical District. He said that a ranch-style design is not in keeping with the District. She asked if this meant there would be no building allowed of single-level homes within the Historical District. Chairman Madson said it does not preclude single-family construction. M. Hess clarified that aluminum windows are not prohibited by this proposal. He said the non-shiny aluminum windows are allowed. He said the 28-foot end wall is related to the dominant gable end of the house. He said that if you have a gable facing the street, that can be no wider than 28 feet. He said if you have a pitch which is oriented back from the street, that can be a full 35-foot width. He said if you do a end wall gable, that is a 28-foot maximum width which means that you could build an "L" shaped house. He indicated that "L" shaped houses and "T" shaped houses were common in the old, Victorian style homes. He said that single-story homes were not prohibited. He indicated these guidelines allowed a lot of flexibility. In response to a question by C. Allsup, M. Hess indicated that these guidelines apply only to the residential property and does not apply to the surrounding commercial properties. T. Cosner said this amendment addressed only the residential portion of the Historical District which is bounded by the rear lot line of 7th Avenue to the rear lot line. He said the commercial portion of the Historical District will be addressed at a later time. C. Allsup asked about Sunset. M. Hess said he understood that Clackamas County has done a cultural resource inventory which does show several houses as being "culturally significant." Chairman Madson explained the involvement of the Willamette Neighborhood Association in the Task Force study of this project. He explained the part the Task Force had in helping to develop this amendment. C. Allsup said her impression was that the reason for designating an area as an Historical District was to be able to take advantage of tax incentives, home improvement loans, and tax write-offs. T. Cosner said the reason for designating an area as an Historical District was to preserve the existing structures and existing scale. He indicated it was actually much less restrictive than some new construction in West Linn. He indicated that this designation insures that the area is maintained in the way it was originally conceived.

Val West addressed Issue #10, Use of Sidewalks. He asked what the fee would be for these permits. M. Butts indicated no more than five dollars. V. West asked why this proposal was being considered. M. Butts said there were no provisions in the Code to allow for the use of sidewalks for anything other than pedestrian traffic. He said this section was written to insure that the use of sidewalks for the display of merchandise or service of food will not disrupt pedestrian traffic. M. Butts indicated that this provision referred only to the public right-of-way, but said the City had approved the right-of-way in shopping centers through design review and the function of those rights-of-way were surveyed as a public way whether privately owned or not. He said the City also controlled sign, both within the shopping center open to the public and public right-of-way. V. West said he did leave merchandise out on the sidewalks overnight. He asked how long the permit would be good for, if he would have to buy a new permit for every function. He asked if political activists would be required to get a permit or if they would be exempt from this requirement. T. Cosner asked M. Butts is the sidewalks in front of Zupan's were under City control. M. Butts said that City Code states there will be no outside storage unless it's contained within a six-foot fence. M. Butts said this amendment would provide for that because the design review that went through identified that area as sidewalk for pedestrian access. He said there is enough room for the retailer to use and also for pedestrian traffic.

T. Cosner moved to close the public hearing. Motion was seconded by F. Allen. The motion passed unanimously.

Chairman Madson suggested the items be discussed one at a time, followed by a general consensus on each issue, then a final vote following a summary of the discussion.

ISSUE #1, HISTORIC DISTRICT BOUNDARY AND DESIGN STANDARDS. J. Ohlemann asked Staff if there were any problem including Russ Lawrence's recommendation that the total distance between the buildings could not be less than eight feet. M. Hess said the intent of the condition was to make sure there was adequate room between the buildings, and the added clause would firm up the original purpose of the amendment. F. Allen asked if the Historic District had been adopted as a National Historic site, and if not, was application being made for this designation. M. Hess said it was a local designation, but there had been a preliminary meeting with a representative from the State Parks Department, in preparation for application for the national designation. F. Allen said the national designation would make a difference in the value of the property and create the tax incentives for the property. T. Cosner asked M. Hess if the letter from the Historic Preservation League addressed any key items that should be changed or modified in the amendment. M. Hess said he had not had time to study the letter but recalled a comment that the landscaping matter had not been fully addressed. G. Madson said the letter brought up several points that should be addressed, number one being the user fee that does not cover the cost of the design review process, et cetera. M. Hess said the Task Force wanted to keep the cost as low as possible. Chairman Madson asked about benefits. M. Hess indicated that the benefits are hard to quantify because a lot of the benefits were "quality of life" benefits. G. Madson asked if the parking regulation limit multi-family access. He said he assumed this question was addressed on the requirement of one parking space. T. Cosner said that comment was based on a multi-family development, but multi-family development is not encouraged. M. Hess said this was covered by zoning. G. Madson brought up the question of colors. M. Hess said that the matter of color had not been addressed because there had not been any outrageous colors used in the area. G. Madson asked whether there would be false fronts or whether the entire structure was being considered. M. Hess said this was to allow the owners more flexibility in designing their own homes. He said the front would be the traditional facades, but the owners would be allowed to create their own contemporary living spaces to the rear. It was general consensus that this issue be modified to include Russ Lawrence's clause regarding the requirement of 8 feet between the buildings. J. Ohlemann requested some inclusion for restrictions on landscaping now, rather than later. G. Madson suggested the area of landscaping and planting be studied by the Task Force prior to submission to Council. T. Cosner suggested that the landscaping policy could be incorporated in the recommendations to be submitted to Council in January. He said this would allow the amendment regarding the Historical District to go through at this time. Jane Ohlemann suggested that the matter of color be sent back to the Task Force for study and consideration along with the landscaping and planting matter. Chairman Madson expressed concern with the facade verses the whole building situation. M. Hess said the owners would be required to follow the Secretary of the Interior's guidelines for restoration projects in order to take advantage of the tax incentives. He suggested this would be the controlling body to govern the project. He said that if an owner chooses not to take advantage of the tax incentives, it was his opinion that they should not be limited in what they can do to the rear of their house.

Chairman Madson suggested Issue #18 be taken out of order because it had generated the most public comment.

ISSUE #18, PETITION FOR REHEARING. T. Cosner asked Staff if changing "filing" to "granting" would make it a clumsy and cumbersome tool, because he did not want to take away from the applicant. D. Darling said at the minimum they should indicate when the appeal period runs. She said the Code says that filing a petition for rehearing stays the approval just by filing. She said this means that it is not until the decision to hear or not hear the petition is made, that the time to file the appeal pick up again. She said the major question is when you must file your petition for review with LUBA. T. Cosner asked if you must file for rehearing. D. Darling said that you must exhaust all your local remedies. She said it also said that if the local remedy is discretionary, you don't have to do it. She said that right now it is discretionary, but if you don't do it, LUBA may say that you should have filed for rehearing. D. Darling confirmed that Staff's recommendation

was to eliminate it, so once Council's decision is made, the applicant knows they have twenty-one days to get the matter before LUBA. G. Madson asked how the Council knows if errors or misrepresentations have taken place unless a rehearing has taken place. D. Darling said through correspondence. G. Madson suggested that that letter would be a petition for rehearing. D. Darling said that if you don't ask for a rehearing within fourteen days, you can't have it. She said the section being referred to that allows Council to call back a permit, goes on ad infinitum and had no time limit. She said the issue would be whether or not there had been a material misrepresentation or error on which the judgment was based. D. Darling said that at present there are two ways a rehearing may be heard. She said the Code is written so that anybody can ask for a rehearing for any reason just because they want it reconsidered. In addition to that, at any time forever after the approval is granted, the City Council can call a public hearing on the issue of whether or not there was something amiss in the granting. This proposal is to drop the first option, and retain the prerogative of Council to rehear an issue. M. Gosling asked about the LUBA hearing. D. Darling said it is to determine whether or not there was sufficient evidence in the record to support the decision that the body made, whether or not there was adequate findings and if they were properly applied. She said it is much like an appeal to the Court of Appeals if there were a legal error. She said it was even more rigid than the rehearing because it's all by briefing. M. Gosling said he supported the amendment because the issue of rehearing sounds like an unnecessary step. D. Darling clarified that a rehearing is not the same as the review by LUBA. She said they serve different purposes. M. Gosling changed his vote to undecided. J. Ohlemann said she was in support of the amendment but urged that the public be informed of what the process will be. She said the amendment would streamline the process and will not take away anyone's right to speak because new evidence cannot be admitted. G. Madson said he was opposed to the amendment because it assumed that Council will learn through "other" ways that errors or misrepresentations have been made. F. Allen said he was in support of Issue #18 as amended by the Commission. T. Cosner said he would like to have this item held over for consideration. He said he did see it as an extra step, but thought it was necessary in order to allow the public to be heard. He said there was not another process at present which allowed the public this right for a rehearing. He said the beginning of the process needs to be more involved, before the final step of rehearing can be eliminated. M. Gosling said that he was not comfortable with the amendment as written and would suggest that it be dropped from the recommendation to be considered by Council. Summary: Madson, Gosling, and Cosner against amendment; Ohlemann and Allen for amendment.

ISSUE #2, PLAN/CODE REVISION CONDITIONS. Chairman Madson termed this a housekeeping item. There was no discussion. Consensus on issue #2 as stated.

ISSUE #3, PROPOSED CODE CHANGE FOR OFFICE - BUSINESS CENTER ZONES. Chairman Madson said this issue adds the language "associated convention facilities" as a conditional use to the current transient lodging allowance. There was no discussion. Consensus on issue #3 as stated.

ISSUE #4, PUBLIC SUPPORT FACILITIES. M. Butts indicated that the definition was previously called Public Support Facilities. He said the intent of this amendment is to make the definition consistent with the use. He said there was no new creation of anything, just a correction of an existing definition. D. Darling said Public Agency Administrative was defined but not allowed anywhere, so Staff had to support the definition. Chairman Madson asked where this would allow a privately owned or operated recycling collection center be located within the City. M. Butts indicated a private collection center would be allowed in the Industrial Zone and a public one would be subject to conditional use. M. Butts and D. Darling confirmed that the amendment does not differentiate between public and privately owned recycling centers. Chairman Madson asked if that would allow a private individual to set up a collection center for recyclable materials in a residential area. M. Butts said there is a separate definition for facilities handling scrap irons and would be allowable only in industrial areas. He indicated this amendment deals exclusively with household refuse versus industrial type scrap iron. M. Butts indicated this collection center could be located on either public or private property.

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Chairman Madson expressed concern that this definition might allow a use in a residential area that would normally not be considered. M. Gosling said that any application would be required to go through the Conditional Use hearing and would require a business license. He said these two functions would help police any possible applications for an incompatible use. T. Cosner asked D. Darling if the Commission could find that it was not in the public interest to allow such a use in a residential area. D. Darling said yes based on impact, inconsistent, et cetera. T. Cosner said he thought the Conditional Use process would protect them against allowing a collection center within a residential area. Consensus on issue #4 as stated.

ISSUE #5, LOT LINE ADJUSTMENT DEFINITION. T. Cosner said he understood the issue and did not have any problems with it as stated. F. Allen said the Commission would not allow them to create a lot which would be too small, therefore, any lot created by reference of this amendment would be a buildable lot. M. Butts concurred. G. Madson said this was an issue of "buildable lot." He suggested that when you get into minor partitions where you create another buildable lot, you address issues of access, requirement for public improvements, et cetera. He said these issues do not get addressed in lot line adjustments. M. Gosling said that he had no problem regarding creating a buildable lot except when the situation was abused, someone doing a minor partition but trying to sneak it in on a lot line adjustment. D. Darling defined "buildable lot." Consensus on issue #5 as stated.

ISSUE #6, TRANSIENT LODGING. Chairman Madson indicated this item was to clean up language disparities within Office Business Center and the Campus Industrial. Consensus on issue #6 as stated.

ISSUE #7, HOME OCCUPATION TIME LIMIT. Chairman Madson asked Staff if all business licenses renew at the same time of the year. M. Butts said they all renewed on July 1. G. Madson asked M. Butts why his signature would not be required on home occupations when they come up for renewal. G. Madson said he envisioned problems handling any violations because they would all happen at the same time of the year. Chairman Madson indicated he was not supportive of giving the sign-off authority to the City Recorder. He said he was afraid it would not get proper treatment when the City Recorder is already very busy with the license renewals, some of which should be directed to the Planning Director and others which are signed off by the City Recorder. M. Butts said there are standards which the businesses must follow. He said that if complaints are filed, they take corrective action right away. He said they do not evaluate every business once a year. M. Butts said the City Recorder only renews the business license, unless there is a change of address, change of business, change of location. He said it works very smoothly. G. Madson said his only disagreement is with assigning the job of policing the business violations to "Joe Citizen" when it is a City function. He feels the renewals should be reviewed monthly instead of once a year. M. Butts said their present system is an economical way to administer the permits. Chairman Madson clarified that the approval language which divides Type I and Type II Occupations is only for reference to the time limit. Consensus on issue #7 as stated.

ISSUE #8, PARKING REQUIREMENTS FOR RESTAURANTS. M. Hess said he was in the process of doing a study and comparison of what other jurisdictions call "fast food." He said he was looking for a definition that deals with "fast food" versus "take out" but had not reached any conclusion. He said he wanted a firm definition of fast food because it is not too clear. T. Cosner asked whether the Commission should recommend holding this matter over until he has reached a conclusion on the different definitions of fast food. M. Hess said he feels the parking standard is appropriate and much more in line with what is required for these kinds of establishments. He recommended the Commission go ahead and make the modification; but he said he would like to change the definition at some point in the future. T. Cosner indicated that the changes would be: (a) from "Cafe, diner, tavern, night club" to something like "sit-down eatery" and (b) from "Fast food" to "take out," M. Hess said he would rather see this amendment in place from now until January rather than what is currently in the Code. He said the requirement in the Code is very excessive in terms of requirement. G. Madson said he would be in agreement with this amendment providing the definitions were addressed

in January. M. Gosling asked how you measure the situation when you combine like the Bonnie Lynn's. M. Hess said that was the problem and hoped to discover a more administerable formula than the one currently being used. G. Madson asked about shared usage of parking. M. Hess indicated there had been some study made on the hotel proposal and the only one which came up as unusual and high was the restaurant facility. He said he also compared some other hotel/motel establishments to see what kind of combined parking facility arrangements they made. He said the standards currently in use assume shared parking usage. Consensus on issue #8 as stated.

ISSUE #9, FREE STANDING BUSINESS SIGNS. M. Butts said this applies to the residential sections only. Chairman Madson said that currently businesses in a commercial zone are already allowed a freestanding sign. M. Butts agreed and said that larger signs are based on lineal feet. G. Madson said it would be for an office-type conditional use in a multi-family residential. M. Butts said it could also be a non-conforming, but that a non-conforming would have a separate category for signage. M. Hess said an example would be the lawyer's office with a sign outside. He said the current Code requires the sign to be on the house. This new amendment would allow the sign to be put out in the yard. M. Hess said he thought this would apply to the Type II home occupations. G. Madson agreed saying that it would apply because it is a Conditional Use in a residential zone. M. Hess indicated that the intent was to accommodate the businesses historically used for business in a residential zone. He indicated it was more attractive to have the business sign in the yard rather than on the building. F. Allen asked if the signs would allow a commercial affect to the street. He said he voted against the lawyer's sign years ago, and would vote against it again today. J. Ohlemann agreed with the proposal as stated. M. Hess said the Home Occupation Type II has a separate regulation from the issue being considered here. G. Madson said that it would be a much smaller sign that could be either in the yard or on the house. M. Gosling agreed with the proposal as stated. F. Allen brought up the issue of illuminated signs. G. Madson said the area being considered in this proposal is predominately residential. M. Butts indicated that in home occupation the primary use is the structure is residential while commercial family use is commercial. General discussion followed. Final vote was Ohlemann and Gosling in favor and Madson, Cosner and Allen against. Issue #9 was dropped.

ISSUE #10, USE OF SIDEWALKS. M. Gosling said he felt that paragraph "E" should be deleted. He said he liked the idea of an open air cafe. He stated that the businesses would not clutter the sidewalks because they wanted the customers to come into their establishments. M. Gosling said he would go with the proposal provided paragraph "E" were deleted from section 53.030. J. Ohlemann indicated that her understanding was that this was created to bring into conformity some non-conforming people who were abusing the use of the sidewalk area. She said that the Staff was trying to put some provision where legally something can be allowed on the sidewalk. She said she cannot see Zupan's bringing in the kindling and fertilizer every night in order to conform to this Code section. She feels the need for flexibility about what is or is not brought in every night. She said her understanding was that only one permit per year is required. She asked if Val West would be able to get one permit for his shopping center. M. Butts said that was not the intent of the Code section. He said the purpose of the permit was to inform the applicant of the standards which have to be met in order to use the sidewalk area for something other than non-pedestrian traffic. He said that if the shopping center's director were to pick up one permit for the use of the entire shopping center, the purpose of getting the permit would be lost. The occupants of the shopping center may or may not be privy to the information obtained when the permit was issued. D. Darling indicated that if one tenant of the shopping center repeatedly violated the permit, the entire complex would lose the use of the sidewalks should the permit be revoked. G. Madson asked about the City's liability and what you do in terms of increasing that liability once you permit use of the sidewalk. D. Darling said that once the City seeks to regulate private property, if it is regulated improperly, the City does assume liability. She said the liability for unsafe sidewalks around the shopping center is theirs, but once the City issues a permit for an activity on the shopping center's sidewalk, if somebody stumbles over it, there is the potential that the City will be liable for not properly supervising it.

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G. Madson said that by putting the liability issue and the fact that the real enforcement is initiated by somebody's complaint, he would suggest they drop this issue. F. Allen questioned why they would want to police the use of privately owned property. G. Madson said this issue does not differentiate between public and private sidewalks. M. Butts said the use of sidewalks is considered when a conditional use or a design review is approved. He said the sidewalks are for the use of pedestrians and that is what the facility was approved for. He said on that basis, the Commission has some say on how the sidewalks are to be used. G. Madson asked what action the City would take on a complaint if the language were left out of the Code. D. Darling said that if the sidewalk were covered up, they could not tell them to move; that if they dug up the sidewalk, they could tell them to put it back. M. Butts compared this issue with that of signs, and said the City controls the signs that are placed on public ways. T. Cosner said the original intent of this has been handled well. He recommended that this item be held out and resubmitted in January for review. M. Butts asked for some direction on what to do with the permits which have been issued. M. Gosling suggested that they put it in and see how it works. M. Butts said that all displays on the sidewalks have gone through the permit process. G. Madson asked if that included private sidewalks. M. Butts said no. G. Madson said the first issue here is the fact that there is no differentiation between public and private sidewalks, and the second issue is whether or not the City should become involved with the business of trying to administer permits to use the sidewalks for other than pedestrian traffic. He said that at present the use of sidewalks for other than pedestrian traffic is prohibited and action is taken only when there is a complaint. Chairman Madson expressed concern that this issue is before the Commission due to some problems created in the Willamette District and the the whole city will be under administrative regulation because of a problem that is specific to one area. M. Butts said the interruption of the public right-of-way could be a problem. T. Cosner recommended that they strike the "private open areas to the public" and just work with the "public rights-of-way" at this time and direct Staff to investigate how to look at shopping centers or private areas accessible to the public. M. Gosling suggested dropping 53.030 (E). Madson and Cosner said they would leave in (E). Issue #10 stayed in with modification to 53.010 by dropping "private rights-of-way" and with the deletion of 50.030 (E).

ISSUE #11, DELETE REFERENCE TO STATE GOALS. G. Madson indicated this was a housekeeping item. Consensus on issue #11 as stated.

ISSUE #12, DELETE EXCESS LANGUAGE. G. Madson indicated this was a housekeeping item. Consensus on issue #12 as stated.

ISSUE #13, CORRECTION FOR NON-CONFORMING SINGLE-FAMILY STRUCTURES. M. Butts indicated this was a housekeeping item. He said it does not create a policy change or shift the approval authority. Consensus on issue #13 as stated.

ISSUE #14, DELETE EXCESS LANGUAGE. G. Madson said this was a language correction and basically the same as Issue #12. Consensus on issue #14 as stated.

ISSUE #15, UTILITY EASEMENTS. T. Cosner said he was comfortable with the section as written. F. Allen asked if tieback easements were necessary. G. Madson said that sometimes the tieback was necessary. Consensus on issue #15 as stated.

ISSUE #16, CREATE SIDEWALK EASEMENTS. M. Butts said the amended portion of this issue reads, "Five foot sidewalk easements." He said D. Darling recommended that this be made an option and not a requirement. He said that when there is not adequate room to provide for all the street right-of-way improvements to include trees, they will have the option to ask for an additional five foot sidewalk easement. G. Madson asked if this was on Section 93.102. D. Darling said it applied to both Sections 93.102 and 93.050. Chairman Madson asked if this was in addition to the public right-of-way requirement. M. Butts said that if the words "shall" were replaced with "may", it would give the City the option of requesting the easement. F. Allen

asked whether the City were taking property from the lot when they request the 5-foot easement. D. Darling said this is why it is proposed as an easement because the property line runs right up to the right-of-way. F. Allen then asked whether the front yard setback would be reduced by the width of the sidewalk. G. Madson said the easements do not change the setback requirement. T. Cosner said that physically it does change the setback which was the intent of the twenty feet. F. Allen said the lots would actually be 5 foot smaller. D. Darling said the actual, usable lot would be five feet smaller. M. Butts said they would probably not use more than one foot of the easement to accommodate the sidewalk. F. Allen said he felt that this requirement would be taking away from the lot. M. Butts said this easement was required for all utilities as well. F. Allen said the difference is that grass or shrubs may be planted over the easements. M. Butts said you could plant within the five-foot easement for the sidewalk providing the sidewalk was not there. M. Butts said the issue is all the requirements of the Code are not fitting within a fifty-foot right-of-way, and this is simply a mechanism to allow some flexibility and accommodate the sidewalks. T. Cosner asked about narrower rights-of-way in order to accommodate additional lots. M. Butts said the Code specifies that a certain percentage is taken out for road requirements. T. Cosner said he could foresee a loophole where a developer would say he would grant easements but in return would request more square footage or less rights-of-way. M. Butts said the sidewalk easement does not relieve the developer of the requirement for the standard width dedication. G. Madson expressed concern that if this five-foot sidewalk easement is utilized, the requirement for a 20-foot driveway will be reduced by five feet. This would leave only fifteen feet for off-street parking and would obstruct the sidewalk. He indicated this was a specific problem with the issue as written. Also, Chairman Madson said it might be more appropriate to look at street tree easements rather than sidewalk easements. G. Madson suggested this issue needed more work and should be sent back to Staff to be resubmitted in January. By mutual decision, this issue was dropped from the recommendation.

ISSUE #17, NOTICE REQUIREMENTS. Chairman Madson said this issue just cleaned up the language to fit the new signs. At this time the sign was presented for Commission's examination. Consensus on issue #17.

ISSUE #19, DISABLED PARKING. M. Gosling asked if this amendment applied to new parking rather than existing parking. M. Butts indicated this amendment applied only to new development. Consensus on issue #19 as stated.

M. Hess explained where the new notification signs would be located and what information they would contain. General discussion regarding the sign followed.

SUMMARY: Chairman Madson summarized the PROPOSED COMPREHENSIVE PLAN, INVENTORIES AND CODE AMENDMENTS as follows: Issue #1, approved with changes suggested; Issue #2, as stated; Issue #3, as stated; Issue #4, as stated; Issue #5, as stated; Issue #6, as stated; Issue #7, as stated; Issue #8, approved with direction to Staff to refine definitions for January and to change (a) to sit down and (b) to take out; Issue #9, dropped; Issue #10, accepted with modification that reference to private areas dropped and dropped 53.030(E); Issue #11, as stated; Issue #12, as stated; Issue #13, as stated; Issue #14, as stated; Issue #15, as stated; Issue #16, dropped for reworking by Staff; Issue #17, as stated; Issue #18, dropped; and Issue #19, accepted as stated.

Tim Cosner moved that Planning Commission approve proposed Comprehensive Plan Inventories and Code Amendments dated July 19, 1985 as amended and adjusted with changes and deletions as indicated. Motion was seconded by Frank Allen. VOTE: Yeas - Unanimous.

5. City of West Linn - Variance and Design Review, Willamette Fire Hall - Seventh Avenue, between 12th and 13th Streets - Public Hearing

M. Hess gave a summary of the Staff Report. He said this is a proposal to remodel the Willamette Fire Hall, adding a new engine bay on the east side of the building and requiring a new garage door on the face of the structure. He said the fire department wants to develop additional

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parking spaces for volunteer firefighters. M. Hess indicated that in order to allow for the additional parking, a variance would be required to the parking lot setback standards outlined in the Development Code. He said the Development Code requires a five-foot landscape buffer strip between the parking lot and adjoining properties. He said there would not be space for the five-foot buffer strips and asks that the requirement be reduced to two-foot landscape buffer strips. M. Hess said the Staff recommends approval of the variance with findings outlined in the Staff Report dated August 9, 1985. He said the addition of the garage door would carry on the horizontal lines of the overall building. He said the landscaping plans showed attention to detail in terms of the planning scheme and paving for the driveway approach. He said the only condition Staff placed on the project, shown on the Amendment dated August 14, 1985, is that the opening onto 7th Avenue not be expanded to fifty feet as shown on the proposal. M. Hess noted that the old parking bays will not be utilized for the emergency vehicles so there will not be the need for the quick access that the current curb cut provides. G. Madson said that he did have an ex parte communication that he should relate to the Commissioners. He said he spoke with Chief Castleman. He asked Chief Castleman about the number of parking spaces required. Chief Castleman said that the City was not requiring eleven spaces. G. Madson suggested to Chief Castleman that if they were to use the same configuration on the west side of the building as planned for the east side of the building, they would lose a parking space but would eliminate the need for a variance. G. Madson asked what was a realistic number of parking spaces would be required for volunteers responding in emergency situations. Chief Castleman said the maximum number of spaces required would be eight. G. Madson asked Chief Castleman if this proposal were to be approved with ten spaces without a variance, would it create a problem for the fire department. Chief Castleman said it would not create a problem.

T. Cosner asked for clarification on the curb cuts. M. Hess indicated the details were shown in Exhibit E of the Staff Report. T. Cosner asked if the area to the east was to be removed and the area to the west extended. M. Hess concurred.

Chairman Madson declared that his conversation with Chief Castleman did not and will not influence his decision and that he will be able to make an impartial decision based on the rest of the evidence yet to be presented. There was no challenge made against the Chairman's impartiality to hear the matter.

M. Gosling asked what is going to happen to the old engine bay.

Russ Lawrence, 5001 Willamette Falls Drive, appeared on behalf of the applicant. He said the existing bays are going to house the Model A's and become a sort of museum. Regarding the parking spaces, he said the main parking stalls will be stalls 1, 2, 3 and 4 because they are pull-in stalls. He suggested that if the Commissioners decide to take away some of the parking spaces, do not take away the pull-in stalls. He suggested that they take away the parallel parking spaces because those would be the least used. He indicated that it was much faster to pull in the vehicles rather than maneuver into a parallel space. He said there is fifteen to twenty feet between the station and the neighboring property line. He indicated his only exception to the Staff Report was to Exhibit E where Staff requests applicant to construct a new curb, extend irrigation and landscaping. He said it would cost the City a thousand dollars to meet these requirements imposed by Staff, and it would all be for nothing. He said the fire truck regularly climb the curb going in both directions. He indicated there would be left-turn movement off of 7th, and it will go through the "hole." G. Madson asked that Russ Lawrence explain what he meant by "left-turn movement." He explained the traffic pattern by aid of a map. R. Lawrence, with the aid of the wall map, explained how he thought the curbs should be cut to avoid damage by fire trucks exiting the engine house. G. Madson asked where everyone parks now. R. Lawrence indicated that there was one space in particular where the volunteers parked in addition to the street. He said they actually blocked the traffic lanes. He said at this time there are only two or three parking spaces available to the volunteer firemen. T. Cosner asked if the west bay would be functional. R. Lawrence said their intent was to turn that portion of the firehouse into a museum, but the paved area in front will be a driveway. T. Cosner asked if the windows were necessary across the front of the west bay. R. Lawrence said the volunteers had

asked for the windows for visibility into the station. He said three of the four other stations had windows in their stations. F. Allen asked about the drop in the floor to accommodate the added height of the new truck. R. Lawrence said there was enough room between the two floors to accommodate the new truck without excavation. He said the street level would have adequate drainage. He explained it was a self-draining type of system. He said there would be some rewiring done. He said they will put in an emergency generator and a computer at some later date.

There was no testimony in favor or in opposition of the proposal.

M. Gosling moved to close the Public Hearing. Motion was seconded by T. Cosner. Motion carried unanimously.

M. Gosling said the two issues are to cut back on the parking and the extension of the landscaping. He said he thought more parking spaces would be best in this case. He said he felt better about leaving a wider opening for the trucks to enter and leave.

M. Gosling said he did not like the windows and felt they broke up the lines in the building.

J. Ohlemann supported M. Gosling's view that the parking should remain as proposed and not extending the curb. F. Allen and T. Cosner expressed agreement. G. Madson concurred with the issue regarding the curb, but feels the requirements for a variance request have not been met by the applicant. G. Madson said the Commission could request the adding of glass on the existing door or delete the glass from the design as proposed from the new door or accept it as proposed. T. Cosner recommended deleting the windows in the interest of cost. G. Madson asked whether his concern was design or cost. T. Cosner indicated his main concern was design. G. Madson summarized as follows: leave the parking as proposed, delete Staff's recommendation for additional curb construction to maintain the thirty-foot opening, and leave the windows as proposed.

F. Allen asked if the brick work will be matched with what is already on the building. T. Cosner asked if the location is already landscaped. G. Madson said the proposed landscaping would be an improvement over what is there at the present time. M. Hess said the Fire Chief had agreed to irrigate.

Mike Gosling moved that Planning Commission approve the Variance and Design Review for the City of West Linn Fire Department on Seventh Avenue, legal as shown, based on the Findings as shown on Page 2 of the Staff Report that the need for a variance is justified; and the Design Review and landscaping as submitted with the deletion of Staff recommendation to construct new curb, center island, be deleted and the proposal be as submitted. Motion was seconded by F. Allen. Motion carried unanimously.

6. Business from Staff

There was no business.

7. Business from Planning Commission

G. Madson asked that the Commissioners to fill out the critique with appropriate comments and return to Mike Butts. He indicated these would be reviewed at the next meeting.

There was no further business. F. Allen moved that the meeting be adjourned. Motion was seconded by T. Cosner. The meeting was then adjourned at 1:55 a.m.


Mary E. Newell, Hearings Reporter

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September 16, 1985

1. Chairman G. Madson opened the regular meeting at 8:00 p.m. Members present were T. Conser, F. Allen, J. Ohlemann, S. Weiss, and M. Gosling. Also present were M. Hess, Assistant Planning Director; D. Darling, City Attorney Representative; and Mary Newell, Hearings Reporter.

2. Minutes of the August 19, 1985, Regular Meeting.

T. Conser recommended the following corrections: correct the spelling of C-o-n-s-e-r; Page 262, Paragraph 2, correct Mr. Waite's testimony to reflect "the issue of rehearing should be dropped from the Planning Commission's recommendation"; Page 263, Paragraph 1, correct "Consling" to "Conser" and within the sentence following, change "must" to "much"; Page 264, Paragraph 1, add the word "not" within the following sentence, ". . .they should be limited to what they could do . . ."

F. Allen moved that Planning Commission approve the minutes of August 19, 1985, as amended. Motion was seconded by M. Gosling. The motion passed unanimously.

3. "Marcourt Subdivision - Edward and Marilyn Buchmman - Northwest Corner of Hidden Springs Road and Carriage Way - SUB-85-7/ZC-85-08 - Public Hearing.

M. Hess gave a summary of the Staff Report. He indicated that on December 19, 1977, the Hidden Springs Ranch No. 5 approval included a 33 townhouse development for this property. He said the developer is now coming back with this proposal to reduce the density from 33 units to 19 single-family lots, which would range in size from 7,000 to 13,000 square feet. He noted another concern of Staff was the proposed bubble in the Carriage Way right-of-way. He recommended a change in the paving materials for the center of the proposed circular paving area. At this time, M. Hess presented slides of various paving techniques in order to show the Commissioners the possible alternatives for paving. In conclusion, M. Hess stated that Staff recommended approval for the proposed tentative subdivision with the following conditions: 1) that the sidewalk along Carriage Way be extended at its current width along the easterly boundary of Lot 19; 2) that there be a change in paving materials designed for the expanded right-of-way area on Carriage Way and that said design be subject to Planning Director approval; 3) that private access drives to the main traffic lanes on Carriage Way be restricted to Lots Nos. 13 and 14; 4) that Lots Nos. 1 through 6 access onto Hunter Court; 5) that the sidewalk along Hidden Springs Road reflect the setback patterns from the curb established on the east side of the development; and 6) that the sidewalk along Hidden Springs Road be constructed at the time of subdivision development.

M. Hess added that correspondence from the City Engineer had been received advising the Planning Commission and the developer that there was a water pressure problem in the upper area of the city, and that at times of peak usage, low water pressure can be expected of approximately 20 psi. He said that until a reservoir is constructed in this area, occasional problems can be expected with the water pressure.

Chairman Madson asked whether it was still Staff's position to support the application in view of the City Engineer's memo regarding the water pressure. M. Hess said Staff is not expert in the area of water system maintenance and operation and, therefore, must rely on the advice of the Engineering Staff regarding those matters. He said their advice has been that the system can accommodate this development, so Staff is still recommending approval of the application with conditions. G. Madson expressed disagreement with M. Hess' interpretation of the City Engineer's report.

Chairman Madson asked D. Darling what sort of obligations the City would incur should the Commission approve the subdivision in light of the City Engineer's report. Ms. Darling said if the Commission were to approve the application without conditions with respect to water pressure, she felt the City would be obligated to issue building

permits when they were requested unless there was an emergency situation. She said that Code sets standards by which the Commission may approve a subdivision, one of which requires that sufficient water volume and pressure be present to serve the proposed development. She indicated that this would have to be proven before the Commission could approve the subdivision.

T. Conser asked if utility easements were to be included in the lot lines as a formal request. M. Hess indicated that it would be appropriate to add that, but there were other check points where this could be caught.

G. Madson asked how far the sidewalk extended through the development. M. Hess said it goes from the northern boundary of the site through the development, and possibly as far as Rawhide. He indicated the sidewalk did have a narrow planter strip plus an eight-foot sidewalk. G. Madson asked if the sidewalk could serve as a bicycle link. M. Hess said it could serve that purpose because Carriage Way is a through street in that development.

G. Madson asked about street trees along Hidden Springs Ranch Road. M. Hess said there were no trees on the other side of Hidden Springs Ranch, but there was a seven to eight foot wide planter strip which would be developed. G. Madson noted that the applicant's plan indicated street trees would be put in on that side of the street. He asked if the street trees proposed would be compatible with the other side of the road. M. Hess said there is only grass on the other side. He said the developer had indicated that the type of trees proposed for the development would in a subtle way identify the development. M. Hess confirmed that it was a standard size sidewalk along Carriage Way.

Jon Buckley, a representative of the Traffic Safety Commission, indicated that they had met on September 10, 1985. He said the Traffic Safety Commission recommends approval of the subdivision based on the conditions of the Staff Report they had at that time.

M. Gosling asked if the proposal was acceptable as presented with regards to the "bubble" on Carriage Way. Mr. Buckley said it was acceptable as presented on Exhibit "B". He indicated their concern was that the two bubbles were not aligned and have a great large circle.

Ralph Tahran, Architect and Planner for Otak Incorporated, 17355 S.W. Boones Ferry Road, Lake Oswego, said that Staff had very accurately described the project. He said there were certain constraints, one being Hidden Springs Road and the lack of access to it. He indicated the road does fall off steeply. He noted that Hunter Court would run with the topography of the land to provide a safer traffic pattern. He indicated that after working with City staff, he felt this plan was the most preferable from a traffic safety standpoint and a visual standpoint. He indicated his agency had done several different types of pavings patterns in other developments, brick, bomanite, concrete, etc. He indicated his firm had done bomanite paving which is substantially more expensive because of the pigment in it. He said the recommendation that pigment be required is acceptable. He felt the five-foot standard for the sidewalk in a residential is adequate. He indicated the trees are proposed for thirty-foot spacing which will give faster coverage. He indicated the water pressure was a surprise. He said their earlier research had indicated that there would not be a problem with water pressure. He said they like the recommendation that the subdivision be approved subject to condition that there is proof of adequate water pressure or something similar. He said a positive point was that in 1977, thirty-three units were approved and they are now only asking for nineteen. He said the proposal fits in well with surrounding area and would like to see it approved.

T. Conser questioned the space allowance for the sweetgum trees. M. Hess indicated there was space for an extra-wide planter. R. Tahran said that a larger tree in the open space would give the plan more

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scale than smaller trees like cherries or plums.

Ken Nelson, OTAK, 17355 S.W. Boones Ferry Road, Lake Oswego, said the only time there would be a low water pressure situation would be in the summertime on a limited occasion, maybe two or three days per year. He indicated they had only heard about the water pressure problem tonight and really could not comment on the City Engineer's report.

F. Allen asked what was considered to be a "proper" pressure for a subdivision. K. Nelson said normal would be around 35 psi as a minimum. He said that 20 psi is the minimum required for fire fighting pumpers. He said you could be in trouble if the psi fell below 20. He indicated that only a few houses would be affected due to the layout of the land and would only happen a few times a year.

J. Ohlemann said she lived up above this development. She indicated the difference between this development and the one proposed in 1977 is that there are many more homes built around the development now than there were in 1977 and this impacts the water pressure. She said there are numerous times when water pressure is insufficient such as when people are getting ready to go to work in the morning. She said that as developments are added to the hill, the water pressure becomes more and more affected. She said it has not been affected to a dangerous level, but it is an ongoing problem for the residents all the time and not just once or twice a year.

G. Madson indicated that one possible action the Planning Commission could take because of this concern about water pressure would be a conditional approval, which would include possible denial of a building permit at the time of application for a building permit on a particular series of lots or possibly the entire subdivision. K. Nelson commented that this problem regarding water pressure was a new problem for them. He said the original approval had been for thirty-three units and they were only asking for nineteen.

Proponent, Richard Fleming, 2934 Carriage Way, asked what provisions had been made to take care of drainage. M. Hess responded stating that applicant's plan indicates a catch basin in the new bubble on both sides where it comes off of Carriage Way. He said it would run away from R. Fleming's property. M. Gosling said that storm drainage had been addressed on the development application and discussed with Engineering staff.

M. Gosling moved to close the public hearing. F. Allen seconded the motion. There were none opposed and the motion passed unanimously.

M. Gosling asked if it would be feasible to extend the sidewalk through the bubble in anticipation of people cutting through the bubble instead of going around the bubble. He suggested it might break up the "bubble" effect. M. Hess said it was an interesting concept. He said it was to the City's advantage to provide the designer with some flexibility because it will give this subdivision an image of its own.

M. Gosling said the proposal meets all Code requirements, the PUD and open space has been addressed. He indicated he would like to see the addition of a condition that the approval, if adopted, would be subject to possible withholding of the building permits if the City Engineer felt that construction would cause a drop in water pressure or water volume below what is considered adequate either in this development or in an adjoining development.

S. Weiss said she liked the suggestion regarding adding a pigment to the bubble. She expressed concern that the water pressure is considered below normal to begin with and additional construction will only increase an existing problem. She said another concern is the control on the building permits. She asked if the control will be there to deny the building permits when they apply.

J. Ohlemann addressed the widening of the sidewalk. She said the existing sidewalks are very nice visually and saw no reason to require the developers to put eight-foot sidewalks all the way to Hidden Springs Road. She said that the way the proposal is written at present fits in very well with what currently exists on the site.

F. Allen said a provision for denial of building permits should be included until such time that the problem regarding water pressure is solved.

T. Conser agreed and suggested that due to the late submission from the City Engineer's office regarding their concerns over the water pressure, that the Fire Chief had not had sufficient time to voice an opinion or concerns regarding this matter. He said that if the proposal is approved with a condition regarding denial of building permits, he would like to have confirmation from the City Engineer regarding whether or not there was sufficient water pressure and water volume on the site and also concurrence from the Fire Chief that sufficient water pressure would be available for fire service.

D. Darling said it was improper for the Fire Chief to make an opinion. She said you could make that recommendation but it might not be enforceable. T. Conser dropped his recommendation requiring Fire Chief's input at the time of building permit request.

F. Allen asked if it could not be made part of the condition that approval be subject to submission of a water pressure plan satisfactory to Staff which would include the Fire Chief. F. Allen expressed concern with the abundance of names so similar, Hunter Court and Hunter Way. He said he would like to see Hunter Way changed to something different to avoid confusion for emergency vehicles responding to calls. M. Hess concurred.

D. Darling suggested some language from which to construct the motion regarding the issue of water pressure.

M. Gosling moved that the Planning Commission approve the proposed tentative subdivision known as "Marcourt", Tax Lot 9300, Map 21E23DD, based on the findings outlined in the Staff Report of September 4, 1985, with the plan substantially in compliance with the City of West Linn Development Code Standards and would display compatibility with adjoining development, and that the proposed development run streets, street grades, trees, lot shapes and sizes, all forward within the standards of the West Linn Development Code. Subject to the following conditions: Conditions Nos. 1 through 6 on Page 4 of the Staff Report, with the addition of two additional conditions: Condition No. 7, "Approval of the project is no guaranty of sufficient water pressure or supply regarding buildability of the lots, and building permits may be denied based on City Engineer's recommendation that water pressure or volume is inadequate." and Condition No. 8, "The name of Hunter Court be changed to something that is acceptable to Fire and Police Departments."

G. Madson suggested a modification to Condition No. 8. M. Gosling concurred and reworded Condition No. 8 to read, "The name of Hunter Court be changed if requested by the Police or Fire Department."

Motion was seconded by T. Conser. T. Conser suggested an amendment to the motion. He suggested the addition of Condition No. 9, "A five foot utility easement on all interior lot lines be a condition of approval." M. Gosling accepted the amendment.

S. Weiss confirmed that the motion did not include the requirement that applicant provide a water plan. M. Gosling said he did not feel it was the applicant's responsibility and understood that if the applicant did not supply a plan the City could use theirs when reviewing for the permits.

There was no further discussion on the motion. The Commissioners voted as follows: Yeas - T. Conser, F. Allen, J. Ohlemann, G. Madson, and M. Gosling. Nays - S. Weiss. The motion passed.

4. "Woodhill Subdivision" - Paul Dewey/Mountain West Enterprises, Inc. Between Lower Midhill and Upper Midhill, south of Arbor Drive - SUB-85-6/CU-85-03 - Public Hearing.

M. Hess presented a summary of the Staff Report. He indicated this proposal would develop 27 single-family lots on 7.88 acres of land

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situated between Portland Avenue and Upper Midhill Drive. He said that because Phase II was not developed during the one-year time limit, this proposal was again before the Commission requesting approval of an almost identical proposal but now as Phases II and Phase III. He said that Phase II is 5.65 acres consisting of twenty single-family lots. He said the applicant is proposing to develop the property at R-10 densities. He said the zoning density is shown on Exhibit "D". He noted that zoning in the area is R4.5 for the bulk of the site with R-10 running down the frontage of Portland Avenue/Pacific Highway. He said that since the applicant wishes to develop a single-family development, they are also requesting a conditional use since a single-family designation is a conditional use within an R.4 zone.

M. Hess advised the Commissioners that correspondence dated September 16, 1985 from the City Engineer had been received stating that their recommendation was that the width of Upper Midhill Drive should not be reduced below thirty-two feet total or sixteen-foot half-streets, and that the half-street improvement include a five-foot sidewalk installed against the curb. The City Engineer also recommends that the on-street parking be restricted to the easterly side of the street and the west side have parking prohibited.

M. Hess said that the Staff found that the proposed "Woodhill" subdivision meets most of the design standards of the West Linn Development Code with the exception of the street widths of Upper Midhill. He stated that Staff had recommended a 14-foot street width be allowed, however, they were deferring to the City Engineer's recommendation since that was received after the Staff Report was written. He indicated that Condition No. 1 of the Staff Report should be modified to read, "The curb on Upper Midhill Drive be sited 16 feet from the centerline and the curb and half-street improved." He indicated the issue of extending the curb and half street to Harbor Drive was not concurred with by the City Engineer. The City Engineer felt that it was more important to get the extra width and sidewalk than it was to place the burden of extending the half-street improvement to the intersection of Harbor Drive. He said that Conditions 2 and 3 were as stated in the Staff Report.

M. Hess said that the Commissioners had before them the proposals for three cul-de-sacs, none of which had names.

M. Hess pointed out that in the Amendment of September 16, there is an existing house on the area proposed for Phase III accessing onto Highway 43. He said that if the house is to remain, the lot configuration would have to be adjusted somewhat.

D. Darling said if the issue of parking on only one side of the street was to be addressed, it would have to be stated in the condition. She said the issue of the 14-foot street width would have to be addressed in a condition, also, if it is to be approved.

M. Gosling confirmed that Staff wished to modify Condition No. 1 to read, "The curb on Upper Midhill Drive be sited 16 feet from centerline." M. Hess concurred.

Due to illness, Chairman Madson retired from the hearing. Mike Gosling, Vice-Chairman of the Planning Commission, presided over the balance of the hearing.

Jon Buckley, Traffic Safety Commission, stated the Traffic Commission voted unanimously to recommend the approval of the subdivision with the conditions listed in the Staff Report dated September 5, 1985. He indicated the Commission felt the fourteen-foot half-street improvement was acceptable because Upper Midhill Drive was a local street. He said the Commission would defer to the City Engineer's recommendation of a sixteen-foot half-street based on the fact that thirty-two foot right-of-ways are a standard in the City.

Applicant Paul Dewey, Mountain West Enterprises, 129 N.E. Taylor

Court, said he was in favor with the earlier Staff Report recommendations but found tonight that the City Engineer did not accept them. He noted several things he wished to bring up. The first issue was the elevation of the slopes. He indicated the proposed thirty-two feet would create problems with the new structures; second, creating more traffic down Upper Midhill Drive that will affect the existing home owners and new tenants of the new houses; third, a cost factor for widening a very drastic slope on Lots 19 and 20.

P. Dewey noted that College Hills does have an existing thirty-two or thirty-six feet which went along with the profile. He said this area will only have eight lots, and he did not feel the neighbors wanted more traffic going down the road and creating problems. He said the proposed thirty-two feet would be bottlenecked with a stop at Lot 20 and a stop at Lot 13. P. Dewey said the 32-foot just does not flow with the topography of the land. He suggested going by the Staff Report as originally written.

T. Conser asked about parking. P. Dewey said he agreed with the limited parking, parking on one side of the street, even if it were restricted to the west side. T. Conser said it appears that if parking were limited, you would be restricted to two off-street parking sites. He indicated that existing homes were not limiting themselves to parking in there and it was unrealistic that the new buyers would be comfortable with that type of situation. P. Dewey said the off-street parking is basically used on the non-developed section, rather than the proposed 14-foot width. He indicated he did not feel parking would be a problem because each property had an inlet where they can park off the road.

F. Allen advised applicant that to the south on Upper Midhill, parking is allowed on one side of the road only.

J. Ohlemann indicated that Laurel Drive was otherwise known as Upper Midhill.

Proponent, Karen O'Mally, 18522 Upper Midhill Drive, expressed approval with the plan. She indicated the nature of the street is very quiet, very peaceful, and that children played on the street. She said the neighbors were very concerned that the Commission would require the street to be made too wide. She said this would create problems because of the increased traffic flow generated by the wider street. She said the major concern was that the street remain as a smaller, residential street and not become a major thoroughfare for people traveling down to the stoplight on Lower Marylhurst Drive. She indicated a 14-foot wide street with parking is quite favorable at this time. She agreed with the developer that the slope is quite steep. She reiterated that the neighbors liked the street the way it is and did not wish to see it enlarged.

T. Conser asked K. O'Mally for clarification on her feelings regarding the proposed parking. K. O'Mally indicated she was in favor of eliminating parking on the developed side and creating parking on the newly developed side of the street. She said there were gardens and yards which extended down to the street which creates a very natural setting. She said some owners have small inlets to accommodate parking, however, most neighbors felt that an official parking area would destroy the natural setting created by the yards and gardens. She stated that the east side of the street is being used for parking at this time and feels it is adequate and accommodates the current need.

Mark Goddard, 19774 Lower Midhill Drive, asked if the problem of drainage had been addressed. M. Hess assured him that the drainage would be reviewed by the Engineering Staff and the developer would be responsible for making sure there were no downhill impacts from the proposed development. M. Goddard noted there is currently a 12-inch culvert located on Lower Midhill Drive. He said his observation was that the culvert cannot accommodate the drainage at this time. He asked who would ultimately be responsible for damage after the development has been built. D. Darling indicated there were a couple avenues

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which Mr. Goddard could take. She said he could go to the City Engineer who would have had to sign off on the project, and, also, the City keeps a maintenance bar from the developer to insure against problems from the development for approximately eighteen months. M. Gosling, quoting from the Staff Report, indicated that there is to be a storm drainage system installed. M. Hess said the plans showed a catch basin just to the south of two cul-de-sacs that are opposite one another in Lower Midhill Drive. He said it would extend out to the existing 12-inch storm sewer. M. Goddard said there is a lot of water and just was concerned that it be taken care of, and that it not run onto his property. D. Darling advised M. Goddard that a drainage plan must be approved by the City Engineer before the development can commence.

M. Goddard asked about the street width of Lower Midhill Drive. M. Gosling indicated that it was not at issue and was to be 32-feet wide. M. Hess said the established width of Lower Midhill Drive -- close to Arbor Drive -- would be continued. He said the portion of the street directly in front of Mr. Goddard's house -- the unimproved portion of Lower Midhill -- would continue the pavement width which is currently in place, approximately 24-feet wide. M. Hess said no curbs or sidewalks were being considered for the non-development area.

M. Gosling suggested Mr. Goddard talk to Staff and City Engineer about what the detailed storm drainage plans are. He reiterated that storm drainage plans must be addressed before the development can take place. M. Hess concurred that it would be a good idea to bring the drainage problem to the City Engineer's attention.

Being no rebuttal from the applicant, the Commissioners proceeded with their questions of Staff.

T. Conser asked if additional setbacks could be required by the Commissioners as a condition of approval. Staff indicated additional setbacks may be required with regards to limited parking on narrow streets. M. Hess advised the Commissioners that two off-street parking spaces are required in addition to any garage spaces. T. Conser said he was talking about a 30-foot setback which would provide for additional parking off street in the case of company, et cetera. M. Hess said if you have a narrow curb siding, then you have additional right-of-way space beyond the curb before you hit the property line which would allow parking for approximately four vehicles with a 30-foot setback. T. Conser suggested a 20-foot setback would only allow parking of one car.

J. Ohlemann noted that a lot of material would be required to fill in in order to develop and extend the road. M. Hess, referring to Exhibit "C", noted the City Engineer recommendation was based on this exhibit and the City Engineer felt it was not an exceptional amount of fill, rather that it was quite commonplace. He said the City Engineer did not think a 14-foot half-street was sufficient, and the difference is only two feet. M. Hess indicated his understanding from the City Engineer was that, ultimately, with a 32-foot street improvement, the result would be two 12-foot travel lanes and one 8-foot parking lane. He said that would be the minimum which would be acceptable.

T. Conser moved to close the Public Hearing. The motion was seconded by S. Weiss. The motion to close the Public Hearing passed unanimously.

S. Weiss indicated she would have to defer to the City Engineer's recommendation of a 16-foot half-street because that is Code and the City Engineer is the expert.

J. Ohlemann indicated she did not feel the widening of the street was necessary. She said it was a quite street and very private and would accommodate the traffic, even if the proposed homes were already built. She said her inclination was to go with the original Staff Report which indicated a 14-foot half-street improvement.

F. Allen indicated he drives this street often. He indicated it becomes

the feeder for traffic going to College and Skyline. He questioned just how much traffic would be using the road to get to the light on Marylhurst. He suggested the wider street is indicated by the potential, but the narrower street is indicated by the desire to keep the street small and private.

M. Gosling indicated the right-of-way already exists. He asked if the extra width would create a "jog" at the southeast corner of Arbor and Upper Midhill. M. Hess indicated it would create a "jog" at that point. M. Hess verified that one original discussion at the Development Review Committee was that if the narrower street improvement were allowed, in exchange for the 14-foot half street, the curb would be extended to Arbor. F. Allen suggested that this might be an advantage because of the increased visibility it would offer when making a left turn.

M. Gosling noted the west side of the street would probably remain in its undeveloped condition in the future.

T. Conser suggested the Commission would be creating a problem for the community by the culmination of the Skyline Road coming down and College Hill, plus the fact that Arbor is a very narrow road with little potential for being widened. He said the neighborhood is a quiet, peaceful one and he would not want to spoil it, but felt it would be creating a hazard for the people who live there by not improving the street to a minimum City standard. He said it was natural for people to go to the light on Marylhurst, and a 12-foot narrow street with parking would not accommodate the traffic flow. T. Conser said the Commission was obligated to improve to minimum City standards and full improvement all the way to Arbor, at least curbs. He said he concurred with avoiding sidewalks at this time.

M. Gosling asked if College View and College View Place were going to be connected with Pacific Highway. M. Hess he understood that, ultimately, one of the two streets would be connected to the traffic light at Marylhurst College. The applicant indicated they have the option on developing the property. Jon Buckley advised the Commission that the Traffic Safety Commission was working with the City of Lake Oswego to develop an eventual traffic plan for this entire area.

M. Gosling said there was justification as far as safety in that there would be a "jog" in an existing street which is unlikely to be corrected. He suggested that a sharp change in the width of a road is not considered a good safety factor. He said the Code says 32 feet according to the Comprehensive Plan for a local street. He noted the other side of the street would not be developed, and an argument could be that this side should be. He noted there might be some possibility that the additional traffic might be taken care of by the developments taking place in Lake Oswego.

T. Conser moved that the Planning Commission approve with conditions the proposal for Woodhill Phase II and tentative plan of Phase III, Legal Description Tax Lot 1300, Assessor Map 2S1E14CA, and Tax Lots 3800, 3900, 4200, 4900, and 5000, Assessor Map 21E14DB, and Conditional Use No. CU-85-03, subject to the conditions listed in the Staff Report dated September 5, 1985, revising Condition No. 1 to read: "The curb on Upper Midhill Drive be sited 16 feet from the centerline and that the curb and half-street improvements be extended to the intersection of Arbor Drive; that a five-foot sidewalk be included along the development; and that parking be eliminated on the unimproved west side." Conditions Nos. 2 through 6 as stated.

T. Conser said justification being the interest of safety of traffic flow in the area.

The motion was seconded by F. Allen. Being no further discussion, a vote was taken. Commissioners Conser, Allen, Gosling and Weiss voted in favor; Commissioner Ohlemann voted against the motion. Chairman Madson was absent. The motion passed.

J. Ohlemann noted the City Staff appeared very comfortable with the

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14-foot half-street improvements. She expressed disagreement with the motion because it did not follow the City Engineer's recommendation. She said the City Engineer suggested a sidewalk would be essential with the reduced width of the road. She said she felt uncomfortable with the 16-foot half-street improvement and also requiring a sidewalk. She stood by her original feeling that a 14-foot half-street improvement with the required sidewalk was adequate. She indicated she was in agreement with the rest of the recommendations in the motion.

5. Appoint Representative to the West Linn Park Board.

It was general consensus that this matter be held over to the next meeting when Chairman Madson could be present.

M. Hess indicated they were in the process of accepting applications for the position.

6. Business from Staff.

M. Hess reminded the Commissioners that Mike Butts requested a work session with the Commission, suggesting October 14, where discussion would be held on the draft of the West Linn Construction Code. He said discussion would also be on the critique sheet completed by the Commissioners at the last meeting.

7. Business from Planning Commission.

S. Weiss noted that her term was up in December and did not intend to volunteer for a next term.

T. Conser noted he attended the Council meeting last week and advised the Commissioners that Mark Hess had been awarded the "Employee of the Month" award.

T. Conser reported on the Council's decision regarding the Comprehensive Plan changes. He noted the Staff chose to submit Item #9 which was the signage and the Council voted to approve. He said Item #16 dealing with sidewalk easements was considered. He said a letter from the Home Builders Association submitted which stated it was acceptable to them. He said the matter was sent back to the Commission for further consideration. He said Item #18 dealing with the rehearing process was approved. He said this meant there will no longer be a rehearing before the Council of evidence already heard, but there would still be a channel for appeal.

8. Adjourn.

T. Conser moved the meeting be adjourned. The motion was seconded by S. Weiss. The motion passed unanimously and the meeting adjourned at 10:30 p.m.



 Mary E. Newell, Hearing Reporter

1. Call to Order

Acting Chairperson M. Gosling called the regular meeting to order at 8:00 p.m. Members present were G. Madson, J. Ohlemann, and T. Conser. Also present were M. Hess, Assistant Planner; D. Darling, City Attorney Representative; and M. Newell, Hearings Reporter.

2. Approval of Minutes of September 16, 1985, Regular Meeting

T. Conser moved to approve the minutes as written. G. Madson seconded the motion. The motion passed unanimously.

3. Public Hearing - "West Bank Subdivision - Johnnie Summers - Above West "A" Street - ZC-85-08/SUB-85-3/CU-85-02

M. Gosling advised all present at the hearing of the new format being followed during the public hearings.

This being a remand item, Commissioners Gosling, Madson, Ohlemann, and Conser stated they had all been present at the prior hearings. There being no conflict of interest or challenge of the jurisdiction of the Planning Commission to hear this matter, the Commission proceeded with the public hearing.

M. Hess presented a summary of what the applicant is proposing for the site.

Ryan O'Brien, applicant's representative, 209 N.E. Lincoln Street, #B, Hillsboro, indicated they were still proposing thirty-six lots even though there had been discussion of some alternative designs. He indicated they agree with Staff Report Exhibit B but request some flexibility with the design of the Caufield/Miller Street intersection. He said their intent was to meet all City standards regarding site distance, turning movements, et cetera. He stated if the Planning Commission does require the extension of the street depicted in Exhibit "F", they would request that the subdivision be allowed in two phases. He suggested they would build the intersection of Miller Street and Caufield, but would not extend the cul-de-sac any further until the second phase. This would allow them to work with the property owner up the hill. He noted the hill was steep and the extension might not be possible. Mr. O'Brien indicated Lots 17 and 8 would be within Phase I and Lots 16 and 9 would be within Phase II. He expressed agreement with Staff's Exhibit "D" plan, but expressed dislike with Exhibit "E". He stated if the Planning Commission decided to approve Exhibit "E", they would live with it.

Johnnie Summers, applicant, 340 N.E. Fifth, Hillsboro, indicated he would withhold his comments until rebuttal.

Opponent, Bill Tripp, 5290 West "A", West Linn, representing the owner of Tax Lot 101, informed the Commissioners of some background & history surrounding the subject property. T. Conser indicated he knew Mr. Tripp but had not discussed this matter with him. Mr. Tripp said his family had sold most of the property involved in the subdivision, maintaining one 1 1/2 acre parcel. He noted there had been an assessment of approximately \$5,000 for a water line and sleeve for a sewer line, which required an easement across their property. He said he was assured by Cliff Sanders and Dennis Culdemeier that Lot 101 was a buildable lot, with access onto Skyline. He said he put in the sewer line himself. He said there was no way possible to build homes off of the cul-de-sac. He indicated a ground study would be required, suggesting the sites were nothing but clay and filled with springs. He expressed concern about the possible water problems down from the subdivision. He noted he has a buyer for his lot and believed it was a buildable lot. In summary, he noted he was not opposed to the subdivision but was opposed to the builder's plan for the cul-de-sac. He said he did not think it a feasible plan because the sites were not stable. He also wanted assurance that his access to Skyline was not lost.

M. Hess, in response to Mr. Tripp's concern regarding access, said access is not available onto Skyline due to a prohibition in the current City Code. D. Darling indicated the lot has access, but the

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question was whether the lot can be divided further and demand access. M. Gosling suggested there would have to be access to the property.

G. Madson asked if future development of the area would be required to be a cluster development rather than single-family development due to the 50% grade of the hill. M. Hess indicated they would be required to go PUD. G. Madson asked if creating a stub-out for a future lot, would make any portion of that property another lot of record in terms of building rights. M. Hess said it would not.

Opponent, Uno H. Wartena, 5986 West "A" Street, expressed concern that the development would create more traffic than the proposed road could handle safely. He then addressed the drainage problem that currently exists within the area. G. Madson commented that the proposed road would not go all the way up and connect with Skyline Drive, that the plan had the road would deadend and would not provide a shortcut to West "A" and Hwy. 43.

Opponent, Joseph Koziol, 5990 West "A", owner of Lot 6000, voiced concern that the contractors were rather speculative in their intent to make this proposal into two phases. He expressed concern with the increase traffic which would be generated by the increase in number of homes. He suggested these homes were not necessary at this time and would create problems with traffic and drainage. He said there was better access which could be developed in the future.

J. Ohlemann asked Staff if the whole proposal was under consideration or just the access problem. D. Darling indicated the City Council, on appeal, had remanded the application back to the Planning Commission for further consideration due to the input of new evidence.

Proponent, Doris Benjamin, 5989 West "A" Street, indicated she was against a prior proposal for development of West Bank because of the density. However, she does feel this proposal will be an asset to the community, and not an overdevelopment of the property. She stated she had not noticed the problem of drainage that had been testified to prior. She stated that a positive result of the development will be the lowering of their taxes. She stated the traffic is a problem and is more a matter of traffic control rather than volume. She said this was a reasonable proposal and liked the idea of Miller Street.

Robert L. Hoffman, 5860 West "A" Street, owner of Lot 7300, said the springs create a major problem for area residents and is an ongoing problem. He stated the storm drainage system around his house is not sufficient to handle the rain and drainage from the hillside. He did not express opposition to the proposal but wanted to insure that the water drainage problem was addressed. He suggested Planning Commission members walk the area to get a good understanding of what the neighborhood is concerned about, the aquifer and stabilization of the land.

Dale Eaton, 15310 S.E. Gladstone Drive, Portland, owner of apartments at 6101-6115 Caufield, stated that he would agree with the vacating of the easement on Caufield providing he is not charged for improvements of the curbs, sidewalks, et cetera. He said Mr. Summers development was the best that had come along. He mentioned a similar development called Oak Ridge located within the Gladstone area. He stated the development had problems with shifting and would have to be destroyed.

T. Cosner asked how many living units accessed onto Caufield. Mr. Eaton indicated there were nine units. T. Cosner asked Mr. Eaton if he would object to a right-hand turn only onto Hwy. 43. Mr. Eaton said it would be acceptable.

Dwayne Osburn, 5910 West "A", asked about a buffer zone on the back side of the lot. He asked where the children would meet the school busses. He asked about the Design Review Board. M. Gosling stated the Planning Commission does not have jurisdiction over the Design Review Board. He said the Planning Commission does have criteria governing development single-family lots. Mr. Osburn asked that any decisions be put into writing so the property owners are not stuck with the bill.

Richard McDonald, 602 Monroe Street, Oregon City, stated he had made an offer to purchase Lot 101. He said his offer on the property is contingent that the property does have an extra lot and does have access from Skyline. M. Gosling commented he felt that they may have to get Mr. Tripp's documentation on the lot. He stated the Code does not permit the access to the extra lot. He suggested that access could be guaranteed to the lot if a condition is put in.

M. Hess then presented the staff report. He noted there were two staff reports. He said the first staff report dated November 5 recommends approval of the application with some modifications as outlined in Conditions 1-5. Regarding Condition 4, M. Hess asked anyone concerned with the drainage conditions to contact the City Engineer and advise him of the potential problems so he could include those concerns in his review. In addition to the proposed findings on page five of the staff report, M. Hess noted that the Planning Commission should propose a finding regarding the street width should they choose to approve the application. Regarding the second staff report dated November 15, M. Hess indicated that staff made a recommendation that the cul-de-sac from Miller Street extend to the south at least 200 feet so there will be at least the option of a future subdivision on the adjoining property. He commented that Mr. Tripp and others had indicated the sloping of the property would never allow that to occur. He stated the denial of access of Mr. Tripp's property to Skyline is a Code provision and suggested that another provision indicated that a lot without access is, in fact, not a buildable lot. He said Condition 6 is that Miller Street cul-de-sac at the end of the property line so that the future potential for a subdivision can be considered.

M. Gosling questioned M. Hess regarding the buildability of the Tripp lot. D. Darling said the question is not whether the property does or does not have access onto Skyline, but rather would it be good planning to provide alternative access to that lot. She declined to give a legal opinion.

D. Darling indicated the only issue before the Planning Commission tonight regarding Lot 101 is the potential need for alternate access in the future. She indicated it may never be developed, but might have the potential for it.

For the benefit of the audience, M. Hess reiterated the drainage problem as well as other more detailed concerns would be examined closely by the City Engineer. T. Conser noted that other details such as access for fire trucks and emergency vehicles would be taken into consideration.

Mr. O'Brien presented his rebuttal. He said due to the late notice of the last staff report, he was not prepared to offer much on the extension of the cul-de-sac. Secondly, he had talked to Mr. McDonald regarding Lot 101 and realized Mr. McDonald had put down earnest money on the property. He indicated they have found no better way to develop the property than what they have proposed. He expressed their desire to preserve as much of the plant life and vegetation as possible. Regarding the roadway, he indicated that a 28-foot roadway was more than adequate for a street with no parking on one side. He asked for more information regarding the possibility of a right-hand turn onto Caufield. T. Conser indicated that this was his idea and had not been discussed with the other commissioners. He was suggesting it as an option because there is no finalized plan for access onto Hwy. 43.

M. Gosling read into the record the letter from the Traffic Safety Commission dated November 14, 1985, recommending approval of the application with conditions.

G. Madson asked for confirmation on which lots were to be included within Phase I and Phase II. R. O'Brien indicated Lots 9, 10, 11, 14, 15 and 16 within Phase II, with Lots 12 and 13 possibly included within the first phase.

In response to a question by G. Madson, R. O'Brien said the plan included a road to be built between the Miller's and the Cravis' homes, creating another lot in the process.

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G. Madson asked what the reason was for the 40-foot width of the proposed road. J. Summers indicated the reason was the houses were too close to accommodate a wider street. He indicated this was the only way to access onto "A" street when they prepared their proposal.

J. Summers said the water drainage problem had been adequately addressed. He stated that if the storm drainage is designed correctly and constructed correctly, at least eighty per cent of the problem would be eliminated. He indicated no problem with extending the cul-de-sac to the Tripp's property but did not feel it fair to bear all costs himself. Mr. Summers indicated he felt the Commission had enough information to make a decision tonight. G. Madson asked if it would be appropriate to put in less than a 28-foot roadway if the parking is eliminated on both sides of Miller Street between West "A" and Caufield. J. Summers indicated his proposal called for a curb, sidewalk, and retaining wall with no parking on one side for the length of Lot 7. M. Hess indicated Staff's proposal was for parking on one side which would coincide with Mr. Summer's proposal. He surmised that Traffic's suggestion of no parking on both sides of Miller was to avoid two 10-foot traffic lanes, which would be too tight to accommodate emergency vehicles or large trucks.

M. Gosling asked J. Summers if he had a preference in view of the Traffic Safety Commission's recommendation of no parking on Miller Street. Mr. Summers indicated he would prefer parking on one side and agreed with the Staff recommendation.

Mr. Osborn asked about the park. M. Hess indicated a park had been in the original proposal but had been withdrawn from the latest proposal.

John Buckley, Traffic Safety Commission, indicated M. Hess had correctly explained their position on the matter, that their main concern was the 10-foot traffic lanes.

G. Madson asked applicant if there were any reason to preclude more than the standard off-street parking for the new Lot 5? Mr. Summers indicated the lot was around 7500 square feet. G. Madson indicated he tended to agree with the recommendation of the Traffic Safety Commission and felt the only lot affected adversely would be the new Lot 5. Mr. Summers agreed, indicating he had had to cut way back on Lot 5. He indicated he would provide the normal 2-car driveway for this lot if there is parking allowed on one side and additional parking area would have to be provided by the builder.

G. Madson moved that the Planning Commission close the Public Hearing. Motion was seconded by T. Conser. Motion passed unanimously.

T. Cosner indicated he was for this development. He stated he disagreed with Condition No. 1 of the Staff Report and recommended development of that section to minimum street standards and providing access to Hwy. 43 on a right-turn basis. He indicated that the number of lots proposed necessitated a second way out of the development. He suggested Conditions 2 and 3 be subject to the City Engineer's approval. Regarding Condition No. 5, he suggested an alternative design: 32-foot off-setting the centerline of the 40-foot right-of-way and proposing a 32-foot pavement curb to curb design with sidewalk on one side and potential utility easement as required. He said if additional access off to Caufield could be obtained, a 28-foot would be acceptable at this time. He indicated he would support the Phase II concept of studying access to Lot 101, and coming back before the Commission for final approval. He indicated he would require a Condition No. 7 which would be a five foot utility easement on all lot lines. He suggested a Condition No. 8 be added, requiring a geodesic study of the lots that appear to have extreme grades, approval being required by the Building department.

Ms. Ohlemann indicated she was in agreement with Mr. Conser regarding the overall plan for the development. She expressed concern with vacating Caufield. She suggested traffic flow could be studied and residents urged to take Caufield rather than Miller Street. She expressed disapproval with Exhibit E, stating it was difficult to justify 200 feet of development to a site that had not been determined to be buildable.

In response to G. Madson's question, M. Hess indicated that part of Tax Lot 100 has a public easement running across it and not a public right-of-way, therefore, would all revert back to Mr. Summer's piece of property. G. Madson suggested that they retain the possibility of that access until the Hwy. 43 access study is completed and in the interim block the use of it. D. Darling indicated it was possible but would need the lot for development to regain the lot that was lost to the cul-de-sac.

G. Madson expressed approval with the proposal and, in particular, the recommendation in the supplementary staff report providing for planning of possible future access to the Exhibit E under the two-phase concept. He indicated agreement with the Staff Reports as well as the Traffic Safety Commission's recommendation that parking be prohibited on both sides of the street.

M. Gosling voiced agreement with Mr. Madson regarding the prohibition of parking on both sides of Miller Street.

G. Madson moved that the Planning Commission approve the application based on the situation and findings of fact as outlined in the Staff Report dated November 5, 1985, and supplementary Report dated November 15, 1985, also including as findings the letter from the Traffic Safety Commission dated November 14, 1985, with the following additions and corrections: Staff Report, November 5, 1985 - Change Condition No. 5 to read, "Parking to be prohibited on both sides of Miller Street." Amend Finding No. 2 by adding, "and number of dwelling units served" between the words "length" and "as warranted". Add Finding No. 4, "In support of granting the length of Miller Street between West "A" and the intersection with Caufield Street due to conditions of topography and need to get between existing houses." Staff Report, November 15, 1985 - Condition No. 6 as stated with the qualification, "That applicant's request for a 2-phase development be accepted and that Phase II be identified as Lot Nos. 9, 10, 11, 14, 15, and 16. That in the interim, the applicant be allowed to develop Miller Street only through its intersection with Caufield, further expansion of Miller Street would be as part of the Phase II development." Add Condition No. 7, "Five foot utility easements be provided along all lot lines." and Add Condition No. 8, "Soils engineer report be required at the discretion of the building official at the time of the development of each individual parcel."

The motion was seconded by J. Ohlemann.

D. Darling asked G. Madson if he was referencing his motion to Exhibit No. E. G. Madson indicated he was referring to Exhibit E with reference to the discussion of the extension of Miller Street.

T. Conser moved to amend Conditions 2 and 3 by adding, "That the radiuses of Miller Street at its intersection with Caufield be adjusted subject to the City Engineer's approval." G. Madson indicated he agreed with the motion if reworded, "Final design subject to Staff approval." Second, J. Ohlemann, concurred.

T. Conser moved to eliminate Condition #1 and add, "Make a right turn onto Hwy. 43 and to extend Caufield to full street improvement as in the developer's original proposal rather than Staff's "cul-de-sacing" of that. G. Madson declined the amendment. J. Ohlemann expressed agreement with the motion. Discussion followed. T. Conser withdrew his second motion to amend. G. Madson asked Mr. Conser for his reasons to maintain the extension to Caufield. T. Conser indicated his main concern was the increased traffic flow being forced out onto "A" Street with a single point of access. He indicated he was suggesting traffic control through signage and the benefits would be additional access and traffic flow. M. Gosling indicated he would not like to see full-street improvements and would not go along with Conser's amendment. G. Madson said their function did not permit making decisions that should be made by the trained professionals. T. Conser indicated he was not committed enough on the idea of access on Caufield to hold up the application.

Motion passed unanimously.

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4. Public Hearing - "Woodhill Subdivision" - Approval Condition - Mountain West Enterprises, Paul Dewey, President - Upper Midhill Drive, Arbor Drive to Robinwood - MISC-85-25

There being no challenge filed against any member of the Planning Commission to hear this matter, the hearing proceeded.

M. Hess presented an introductory report on the proposal. He indicated this was a remanded item from the City Council to reconsider street width options on Upper Midhill Drive, specifically Condition No. 1, plus the possibility of off-site improvements to both ends of the development site.

Sandy Pember, 5493 Colony Circle, Milwaukie, representing the developer, said the additional 200-foot improvement was decided after the closing of the public hearing and was based upon speculation regarding area traffic. She said the plat map indicates 64 lots but the actual projection for development is actually 55 homes because of the steepness of the lots and the loss of lots due to road development. She said her sources indicated that residents of Skyline Development would not be utilizing the road through College Hills and Upper Midhill because they have a direct access to Marylhurst Drive from Skyline Ridge. She provided photographs which depicted both ends of Upper Midhill from Arbor to Marylhurst. She indicated that if the Arbor corner were fully developed the argument of eliminating a bottleneck is not valid due to the proximity of the homes to the street edge and the street width. She said the proposed development of land to the north of College Hills would render the original speculation invalid because of the roads being created there. She read into the record a portion of the September 16, 1985, Planning Commission Minutes, pertaining to street widths. She said she had a conversation with Mr. Reed on Friday, November 14, 1985, and he indicated his proposal was still in the original form and he still does not support the need for widening Upper Midhill. She indicated they came up with the present proposal based upon advice of M. Hess. She said he indicated that a minimal widening and curbing the additional 200 feet should be sufficient. She said this proposal will allow for maintaining the existing configuration of the property on the corner of Arbor and Upper Midhill without disturbing the trees and shrubs or the Barnes' property and would not decrease visibility. In summary, she indicated they would widen Upper Midhill to 16 feet from centerline and curb and sidewalk the area bordering Upper Midhill; requested that the requirement for the widening of the 200 feet in question be deleted based on insufficient reason and speculation; and indicated the developer will curb the area from the subdivision boundary to Arbor.

G. Madson asked if the centerline was still questionable. M. Hess indicated they were still guessing at where the centerline was located because they did not have a surveyor's drawing of the improvements in the Upper Midhill right-of-way. G. Madson asked whose responsibility it was to provide those drawings. M. Hess indicated it was the responsibility of the party who is proposing public improvements within the public right-of-way. M. Hess indicated Staff did not have a drawing by a licensed surveyor. G. Madson said he was concerned that they were discussing two to four feet of right-of-way and they did not know where the center of the street was located.

J. Ohlemann asked if applicant would have any objection to having the street width narrowed to fourteen feet. Ms. Pember indicated that would be acceptable.

Paul Dewey, 12908 S.E. Taylor Court, applicant, advised the Commission that he did not feel the additional \$14,000 cost was justified to construct an off-site development on Upper Midhill Drive and an additional \$2,000 to extend and complete the Lower Midhill road for eight lots. He said their proposal would allow for continuity and would not obstruct visibility.

G. Madson estimated it would be \$50 a running foot to place fill and pave a five foot strip based on applicant's figures. Applicant agreed, saying there was a difference of approximately \$13,000 between the cost of his proposal and Staff's proposal.

P. Dewey indicated there would be no gain by widening that area because there will be off-street parking on that side and by doing so will fill in the transition area.

Opponent, Don Wilson, 13392 S.W. Fielding Road, Lake Oswego, speaking for Mr. & Mrs. Earl Barnes, 2216 S. Arbor Drive, said his mother-in-law spent time and money landscaping the 200 feet under discussion, but felt the landscaping was a minor concern. He said they would be comfortable with the 14-foot width of the street. He said a 16-foot width would put a view right into their bedroom window. He expressed concern that the widening of the street would destroy what they feel enhances the neighborhood and could create a health and safety hazard with the street so close to the house. Approximating, he said it would put the street within fifteen feet of the bedroom window.

G. Madson clarified that the street width in front of the 200-foot area is 11 feet, not 14 feet. Mr. Wilson indicated he was not sure on the figures but was concerned mainly that the construction not disrupt the living situation for the Barnes'.

Opponent, Perry Kinder, 18378 S. Upper Midhill Drive, indicated he represented 52 residents within the area and presented a signed petition to the Commission. He said they were all opposed to the widening of Upper Midhill Drive beyond the new development and any off-site improvements because it will invite destruction of an established quiet neighborhood and encourage a serious traffic hazard. He said there was no way this situation will improve the traffic flow. He said there were always children playing within the area and to allow the increase in traffic would create a hazard for these children. He suggested an alternative would be to feed the eight lots by extending the cul-de-sacs from Lower Midhill. He said he was not against the development but was opposed to changing the 200 foot section of road.

T. Conser asked P. Kinder if the residents would be opposed to putting in a Local Improvement District. P. Kinder said they would not agree and reiterated his disapproval with changing the street at all. T. Conser advised Mr. Kinder that the traffic situation will not be controlled by the Planning Commission and all they were capable of was trying to create the least impact upon the community.

Opponent, Sharon Donald, 18204 S. Upper Midhill Drive, expressed agreement with Mr. Kinder's comments regarding the widening of the 200 foot section of roadway. She does disagree, however, with his comment that the volume of traffic will not increase significantly. She feels the eight homes will add to the traffic in the area and suggested an alternative plan. She suggested they leave the road as it is and have the developer come in from another direction, or develop the two cul-de-sacs coming up from lower Midhill.

G. Madson asked how she would feel about no street improvements at all. She said they would probably like it, but there was not sufficient parking there now and the eight lots would probably have no parking area.

S. Donald indicated she did not like the suggestion that there be no parking on the side of the road she had been parking on for years. G. Madson indicated that problem exists because of the poor planning in the past. He stated this is the reason they are here, to develop good functional standards and they run into these kinds of confrontations every time they try to put them into practice in an established neighborhood.

M. Gosling read into the record a letter from the Traffic Safety Commission dated November 14, 1985, supporting Staff's recommendation that the curb be sited 16 feet from the centerline and curb and half street improvement extended to intersection of Arbor Drive with no parking allowed on the west side.

M. Hess presented a summary of the Staff Report. He indicated it was a matter remanded back to the Planning Commission by the City Council.

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He reminded the Commissioners that Condition No. 1 was the only item under consideration. He said the original condition No. 1 stated there be a 16-foot half-street improvement extending to Arbor Drive. He said applicant's counter-proposal would vary the curb width for the off-site improvement portion, approximately an 11-foot travel lane. He said this section would require no parking along the off-site improvement section. He indicated their intent was to save on improvement costs and the plantings within the right-of-way. He indicated the Development Review Committee recommended the Commission affirm their original position.

M. Hess said the City Council wanted the Planning Commission to examine the issue of extending the off-site improvement to the south end of the development site. He noted the Development Review Committee did not consider this to be a reasonable condition to place on the proposal.

T. Conser asked M. Hess what Ms. Pember meant when she spoke of a 14-foot street. M. Hess said she was conveying that the City Engineer had recommended a 16-foot off-center improvement but with no off-site improvements recommended. T. Conser stated the City Engineer went with the 16-foot across the face of the development but not the 200 foot which had been requested by the Planning Commission. M. Hess continued that the 200-foot extension came from the Development Review Committee was then followed immediately by the City Engineer's hearing on the matter.

Ms. Pember, in rebuttal, stated that Lower Midhill Drive did not go anywhere and improvement would only tie it through the cul-de-sacs which are already there. She noted that Arbor is a 24-foot street and suggested a light be placed at Arbor and Hwy. 43. She said that residents from College Hills have no reason to use Arbor as a thoroughfare.

M. Hess stated that to get a light for Hwy. 43 and Arbor would require a long time of very apparent traffic conflicts which the State would resolve by installing a traffic light. He indicated it was a process whereby one had to prove that a light was warranted in a specific location and would require extensive documentation.

Mr. Dewey asked where the additional traffic flow would come from. He indicated that most of College Hills was built out at this time. He asked Staff if the 16-foot half street goes to Arbor, is off-street parking going to be allowed. M. Hess indicated he thought parking would be allowed. Applicant indicated the off-street parking would create a lack of visibility and suggested his proposal was better because it would create an additional three-foot width which would provide better visibility.

M. Gosling suggested that College Hills was perhaps 80 per cent built but not 80 per cent occupied which would increase the traffic flow once the development is occupied. Mr. Dewey noted he had never had occasion to see any traffic lined up at Arbor and Pacific Hwy. and suggested there would not be any noticeable change in traffic volume.

T. Conser asked Staff if there were limits of utilization on Sky Park Way, a 24-foot roadway with no parking. M. Hess said it was a standard road with no specific designations applied to it. M. Hess indicated that perhaps two-thirds of the Skyline development would opt to use Sky Park Way as an alternative way off the hill.

G. Madson stated for the record that he was not, in fact, present for the entire hearing held on this application, but had viewed the video tape of the entire proceeding.

G. Madson moved that the public hearing be closed. Motion was seconded by T. Conser. The motion passed unanimously.

M. Gosling expressed sympathy with the residents of Upper Midhill because he is living in an area with similar problems. He said the developer is willing to put in a curb which would help in maintaining the street.

T. Conser said the City is a hodge podge of mixed developments that

happened at one time or another. He stated the Planning Commission does have an option to be flexible but does not have the option to be irresponsible just because of sentiment and to continue the perpetuation of a bad idea. He indicated that he would back the Staff report and require that the development have half-street improvements, require that sidewalks be provided in front of the new development, require that curbs be provided through Arbor Street, and recommend to the City Council that Assistance Development Funds be directed at the soonest possible time to continue the development down to Robinwood.

J. Ohlemann said she did not see any way to improve or infill the area of Upper Midhill containing the creek. She expressed agreement with the Staff's recommendation that it not be improved to Robinwood. Regarding Arbor Drive, she stated she was in agreement with Mr. Dewey's proposal and felt there was sufficient space to widen the street if necessary. She expressed agreement with the 10-11 foot width. J. Ohlemann recommended that the improvement in front of the development be fourteen feet instead of sixteen feet in order to minimize the "jog" or transition area between the two areas. She said if the developer was willing to put in sidewalks in, she would agree to that.

G. Madson said that regardless of the speculation regarding traffic impacts and where the center of the pavement or right-of-way is located, he felt the issue was good planning in terms of the future. He questioned the true cost difference as stated by applicant. G. Madson said it made sense to require the 200-foot improvement to Arbor Drive because that is the direction that you want the traffic to flow. For the same reason, he indicated he was opposed to requiring any improvement in the direction of Robinwood Way or Marylhurst as part of this development. He sympathized with the residents concerned about the plantings in the right-of-way, but pointed out that the right-of-ways were designed for future development.

J. Ohlemann asked Mr. Madson if he had occasion to look at the stakes and got an idea of where the paving will run. G. Madson said he looked at the pavement and based his decision on that assuming that it is properly placed. He said if they were going to make a decision based on what they did not know was certain, he would suggest they continue the hearing until a survey was done.

G. Madson indicated he would also agree with the Staff's recommendation that parking be allowed on the west side.

D. Darling pointed out that the house was built before there were any setback requirements and was not legally set back from the right-of-way.

T. Conser said tonight's discussion was based on speculation. He said he had tried to figure setbacks and centerlines, but it was not possible to get an accurate determination. T. Conser asked Staff if it would be possible to continue the hearing in order to request a survey. D. Darling said it was possible. T. Conser indicated he would also like staking. D. Darling indicated there should be sufficient time allowed for the Planning Commission to view the site.

T. Conser moved to reopen the public hearing. J. Ohlemann seconded the motion.

T. Conser moved to continue the public hearing to December 16, 1985 at 8:00 p.m., and that information be provided: the property to be surveyed by a licensed surveyor, information to include the face of curb based on a 16-foot from centerline curb, property lines of the Barnes' property, said survey to be completed and presented to the Planning Commission by December 6, 1985. G. Madson seconded the motion.

G. Madson moved to amend the motion to include a sketch to show the location of the existing paving in relationship to the centerline of the right-of-way and distance between the Barnes' house, the Barnes' property line, existing paving, et cetera. T. Conser agreed with the amendment.

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M. Gosling moved to amend the motion to add properties opposite the Barnes' on the side of the street and location of structures. T. Conser accepted the amendment. G. Madson concurred.

The amended motion passed unanimously.

5. Public Hearing - Conditional Use Request, "Type II" Home Occupation - "Chain Gang Imports", Aaron Doyle - 17999 Pacific Highway - CU-85-04

There were no challenges of the Planning Commission to hear this public hearing.

M. Hess presented a brief introduction about what is being requested in the proposal.

Aaron Doyle, applicant, 17999 Pacific Highway, representing the "Chain Gang Imports", indicated she had seen the Staff Report and had nothing to add.

T. Conser pointed out that Staff's recommendation was that applicant be restricted to four vehicles allowable on the site at any given time. A. Doyle indicated that was acceptable. She noted that her business was by appointment only and did not anticipate more than a couple customers on the site at one time.

M. Gosling indicated they had received a letter from the Traffic Safety Commission dated November 14, 1985, which supports the staff report. He read into the record a letter from the West Linn Business Association dated November 15, 1985, supporting the application and recommending that the Planning Commission grant the request.

G. Madson moved that the Planning Commission approve the application subject to the situation and findings of fact in the Staff Report dated November 6, 1985, including the recommended condition spelled out in the Staff Report, "No more than four customer vehicles allowed on site at any given time in the business operation." T. Conser seconded the motion. The motion passed unanimously.

6. General item - Adoption of Goals

There was general discussion regarding the order of the public hearings. G. Madson indicated it was the Chairman's prerogative to call the hearings in whatever order he wished. T. Conser indicated it was the policy of the Planning Department director that the largest number of people be served first. M. Hess stated the attempt was to inconvenience the least number of people.

G. Madson suggested they approve the Goals without discussion since this was just a copy of what they had already discussed before on several occasions.

T. Conser moved that the Planning Commission approve the "Goals". Motion was seconded by G. Madson. The motion passed unanimously.

7. Business from Staff

M. Hess advised the Planning Commission that they would be advertising in the West Linn Tidings for people interested in serving on the Planning Commission and other commissions or committees currently having vacancies.

General discussion followed regarding the current vacancies and possible candidates to fill those positions.

G. Madson indicated he had resigned as Chairman of the Planning Commission because of some conflicts he had with Portland's Central City Planning efforts.

G. Madson nominated M. Gosling to fulfill the remainder of the Chairman's term. The motion was seconded by T. Conser. G. Madson moved that nominations be closed. J. Ohlemann seconded the motion.

G. Madson nominated T. Conser to fill the position of Vice Chairman. The nomination was seconded by M. Gosling. G. Madson moved that nominations be closed. The motion was seconded by J. Ohlemann.

There being no more business, G. Madson moved that the meeting be adjourned. T. Conser seconded the motion. The motion passed unanimously.

Mary E. Newell

 Mary E. Newell, Hearings Reporter

December 16, 1985

1. Chairman M. Gosling opened the regular meeting at 8:15. Members present were T. Conser, J. Ohleman, G. Madson. Absent were F. Allen and S. Weiss. Also present were M. Hess, Assistant Planning Director; D. Darling, City Attorney Representative; and D. Mathre, Hearings Reporter.

2. Minutes of the November 18, 1985 Regular Meeting.

T. Conser moved to approve the minutes with corrections. G. Madson seconded the motion. The motion passed unanimously. Corrections to the minutes: Page 285, last sentence, the comment made by J. Ohleman that "she wasn't committed enough to the idea of access on Caufield to hold up that petition" should be T. Conser. Page 288, fifth paragraph, the sentence referencing Barbur should be changed to Arbor.

3. M. Gosling acknowledged the resignation of Shirley Weiss from the Planning Commission.

4. Continuation of Woodhill Subdivision Remand.

T. Conser said that he had an ex parte contact with Chief Art Enderlin. He was observing the traffic flow between the hours of seven and eight a.m. on the 13th. He had parked in front of Chief Enderlin's home. They had a brief discussion about the application in which Chief Enderlin expressed the opinion that traffic for the people turning left toward Portland on Highway 43 would probably go on through to Marylhurst Drive rather than wait at the bottom of Arbor.

M. Hess stated that this hearing was a continuation of last month's hearing so that the Commission could have a chance to review more information; specifically, a survey of the intersection of Arbor Drive and Upper Midhill showing the location of the existing pavement and the Barnes' house at that corner and the right-of-way boundaries. He restated the original condition which was that the curb was originally approved as being sited 16 feet from the center line of Upper Midhill Drive and that that 16-foot off-center curblin would extend beyond the Woodhill Development site 200 feet to the north to the intersection of Arbor Drive. The 200-foot off-site extension and the 16-foot width is what is being appealed.

The applicant, Paul Dewey, stated that he still felt there was no need to develop the extra 200 feet. He also wanted the Commission to consider a 14-foot off center from the property line to Arbor Drive instead of the 16-foot.

G. Madson wanted to know what the cost differences would be between the 16 feet straight through and offsetting of two feet.

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Applicant felt it would cut the cost at least in half for the additional two feet.

T. Conser said that when he was up in the area observing the traffic flow he observed 31 vehicles going down Arbor from the development. Of those, 19 turned south and 12 turned toward the city. The average delay of those turning left was about 39 seconds; the longest delay was about 2 minutes 12 seconds. There were nine vehicles that traveled on down Upper Midhill.

Applicant then went into more detail as to what would have to be done in order to accomplish the 200-foot extension.

A discussion was then held.

There were no opponents.

M. Hess gave the Staff recommendation of a 14-foot off-center improvement extending to the corner of Arbor Drive. This was changed by the City Engineer recommending that the curbline be 16 feet off center. He did not recommend extending it to the corner of Arbor Drive. The Planning Commission took the two recommendations and came up with the 16-foot, half-street improvement off site 200 feet to the intersection.

Applicant stated that he agreed with Staff report to improve the 200 feet, but he would rather see it 14 feet than 16 feet.

G. Madson moved to close the public hearing. T. Conser seconded the motion. The motion passed unanimously.

G. Madson moved to affirm the previous decision without change. T. Conser seconded the motion for purposes of discussion.

G. Madson supported a smooth flowing, without any jogs or impediments, street design toward Arbor Drive.

T. Conser brought up the issue of parking on Upper Midhill Drive. Staff had recommended to allow parking where parking bays had been developed by property owners.

M. Hess stated that parking had been part of the original condition. He said that Staff had recommended that parking be prohibited along the westerly side except where parking bays have been provided off the pavement.

T. Conser made an amendment to the motion to require the insertion of allowing parking where parking bays have been developed on the west side of Upper Midhill Drive.

G. Madson concurred with the motion.

J. Ohleman, after voicing some concern, said that she could not support any motion or amendment which called for creating a 16-foot-from-center-line development there and requiring it to Arbor. She said she would be willing to see the whole thing made 14 foot from center line and carried through to Arbor.

M. Gosling liked the idea of a uniform width.

T. Conser felt that by going with a full 16-foot development it would give approximately a 25-foot paved section. He said if it was knocked down to 23 foot, it would severely inhibit the ability to park vehicles and pass vehicles north and south through that area.

The motion passed 3 to 1 with M. Gosling, G. Madson and T. Conser in favor and J. Ohleman opposed.

5. Proposed Development Code Amendments

M. Hess gave the proposed development code amendments recommended by Staff to the Planning Commission. The first amendment would clarify the definition of developer in the code so that persons or parties that are developing properties that do not include a partition of those lands are also classified as a developer. The second amendment deals with front yard setback exceptions. The Willamette Historical District recently adopted standards of front yard setbacks and they vary from the standards established throughout the rest of the city. So this amendment would make the standards consistent. The third amendment deals with satellite disks and the placement of those disks. This amendment says the disks had to be kept out of the front yard and it must be screened from view. The fourth item is to incorporate into the City code a consistent street-naming pattern.

G. Madson had a concern about language on what was referred to as a "television disk." He felt that what was being talked about was a satellite earth station. After a discussion "satellite earth station" replaced "television disk."

Chuck Tryon, 2365 Dillow, had a question about the intent of the change in the first amendment.

M. Hess explained that the code as it is interpreted now is that you have to divide a piece of land before you are classified as a developer. A developer of a shopping center, for example, could legally charge that a lot of the provisions of the code would not be applicable to him. It was felt the intent was that these apply. This obligates developers to perform certain improvements.

G. Madson moved to close the public hearing. The motion was seconded by T. Conser. The motion passed unanimously.

G. Madson wanted to differentiate between the owner of a single-family lot who is ready to build his home.

M. Hess said that the code already differentiates between single-family development versus other development.

Further discussion was had on this matter.

T. Conser moved to recommend to the City Council approval of the proposed changes to the development codes subject to the change in Item No. 3, page 34-1, section 34-050.3 that a satellite earth station disk may be maintained accessory to the dwelling provided it is not located within the front yard, the structure does not exceed 15 feet in height, it is screened from view and otherwise meets the requirements of the code. G. Madson seconded the motion.

A discussion was then held about the word "disk" in the motion and a concern was raised about size. T. Conser then stated he would like to strike "disk" and G. Madson concurred. The motion passed unanimously.

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6. Business from Planning Commission

M. Hess had some business from Staff. The third Monday of both January and February fall on a national holiday. The question was raised about court being held on Tuesday nights so nothing was resolved on this matter. M. Hess would get back to the Commission on this. G. Madson had a question about the advertisement for four vacancies on the Planning Commission. He wanted to know who the fourth vacancy was. D. Darling said that J. Ohleman's position was available and they were considering her application to stay on. The Planning Commission thanked G. Madson for his efforts and he would be missed by one and all. It was also expressed that S. Weiss would be missed as well.

There was no further business and the meeting was adjourned at 9:40 p.m.

Dee Ann Mathre
Dee Ann Mathre, Hearings Reporter

February 18, 1986

1. Chairman M. Gosling opened the regular meeting at 8:00 p.m. Members present were F. Allen, C. Tryon, T. Conser, J. Ohleman, R. Burke and L. Dunstan. Also present were M. Hess, Assistant Planning Director; Michael Walsh, City Attorney Representative; and D. Mathre, Hearings Reporter.

2. Minutes of the December 16, 1986 Regular Meeting

T. Conser moved to approve the minutes as written. F. Allen seconded the motion. The motion passed unanimously.

3. Appointment of Chairperson and Vice Chairperson

T. Conser nominated M. Gosling for Chairperson. J. Ohleman seconded the nomination. There were no more nominations for this position. M. Gosling was voted in unanimously.

J. Ohleman nominated T. Conser for Vice Chairperson. C. Tryon seconded the nomination. There were no more nominations for this position. T. Conser was voted in unanimously.

4. Appointment of Park Board Representative

M. Gosling stated his feelings about how important it was to have a representative from the Planning Commission on the Park Board. J. Ohleman stated that she felt she would have a conflict if she were to become the representative. She is a homeowner in the Sunburst II development and there is talk of putting a park in that development. M. Gosling nominated C. Tryon for Park Board representative. L. Dunstan seconded the nomination. C. Tryon was voted in unanimously.

5. Zone Change Request - J. Michael Safstrom - Public Hearing

Staff gave an introduction on this zone change request. The zone change request asks to change a piece of land covering approximately 39,000 square feet from an R-10 single family residential designation to an R-7.5 designation. Staff indicated that the Planning Commission has the authority to hear the zone change. This zone change does not require a comprehensive plan amendment. Both the existing R-10 and the proposed R-7.5 are "low density residential" designations.

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The applicant, J. Michael Safstrom, did not appear to support this zone change request. There were no other supporters and no opponents present.

T. Conser asked that a copy of applicant's letter be made a part of the permanent record.

Staff indicated that the applicant, J. Michael Safstrom, submitted a letter requesting that a portion of tax lot #1600 described as Tract 1, Willamette Tracts, located near the intersection of Blankenship Road and 19th Street, be rezoned from R-10 to R-7.5. Applicant's letter stated that all the rest of the above-mentioned property was already zoned R-7.5; land values have dropped over the last few years making 10,000-square-foot lots impractical. The letter also indicated that the trend in the West Linn area seemed to be away from the 10,000-square-foot lot requirements. The applicant indicated that sometime in the future he would like to submit a plan for a four-lot subdivision which would require lot sizes to be zoned R-7.5.

Staff Report proposed some findings for the Planning Commission's consideration. Section 105.050 of the West Linn Development Code presents the standards for reviewing zone change requests. The findings proposed were based on those standards. Staff did not go into the findings as they were contained on Page 2 and 3 of the Feb. 7th, 1986 Staff report. In addition to those findings, Staff felt that there were some additional considerations which were important. This proposal would affect the "infill potential" of this vacant piece of land in an otherwise fully developed area. Applicant indicates the existing zoning would limit the feasibility of developing the parcel, and the proposed zoning would conceivably enhance the feasibility of developing the land and, thereby, take advantage of some of the efficiencies of compact urban development and take advantage of the existing infrastructure systems which are already in place in the area. For these reasons Staff recommended approval of the zone change and that the approval be based on the findings in the report. This change would be in the interest of the present and future community and would have no adverse effect on the health, safety and welfare of the community. Other applicable code provisions have been considered in reaching this decision.

M. Gosling asked if the lot in question was zoned R-7.5, would the lot permit five houses. M. Hess stated that that would be true if there were no dedication of public right-of-way. If applicant's tentative subdivision plan was pursued, the access would take somewhere between 2500 and 3000 square feet of land from the site. In order to provide adequate frontage for 4 or 5 lots for this site, it would require some dedication of right-of-way.

L. Dunstan had a concern about whether or not there would be 30-foot fronts for 4 or 5 lots in there. This concern will be taken up at a later hearing on the subdivision.

C. Tryon was curious as to why it was zoned R-10 if the City's policy was not to split tax lots into different zoning. F. Allen suggested that since the surrounding lots were 10,000 square feet that the rest of the area would be zoned as 10,000 square feet.

M. Gosling indicated that at the time the decision was made to zone this property R-10 there was a lot of pressure on the Planning Commission to meet the low density requirements by LCDC.

T. Conser moved to close the public hearing. J. Ohleman seconded the motion. The motion passed unanimously.

T. Conser stated that since there was no opposition or no concerns raised by the community and even though it was zoned as one tax lot, he tended to support the change.

L. Dunstan was disappointed that property owners from the area did not come to testify.

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T. Conser wanted to know when the property was posted with the red sign. M. Hess indicated that it was posted ten days prior to the hearing. Both T. Conser and J. Ohleman had been by the area earlier and the sign was down. M. Hess also said that property owners of record within 300 feet of this tax lot were also sent mail notice. R. Burke was interested in knowing how many people that would be. M. Hess said that 300 feet would include everybody on Nova Court except for the last three lots on that street, the lots across 19th Street, several lots on the other side of Blankenship Road, along Ridder Lane and Nolan Lane; basically everybody within 300 feet in all directions from the tax lot. There was further discussion on this.

M. Hess said that he had received two phone calls from neighbors who were concerned about the quality of homes that would be built. J. Ohleman was in complete agreement with T. Conser and L. Dunstan and she had no opposition to the zone change.

F. Allen moved to approve the application in conformance with the list of findings 1-9 in the Staff Report of Feb. 7 and within the additional considerations, conclusions, and recommendations of that same report. T. Conser seconded the motion. The motion passed unanimously.

6. Business from the Staff

Staff indicated that the agenda for the month of March was scheduled with seven public hearings. Staff asked if the Planning Commission had any difficulty with scheduling a special meeting in order to take care of these hearings since it would be hard to get them taken care of in one meeting. The regular meeting is scheduled for March 17. There was further discussion on which night would meet with everyone's approval.

C. Tryon inquired as to how early the Commission could get Staff reports on these items. M. Hess indicated that he had to wait for the responses from the Development Review Committee before he could send out the report. The report would be mailed out by the 7th of March.

The 20th of March was chosen as the date most agreeable to the Planning Commission. That would allow 3 days between meetings to review the applications. M. Hess said he would check on the date and get back to the Commission.

The next issue brought up by M. Hess was how to break up the agenda. He suggested having items 1-5 on the first night and items 6-9 on the second night.

R. Burke wanted to know if the order in which the items were set up was the order in which they were received.

M. Hess said that items 2 and 3 were first because they were amendments to already approved subdivisions; therefore, conceivably there would be less controversy and less time in reviewing. Item number 4 is a home occupation which affects a single property owner trying to have an office in their home and this usually receives little controversy. The rest of the items are the new subdivisions and these would be the most demanding in terms of review and preparation, as well as generating the most testimony.

There was further discussion on this matter.

T. Conser brought up the point that maybe applicants 2-6 should come to the first meeting with the idea that there may be a possibility that their hearing might be carried over to the next meeting.

J. Ohleman wanted to determine beforehand what time the hearings should be concluded for the evening. F. Allen liked J. Ohleman's idea of 11:00. There was further discussion on this matter.

T. Conser reiterated applicants 2-6 should come to the first meeting with the knowledge that there may be a possibility of going into a second night to finish up the remainder of the business. J. Ohleman stated that if a policy of stopping at 11:00 is established then there would be a possibility of even going on to the 31st. M. Hess said he would go along with T. Conser's recommendation. Further discussion was held on how lengthy the items would be.

T. Conser inquired as to the possibility of getting some preliminary information, such as preliminary plats, as early as possible to start reviewing them. M. Hess said he would check with the Planning Director and get back to the Commission.

One last note from Staff was that the Chairman is not able to vote unless there is a tie. He can participate in discussions, but he is not a voting member.

F. Allen stated that he would be gone for 4 months beginning in April.

J. Ohleman moved to adjourn the meeting. T. Conser seconded the motion. The meeting was adjourned at 8:50 p.m.

Dee Ann Mathre
Dee Ann Mathre, Hearings Reporter

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March 17, 1986

1. Chairman M. Gosling opened the regular meeting at 8:00 p.m. Members present were F. Allen, R. Burke, T. Conser, M. Gosling, J. Ohleman, C. Tryon and L. Dunstan. Also present were M. Butts, Planning Director; D. Darling, City Attorney Representative; and D. Mathre, Hearings Reporter.

2. Minutes of the February 18, 1986 Regular Meeting

T. Conser moved to approve the minutes as written. F. Allen seconded the motion. The motion passed unanimously.

M. Gosling also added a welcome to the new members of the Planning Commission.

3. Amendment to "Skyline Ridge, Phase III" - Public Hearing

Staff stated that this request asks to amend the original Planned Unit Development for Phase III of Skyline Ridge Subdivision and approval of a tentative subdivision plan. The only piece of Phase III that was being requested for amendment was that a previously platted condominium project be changed to single-family homes. The centerline profile for the street indicates that the grade is 14 percent, so that falls within the 15-percent maximum grade for local streets. Staff indicated that sewer and water were no problem. The area is the beginning of a drainage way. Downstream from this drainage way is a natural drainage way dedicated to the public.

The applicant, Phil Gentemann, 19335 Suncrest Avenue, West Linn, gave some background information on the development to familiarize the Planning Commission with the area. Applicant stated that he wanted to delete 20 townhouse units that had been proposed in the original plan and substitute for that 14 single-family lots. When the original proposal was put together the area seemed better suited for townhouses. But about two months ago a survey was done, and the area looked better suited for single-family homes. The street was moved from an area with a 20-percent grade to an area with a grade of about 14 percent. Another reason Applicant stated was that he felt that there was not as much a demand for townhouses in West Linn.

Applicant agreed with the Staff recommendations. He did question the construction of a 20-foot roadway from the top of the property to Marylhurst Drive. Applicant felt that the construction of Skye Parkway to College Hill Estates was his contribution per the original agreement. He stated he would like to see the City consider building the 20-foot street out to connect with Marylhurst Drive.

Another concern Applicant had was the requirement of providing a sidewalk on the park's perimeters. Applicant stated that he had a pool site reserved for people living in Skyline Ridge which he was going to build. In addition, he has located two tennis courts in the park which he was going to build and dedicate to the City when improvements for Phase III were made. Applicant is also going to grade the park site. The understanding Applicant had with Staff and the Planning Commission was that if the park site was dedicated and he did the grading and eventually put in the tennis courts, the City would set aside funds to make some improvements: put in playground equipment or a ballfield.

L. Dunstan wanted to know what the distance on the connecting drive with Marylhurst would be. Applicant estimated it at about 150 feet, and the cost would, depending on how the road would be constructed, would run around \$10,000.

T. Conser inquired of Staff if there was any possibility that the City would participate in constructing this 20-foot right of way. Staff indicated there were no funds presently available nor any proposed for new construction, just overlays.

T. Conser wanted to know if the request came from the Fire Department. Staff said the request came from the City Engineer's office. T. Conser asked if Applicant would be willing to participate in the development, and Applicant indicated that he would.

There were no opponents.

M. Butts gave the Staff report. Staff indicated the 20-foot paved roadway was a recommendation from the Engineering Department. It was felt that most of the traffic flow would likely be toward Highway 43 rather than using the access to Marylhurst Drive. The Engineering Department was not firm on the need, given where the existing traffic would flow from this development. Staff said that interior paths through the project, as shown in Exhibit E, in lieu of the sidewalks would be an alternative.

M. Gosling wanted to know if the sidewalk around the park was one of the original conditions. Staff said that this was a condition by Code in terms of full-street improvement which includes curbs, sidewalks, etc. These conditions are required of any new proposal, but paths in lieu of sidewalks can be approved. Curbs would still be needed.

T. Conser asked if it would be practical to have the sub-base for the 20-foot right-of-way laid in so it could be used for fire but not be desirable for traffic flow, then the City could participate in the overlay. Staff indicated that that would be all right.

L. Dunstan questioned the developer having to put in sidewalks as Applicant had indicated another circumstance where the developer dedicated a park without going to the expense of having sidewalks put in.

Staff indicated that the new Code required a developer to put in full-street improvements. Staff also said that if a path system is proposed paths can be put in in lieu of sidewalks.

L. Dunstan made the remark that paths would be less costly than the sidewalks.

Staff said that the paths would be made of asphalt instead of concrete. It would depend on how extensive the trail system would be as to whether or not it would be less expensive. Also, timing is an issue: maybe waiting for the paths to develop down the road rather than at the time of the right-of-way improvements.

AAJ161

T. Conser wanted to know what the Applicant's feelings were on paths versus sidewalks as per the proposal.

Applicant stated that if the asphalt pathway was parallel to the right-of-way, it could be done in conjunction with the street improvement or at a later date. His feeling was that the City was going to want a developed plan before any sidewalks were put in. He thought it would make more sense to wait until a later date to put in the sidewalk or pathway.

T. Conser wanted to know if grading was part of Phase III.

Applicant stated that he was going to do the grading.

There was more discussion on this subject.

L. Dunstan moved to close the public hearing. T. Conser seconded the motion. The motion passed unanimously.

T. Conser agreed that the single-family development was more economically feasible than having a piece of property sit vacant. He agreed that development of roadway improvements at a later date when the Park Commission and Planning Staff come up with a plan would be better as opposed to when the right-of-way is improved. Curbs and full-street improvements would be required with Phase III.

L. Dunstan stated that if conditions 5 & 6 were changed to reflect those points then he would agree to the proposal.

C. Tryon wanted a clarification from T. Conser as to whether or not the 20-foot right-of-way would be graded at the same time the park would be graded.

T. Conser said that at the same time the park is graded the road would be graded, subgraded and graveled and if there are any drainage requirements, those be put in at that time. The road would be travelable but not paved at the time so it could be used as fire access. He also stated that it would be nice to have an agreement with the City so that they could come in and do something, but at least the road would be left in a condition that was travelable for an emergency instead of being left in a natural state. The proposal would seek city funds to properly finish the street.

C. Tryon stated that he supported the proposal with the modifications to the conditions as have been discussed.

J. Ohleman concurred with the proposal.

T. Conser moved to approve the amendments of the original planned unit development for Skyline Ridge, Phase III, and the approval of the tentative subdivision plan for the portion of Phase III, Skyline Ridge Subdivision, subject to the Staff Report dated March 5, 1986, and with the conditions attached revising condition #5, that the developer submit plans for constructing a minimum 20-foot graded and graveled roadway between Marylhurst Drive and Troon Drive, City Engineer's approval; and condition #7, the last sentence will read "that paths will be provided along the park frontage at the time of implementation of park plan." R. Burke seconded the motion. The motion passed unanimously.

4. Amendment to "Hidden Springs Ranch, #8, Phase III" - Public Hearing

J. Ohleman stated that she had an ex parte contact. On February 13th J. Ohleman attended a meeting at which Herb Koss was present on another matter and this subject was informally discussed. Some of the issues that came up were how she felt decreasing the densities -- because of changing from townhouses to single-family dwellings -- might be appropriate in the Rosemont area and whether or not homeowners might be interested in swapping some property for tennis courts. She also stated that all the information that was discussed at that informal meeting was brought out in written testimony before the Planning Commission.

Staff gave a summary presentation on the proposal. This is a request to change two small block areas from a condominium complex to single-family homes. The park would also be relocated to the north corner. In terms of density, block 17 would go from 19 multi-family units to 10 single-family units, and block 18 would go from 17 multi-family units to 4 single-family units. This area is zoned at R-2.1

Herb Koss, 2018 Conestoga Lane, West Linn, representing K&F Development, stated that after meeting with Staff some compromises had been met. On item #1, Applicant said that instead of a minimum of 30 feet from the curbline of Rosemont Road to the planter he would have 20 feet in that area. The City Engineer agreed to this. The roadway on either side of the planter would be 16 feet instead of 20. He stated that the revised Staff Report indicated that a minimum 45-foot curb return radius be established at the intersection of Bay Meadows Drive and Rosemont, and proposed planter be set back a minimum of 20 feet. Applicant then indicated that the 16-foot roadway would be okay if the radius is changed slightly. On item #2, Applicant added that the 50-foot buffer between the first lot and the subdivision be changed to 30 feet. Applicant wanted the additional width for those lots so that they would be saleable, and he wanted to disperse the footage that he was losing amongst all four of the lots instead of that first lot. #4, Applicant wanted to have deleted. #5, Applicant wanted to clarify that the water line would be extended to that 16" line. #6, Applicant wanted to clarify that he was upsizing the necessary outfalls on his property only. #7, Applicant felt that a bike path would be more beneficial installed along Rosemont instead of meandering through the project. #9, Applicant wants to make sure that the sign states that the park is a private park and owned by the Hidden Springs Ranch Recreation Association. #10, Applicant was in full agreement with the City maintaining the bicycle paths.

Going back to #3, Applicant stated that the tennis court area and basketball court area were going to be deeded to the Hidden Springs Ranch Recreation Association, and the Association would install the tennis courts. The developer would put in the basketball pad, parking stalls and grade and seed the area where the tennis courts were going to go. The Recreation Association would maintain all the area where the tennis courts were going to be located. Originally the City had reserved the right to buy Tract C and possibly build a firehall there. It was given back to the developer, so he looked at the possibility of moving the recreation facility to that area. He subsequently did decide to do this because the townhouse market was not good and single-family units would be a much better situation for the neighborhood. The reason that the developer did not submit the recreation area there to begin with was because he thought that it was going to be a firehall site. A big contention the Applicant had was that when the project was originally approved it did not require 7 off-street parking stalls for the recreation area. If the 7 parking stalls are put in, 5 stalls for the basketball court and 2 stalls for the tennis courts, it would cut down on the recreation ability of that private park. Applicant would like to cut down the size of the pad to whatever size is acceptable to eliminate the need for 5 off-street parking stalls. The Hidden Springs Recreation Association did support the movement of the facilities and the developer agreed to assist them in putting in the recreation area right away rather than waiting. If the developer has to put in those off-street parking stalls it would cut down on the Association's ability to put those courts in right away. Applicant felt that a bike rack for five bicycles would be more beneficial. The Applicant feels that you could get away with less parking space but the ordinance states that for a basketball court you need 5 spaces.

R. Burke wanted to know the amount of money it would take to put in 7.

Applicant stated that it would probably run anywhere from 5 to \$6,000 and some of the recreation area would be used to put in the paving.

R. Burke asked if it was a City ordinance to have 5 parking stalls with a full-court basketball court and if the Planning Commission had the ability to change that.

AAD720

M. Butts indicated that it is an interpretation of the Parking Standards of the Community Development Code. The Code is clear about the tennis courts: one space per court. In terms of the basketball court, it is not specific. The Code also reads that 5 or above parking spaces must have its own backing and entranceways. As proposed here the 4 back out into Bay Meadows Drive. Anything above and beyond that has to have a separate off-site location for maneuvering.

R. Burke asked if it would be possible to change that.

M. Butts said that anything over 4 parking spaces would need to comply with the other standards within the Code; otherwise, Applicant would have to go in for a variance.

R. Burke inquired of Staff as to the maximum size basketball court with 4 spaces. M. Butts suggested not less than 42x35. He said the best to hope for in this area was 50x50.

There was further discussion on this matter.

M. Gosling wanted to know if the size of the basketball court needed to be established at this time.

M. Butts said that the size should be established since Applicant requested reducing the size from 50x50 and also establish what the required parking needs are for these kinds of activities.

Applicant stated that the only reason it was reduced from 50x50 was because of the parking situation. Applicant was perfectly willing to put in a 50x50 basketball pad if he could get 4 parking spaces.

J. Ohleman asked Applicant about item #10 and Applicant stated that #10 was acceptable.

M. Butts said that #4 was to be deleted.

R. Burke had a concern about visibility with the planter being placed in the roadway.

M. Butts said that one of the requirements was to set it back a minimum of 20 feet which would pull it well out of the clear vision area. Another concern was the turning radius. Truck and fire trucks could not handle the existing radius so by increasing the radius to 45 foot the trucks should be able to flow through that without any interruption. The proposal now stands at 16 but the existing radius needs to be changed to 45-foot radius.

Applicant stated that he had had conversations with a number of people about the bike path/jogging trail, and these people stated they would prefer to have the bike path run adjacent to Rosemont Road. It would be 8 feet wide.

T. Conser said the original intent was not only to buffer the residents with a reasonable setback off Rosemont, because Rosemont is a major road, but also to buffer the activities going on on Rosemont as opposed to curbs and sidewalks which were also required there. They expanded the width to 8 feet and by allowing it to meander through would still accomplish the park-like requirement. Applicant stated that in the original proposal of the jogging path meandering through it was thought that Rosemont would be a storm drainage situation and generally unsightly. Applicant felt that that would be no problem since Rosemont was going to be improved, widened and curbed.

T. Conser said there was a proposal for a berm between Rosemont and the bike path. Applicant stated that some of the berming areas might disappear because the County will probably want a slope easement or some land dedicated because the road is going to be cut down 6-7 feet. Applicant is still waiting to hear that, also. Applicant said that K&F Development was willing to put the path anywhere the City wanted it, but Applicant was receiving pressure from people that he deals with to move it. It would cost the same to put the path in in either place.

R. Burke asked Applicant if it would be easier to sell lots if the bike path was directly adjacent to Rosemont.

Applicant said he had no market study on that, but he personally would not want someone jogging through his backyard.

R. Burke was concerned about the safety of bikers and joggers on Rosemont. He stated that with that area being so heavily developed that some serious thought should be given to not having these people right on Rosemont or immediately adjacent to.

Applicant stated that a planter was intended to be put in in between the path and the curb so the path would be 12 feet back from the curb.

T. Conser said that in the original discussion for Hidden Springs #8 on the proposed park area there was quite a bit of controversy about where the park should be located and the useability of it by strictly the Home Owner's Association and that the public would not be allowed to use it at random; therefore, the park was pulled back into the development and out of the common area. At that time there were 6 parking spaces.

Applicant said that the six spaces were against the Code at that time but no one noticed it.

T. Conser said that one of the things that was discussed at that time was because it was more or less in the heart of the development it would be used by the people within that area, although it was going to be used by people outside of #8.

Applicant stated that anybody could use that facility if they joined the Recreation Association. Applicant felt that it wasn't really relevant moving it one block because everyone within Hidden Springs Ranch, all 8 or 9 phases, who use that facility are going to have to pay to use the facility. The only portion that you wouldn't have a user fee on would be the basketball area because it is not going to be under a locked-gate situation. The tennis courts would be because of the lights and the expense of maintaining them. The common area and the bike paths would still be useable by the public.

T. Conser felt it would be more of an amenity to the community if it were allowed to be used in more of a park-like environment. T. Conser also felt that by moving the park to the outside edges of the development that it would be making it difficult to call it a part of Hidden Springs Park. When it was within the development, surrounded by the development, set back, buffered, etc., it was definitely a park. By moving it to the very outskirts of the development the next property to develop, the Ericson property, will be right next to the park and they will not be allowed to use the park. He thought it would be difficult to restrict the use of a park, especially when it throws the burden on the other city parks, if people can't use the park yet they have to live and abut to it.

Applicant said that people living next to the park would be able to use the basketball court. The people living in Hidden Springs have paid a premium for their lots, yet they have paid a premium to use that facility.

R. Burke wanted to know how much of Rosemont the bike path would run. Applicant stated that it would run the entire length of the applicant's property.

There was further discussion on the bike path.

D. Darling brought up the point that moving the bike path was not before the Planning Commission. If Applicant wants to move the bike path, they will have to come back with an amendment.

Applicant said that if he had a problem with the installation of that path after getting the slopes from the County and what the road cuts were going to be, then he would come back. Applicant wants to put in a lineal park that the whole community can enjoy at his expense, but the tennis courts are going to have to be a pay-for situation.

AAD720

C. Tryon inquired as to whether or not Lot #1 was going to be reduced to accommodate the common area.

M. Butts indicated that it's approximately 20 foot now. They would have to reduce it about 10 feet to accommodate the minimum 30-foot width. The developer may adjust them over, but he is going to have to find the 10 foot someplace.

D. Darling stated that if the Planning Commission wanted to have bike racks then a specific condition would have to be made.

Michael Glanville, Director of the Hidden Springs Ranch Recreation Association, 6211 Tack Court, West Linn, said the Board did not have any problems with moving the park. He also stated that he felt 4 parking spaces would be more than enough. As far as the bike path was concerned, he would like to see it alongside the road. He also submitted a letter from Gary Newbore, who is also a Director and a member of the Homeowner's Association.

M. Gosling then read the letter into the record. The letter stated that the Hidden Springs Recreation Association had approved of the relocation of the facilities; that 4 parking spaces were more than adequate; that the bike path be moved alongside Rosemont Road where it could double as a sidewalk; that the 20 feet of pavement on each side of the planter was excessive and suggested reducing this to 16 feet or removing the planter; that there was no point in a 55-foot lineal common area west of Bay Meadows Drive; object to condition #9. There is no reason to name this park.

There were no opponents.

M. Butts gave the staff report. He stated that there were no further additions than what was already presented in the staff report. The pathway issue had been addressed by D. Darling. The path was in lieu of sidewalk. He said that if the path runs right along Rosemont there will be some areas where there will be considerable more cut requirements. It is really not included as part of Blocks 17 & 18 which had been identified for amendments.

T. Conser asked Staff about item #4. Staff then indicated that that item should be deleted.

T. Conser had the Staff point out where condition #5 would be located.

There was a discussion on this.

R. Burke wanted to know what was happening with Lot 17 as far as the 55-foot area being changed to 30 feet.

Staff indicated that that had not changed from the tentative plan approval.

R. Burke asked the distance and Staff indicated that it was approximately 20 feet.

F. Allen asked Staff if the park had always been designated as a private park, closed corporation.

Staff indicated that it was except for the path. The path was going to be utilized by the public, but it would be located on private land. All other facilities would be restricted to private use of the Homeowner's Association. It was not to be dedicated as part of the development to the City.

T. Conser moved to close the public hearing. F. Allen seconded the motion. The motion passed unanimously.

R. Burke asked D. Darling if it was necessary to decide the size of the basketball pad. D. Darling stated that that should be decided. She said that if it was to be changed it should be specified. M. Butts stated that the size needed to be specified.

R. Burke felt that a 50x50 pad would be the best.

L. Dunstan stated that he would like to try to accommodate the request to cut down on the parking spots.

R. Burke asked Staff if it was possible to have the 50x50 basketball pad and change the requirements to 4 spaces.

M. Butts indicated that the proposal was for 4 spaces. The Parking Standards do not specifically address basketball courts. If the Commission should find that 4 is adequate, then a finding should be made that 4 is adequate given the activities.

There was further discussion on this.

C. Tryon did not think that 4 spaces would be enough for the park.

J. Ohleman felt that 4 spaces was adequate. She recommended that bike racks be put in.

R. Burke asked Applicant if he wanted a sign. M. Butts indicated that the sign was just a temporary sign. Once the area is developed the sign can be taken down. This is just a sign to notify people of what is going on in a certain area. He recommended that the word "temporary" be inserted on that particular condition.

R. Burke moved to approve the zone change 86-02 and amendment to SUB-86-04 based on the findings and conditions as set forth in the Staff report subject that item #9 be amended: "That a temporary sign..."; item #3: 4 off-street parking places be provided for park purposes with a 50x50 foot basketball pad and bike racks for 8 bicycles." L. Dunstan and F. Allen seconded the motion. After some discussion, R. Burke amended his motion to include that this is because this is a private park and because the Homeowner's Association, which will be maintaining the facility, recommends 4 parking spaces. More discussion was then held. The motion passed unanimously.

5. "Riverview Heights" Subdivision

M. Butts gave the Staff presentation. This proposal is just above I-205 off the 10th Street interchange at the end of Tannler Drive. It is a 19-lot single-family-home subdivision. Part of the proposal is the vacation of Green Street which is necessary before the subdivision can be completed because that square footage is required for the lot sizes.

Tom Tye, 6564 SE Lake Road, Milwaukie, said that he concurred with the Staff report including the addendum. In doing a spot elevation survey, Applicant found that he was going to have to do a full property survey. The grades looked a little flatter than previously proposed so the 15 percent mentioned in the addendum was fine. There may be a boundary line adjustment needed later on. Upon approval Applicant will do some actual on-the-ground surveying to determine grades and alignments on the site.

T. Conser asked Applicant what he proposed for access for Lot 19. He said it would appear that the only option would be Tannler Drive if Green Street was going to be eliminated. Applicant indicated that that would be the access.

T. Conser asked if the vacation of Green Street was a requirement in order to get lot sizes on this piece of property.

Applicant indicated that that was right. Applicant said to build a road coming back at the angles indicated across those contours would be impractical.

The Staff report said that there were 10 conditions of approval with another one being added under the addendum. Staff also wanted to add that the subdivision, if approved, be subject to the vacation of Green Street.

AAD720

L. Dunstan wanted to know the status of Green Street. Staff indicated that it was undeveloped completely. The property directly to the west of the site is zoned for high density residential and there is other alternative access from the west to serve that site so Green Street, in addition to having some topographic problems, is not necessary to serve some of the other lands to the west of there. There will be no landlocked parcels of land with the vacation of Green Street.

J. Ohlman asked Applicant if he had any objections to changing the name of the subdivision. He had none.

T. Conser asked Staff if there was any problem with 5-foot utility easements. Staff indicated that that was a basic requirement.

T. Conser asked if there could be access restrictions on Lots 1 & 18, that they access River Heights. Staff said that that was a viable recommendation.

There was a discussion at this time.

T. Conser asked Applicant if he had any problem with restricting the access for Lots 1 & 18 to accessing River Heights as opposed to Tannler. Applicant said that that would be fine providing it is a collector. If it is downgraded to a local street, then he probably would not do that.

Applicant suggested that a 20-foot lot line adjustment might be needed as a condition.

M. Gosling asked for a clarification. Applicant said that the west boundary may need to be adjusted so that the lot dimensions fit in there. There may be a need for more ground to meet minimum lot sizes.

T. Conser asked if that should be a condition: that the lot line be adjusted on the west boundary of this property to meet minimum lot standards.

D. Darling said it would be good to put in.

There was further discussion on this.

Staff indicated that there was one amendment to the report. Staff recommended that the developer construct full half-street improvements for Tannler Drive and, in addition, an 8-foot travel lane on the other side of the half street.

There was further discussion on this.

T. Conser moved to approve the tentative subdivision plan 86-02 for Tax Lot 1100, Assessor's Map 2-1E-36, based on the March 3, 1986, Staff recommendation with attached revision of March 17th as proposed with the amendments attached revising condition #7 as defined in the March 17th addendum and adding condition #11: The developer shall construct full street improvement for the River Heights roadway of 32-foot curb-to-curb paving; #12 be subject to the approved street vacation by the City Council along Green Street which would allow proper lot sizing; #13, that 5-foot utility easements on all interior lot lines be provided; #14, that access restrictions to Lots 1 & 18 be limited to access on River Heights; #15, that a lot line adjustment be required on the west boundary of this proposal to meet minimum lot sizes and final platting; #16, that the full half-street improvements to Tannler Drive include a 22-foot travel lane plus 8 feet along the eastern edge to the northern property boundary. C. Tryon seconded the motion.

J. Ohleman had a problem with condition #14 of the motion: access shall be on River Heights, no matter what. She felt it might be imposing an access problem. She amended the motion, condition #14, to read: Access for Lots 1 & 18 be on River Heights if Tannler Drive remains a collector street. If Tannler becomes a local street, Lots 1 & 18 could either access River Heights or Tannler Drive.

T. Conser said in looking at the profiles if you come off Tannler Drive to Lot 18, you would be going straight up the hill. It would be a similar situation for Lot 1 but not as great. If access was off River Heights, it would be within a 10-foot elevation change.

M. Gosling asked if the Code required access onto a local street and prohibit access on a collector. Staff indicated only on minor arterials.

There was further discussion on this.

There was no second on this amendment.

The motion passed unanimously.

6. "River Heights" Subdivision - Public Hearing

M. Gosling informed the applicant that, because of a policy of concluding business at 11:00, there might be a possibility of continuing the hearing in the next scheduled meeting of the Planning Commission which would be Thursday, March 20.

R. Burke said that he had an ex parte contact. While on a site visit he saw Mr. Ray Boeckman, who happened to be in neighborhood. Mr. Boeckman showed R. Burke the perimeters of the land, and there was no discussion beyond that point.

M. Butts gave the Staff presentation. There are two decisions to be made. One is a zone change from R-10 to R-7.5. The area is low density residential in the Comprehensive Plan; so there is no plan change, just a zone change. Therefore, the final decision rests with the Planning Commission rather than the City Council. The next decision to be made is the approval of the tentative subdivision plan. The site is located north of Dollar Street about a 1/4 mile west of Ostman Road. The proposal is for 50 single-family lots.

Ronald Tatone, 3737 SE 8th Avenue, Portland, engineer representative, was representing the applicants, Jack Bristol and Barry Larson. He stated that Applicants agreed with the Staff recommendation of approval as submitted.

M. Gosling asked the representative if he agreed with all the conditions that Staff placed on their recommendations.

Mr. Tatone stated that he was in agreement with the Staff report on the subdivision, and it was his understanding that the water line connection to Dollar Street would not be required but the connection would be made to Dollar Drive. He also said that one of the items on the subdivision requires half-street improvement on Dollar Street. That crosses Tax Lots 700 & 800. The applicants request that should Tax Lots 700 & 800 come in for further subdivision at that time they be allowed pay-back provisions for improvements on that property.

T. Conser asked Mr. Tatone about the half-street improvements along the fronts of parcels that are not a part of the development. He wanted an idea on how far back the front porch would be from curblines upon half-street improvement on the existing structure of Lots 700 & 800.

Mr. Tatone said that he did not know that. The curblines would be in the existing right-of-way and be according to the City Engineer's standards.

Staff said that the curblines would be located within the public right-of-way. It would not go on private land. If for some reason the curblines would have to go on private land, the land would have to be acquired or the curb would not be put in at that time.

There was further discussion on this.

M. Gosling asked D. Darling if it was possible to treat these two motions as one for purposes of discussion. D. Darling indicated that that would be fine.

AAD720

R. Burke asked where the traffic would exit. He had a concern with Dollar Street, northwest of the proposed subdivision. He said that it was disaster as it approached the little bridge over the Tualatin River. He wanted to know if there were any long-range plans for doing anything with that portion of Dollar Street and if having 50 or 100 homes was going to impact significantly on that small road as it takes a big turn there.

Staff said that there were no plans presently. One of the problems with that area is inadequate base; so even if it was on an overlay program it would not be solved by the overlay because it does need a substantial base improvement before the overlay. He said that as more development proceeds out there and the demand increases above and beyond some of the other projects, it would probably be scaled up in terms of next on the list for improvement. One of the way that improvements are made is that as the developers go in they are required to put in half-street improvements. Incrementally, Dollar Street will be improved to City standards as development comes in, but they will be paying for it. Long range, streets will be improved as developments are approved.

C. Tryon asked Staff what kind of developments could be approved along the river where Dollar turns and runs parallel to the river up to Borland.

Staff said that it would be difficult to meet setback requirements. That area might be made one large lot. Since the property line does abut that street, the developer would still have to put in the half-street improvements.

Lawrence Van Loo, 2288 Michael Drive, West Linn, stated that he would like to see the problem of surface water that piles up at the end of Michael Drive and runs into two driveways taken care of. Also he would like to see the quality of the water improved. He said that a person couldn't even drink it at times. Another thing he asked was to have a signed agreement with the City that if the City ever has to open up the right-of-way again that the City will put the property back into the same condition as it was before.

D. Darling informed Mr. Van Loo that in giving the City an easement that gives the City certain obligations to put it back. As far putting it in writing as a condition to the application, it was not appropriate.

Mr. Van Loo also indicated that if the project falls through, his easement agreement with Mr. Bristol was null and void. No one else can come through without talking to him.

Staff said the drainage issue to which he referred to was not a part of this project. He suggested that Mr. Van Loo get in touch in with Mr. Earl Reed, the City Engineer. He also said that the water stagnation problem would be solved with this project.

Mr. Van Loo indicated that heavy equipment could not be driven on the street because it was unsafe. Staff said that was because it had no base.

M. Gosling said that storm drainage directed off-site must have an outfall structure and the "Storm Drain Master Plan" calls for a storm system improvement on the end of Michael Drive.

Staff said the only tie with this project was the water line which would solve the stagnation problem.

Maynard Hefferburg, 2240 SW Michael Drive, West Linn, had the same complaints as Mr. Van Loo. He did state that he was all for this development.

Opponent, Mickey Campbell, 1045 SW Dollar Street, West Linn, stated that he did not concur with some of the findings of Mr. Bristol and Mr. Larson that were presented to the Planning Committee. He disagreed with the statement that this zone change would help meet

the single-family residential needs of West Linn. He said that currently there were 44 houses listed in the Willamette area alone, not counting the ones for sale by owner. With this many listings for this area alone, he couldn't agree that that was a true statement. Another issue he brought forth was one on parking on Dollar Street. Parking is not restricted on Dollar Street. If a car is parked along Dollar Street, any cars proceeding along Dollar Street have to go in the other lane. There is not enough room to pass. Another problem he felt was putting city road right in the middle of two county roads. The next issue he had was the proposed local street being used almost exclusively by direct property access. He did some research on the vehicles using Dollar and he found that a number of vehicles using Dollar were not residents of that street. Mr. Campbell does not feel that the fire and police protection is adequate for the number of citizens in West Linn now, let alone adding 50 single-family homes.

There was some discussion on this point.

Because of the time limit, Mr. Campbell was asked to leave his notes with the Commission for further evaluation.

John Luccio, 1025 Dollar Street, West Linn, was concerned about the potholes on Dollar Street. He asked that somebody plug up the holes because they were definitely an unsafe situation.

Staff in response to some of the testimony said that it is requirement by the State that public facilities are provided commensurate with the growth. He said that a 20-year growth boundary had been designated and the City is responsible to provide those public services to support that growth. Under this zone change proposal it would increase the amount of single-family homes by 13 over what it was previously zoned. In terms of significant impact, you have to look at what is proposed now and what is proposed under this proposal. In terms of the potholes, a good portion of that is county road. When the road is put in a condition to city standards then the City would normally assume responsibility for maintenance from that point on. Right now, that road is under county jurisdiction so it is their responsibility to maintain.

Staff said in addition to that the City does have a Development Review Committee. As soon as this proposal is put before the City, the police chief, fire chief, building inspector, city attorney, planner and city engineer all sit down in a committee format and review the proposal; and that is what generates the Staff report. So the fire chief and police chief have, in fact, concurred with the recommendation of approval.

D. Darling said that there should be a minor change to the Staff report. On condition #3 regarding half-street improvement the words "for a 36-foot street" should be inserted. She said that Code sets a range of street widths, and part of the Planning Commission's function is to pick what the street width is going to be.

M. Gosling asked about the 44-foot street on Tannler Drive.

Staff said that that is a different designation and that it is a continuation of an existing roadway. These recommendations are based on the City Engineer's recommendation. Staff also said that condition #9 was deleted.

M. Gosling wanted to know why condition #9 was deleted.

Staff said that the option was to try and increase the circular movement for the water system. This will be connected to Michael Drive, and that will provide adequate circulation so the connection back to Dollar Street is not needed.

There was further discussion on this.

C. Tryon said that he had a number of questions, and he also wanted some time to go over Mr. Campbell's notes so he proposed that the public hearing be continued until Thursday.


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C. Tryon moved to continue the public hearing until Thursday, March 20th, at 8 p.m. R. Burke seconded the motion. C. Tryon, J. Ohleman, R. Burke and F. Allen voted in favor of the motion. L. Dunstan and T. Conser were opposed.

M. Gosling asked T. Conser if he gets copies of the reports that M. Butts does to the City Records on the decisions that he makes himself. T. Conser said that he hasn't been receiving them but he does propose to.

T. Conser wanted to ask about traffic analysis on these proposals and impacts. He directed his question to John Buckley, Traffic Safety Representative. There was further discussion on this.

T. Conser moved to adjourn the meeting. R. Burke seconded the motion. The motion passed unanimously. The meeting was adjourned at 11:15 p.m.


Dee Ann Mathre, Hearings Reporter

March 20, 1986

1. Chairman M. Gosling called the special meeting to order at 8:00 p.m. Members present were F. Allen, R. Burke, T. Conser, M. Gosling, J. Ohleman, and C. Tryon. L. Dunstan was absent. Also present were M. Hesse, Assistant Planner; D. Darling, City Attorney Representative; and D. Mathre, Hearings Reporter.

2. "River Heights" Subdivision - Public Hearing - Continuation

M. Gosling asked Mr. Mickey Campbell, 1045 Dollar Street, West Linn, if he had anything further to add about the subdivision. Mr. Campbell said that the last thing he wanted to do was stop development in West Linn. He felt that the information that he came up with did not agree with the Codes.

C. Tryon thanked Mr. Campbell for coming forward with his findings. He said that the point that M. Gosling was trying to make on Monday night was that the City as a policy has supported subdivisions and believes that the City Service Staff will be able to expand to meet those subdivisions. The City staff has reviewed this subdivision application and has made a decision that services are adequate to support it.

T. Conser stated that police, fire and sewer services at this point are being met, and this particular development would not make a particular impact so that it would cause a moratorium to the building of that development.

R. Burke asked Mr. Campbell how he felt about 37 houses being built versus 50 houses. Mr. Campbell could not say one way or the other on that subject.

T. Conser asked if Dollar Street was a county road. M. Hesse said that the transition point occurs right at the development site. T. Conser asked if half-street improvements were made at this development and were at city-acceptable standards if the City would then maintain the road. M. Hesse said that that would be true; although he didn't know how it was worked out with the county when there is a half-street improvement.

R. Burke again expressed a concern about the hairpin curve up near the bridge. He was concerned about putting 50 houses in and having cars traveling on up Dollar Street toward the bridge.

M. Hesse gave the Staff report. The request was for a zone change from R-10 to R-7.5 and tentative subdivision approval to develop 50 single-family lots on 12 acres of land on the north side of Dollar Street approximately 1/4 mile west of Ostman Road. The applicants

have requested approval to change the zoning from the existing R-10 single family residential to R-7.5 single family residential. Both zoning designations are classified as low density residential; therefore, there is no change in the Comprehensive Plan for this area, which is the reason this matter is before the Planning Commission only. A change in the Comprehensive Plan would require Council action as well. The applicants submitted a document that offered findings as to how this particular zone change satisfied the Comprehensive Plan and the various approval standards contained in the code for zone changes. Staff did not challenge any of the findings that they had proposed and recommended approval of the zone change. Staff also wanted to point out that West Linn's most active subdivisions in the past few years have occurred in developments that have lots ranging from 7500 to 9500 square feet, that these lot sizes are not incompatible with 10,000 square foot development. Staff said that there are areas in Willamette that have historically developed on lots that are in the 5000-square-foot range and that the 7500 lot size is within the existing development in Willamette. The tentative subdivision plan calls for 50 lots, and the proposal would use an unnamed existing right-of-way which runs to the north off Dollar Street. There is a corner parcel where the right-of-way intersects with Dollar Street that's not a part of the subdivision. One of the conditions of Staff's recommendation is that the developer also improve the right-of-way in front of this excluded parcel. The issues of sanitary sewer service, water service, storm drainage and streets have been determined to be adequate to serve the number of lots proposed. The conclusion Staff came to on the tentative subdivision plan is that it does satisfy the criteria of the Development Code and the Design Standards. Staff recommended several conditions be placed the approval if the Commission moved toward approval of the project. The first condition recommended would be that the public utility easement be secured and dedicated. That would provide sanitary service to the site. The proposal that the applicants had submitted has a sanitary sewer line connecting from the subdivision over to the cul-de-sac in Michael Drive, and the City does not have control of that easement. The second condition stated that the City Engineer recommendations contained in the report be adopted by reference. Those City Engineer recommendations are listed under the headings of Sanitary Sewer, Water, Storm Drainage and Streets listed in the report. The third condition is that half-street improvements be installed along Dollar Street frontages of the site, and that these improvements should extend along the excluded parcels, Tax Lots 700 & 800, to include the Thelma Avenue frontage. "Thelma Avenue" is the proposed name for the unnamed right-of-way that comes off Dollar Street. The developer should be responsible for the installation of sidewalks on the double frontage lots (Lots 18, 19 & 20). It has been a City policy that in double frontage situations the developer install the sidewalks at the time of street construction along the rear lot lines.

T. Conser asked Staff about Lot 8. M. Hesse said that on corner lots that hasn't been a requirement.

The fourth condition asked that deed restrictions indicate that, except in double frontage lots, sidewalks are to be installed prior to the occupancy and that it is the responsibility of the lot or homeowner to provide the sidewalks. This is a recommendation from the City Attorney. This policy is in effect but has not been included in writing. This is to make sure that the developer shared this information with the purchasers of lots in the subdivision. Condition 5 asks that a species of street trees be submitted to the Planning Director for approval and that spacing of the street trees not exceed 50 feet apart or as determined appropriate for the species selected. The spacing proposed is 200-foot typical. The Design Review Chapter, which does not apply to single-family development, specifies a 50-foot maximum spacing for street trees. The Development Code section for single-family development does not specify the spacing for street trees. The prior Planning Commission actions have held that 50-foot standard or a two-tree-per-lot standard. Condition 6 asked that a 5-foot utility easement be dedicated along all interior property lines. Condition 7 asked that the street names be amended to satisfy the naming patterns that the Code spells out for naming street, avenues, courts, etc. Condition 8 asked that fire hydrants be provided at certain points within the

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development as specified by the Fire Chief. Condition 9 was deleted. Condition 10 asked that the applicants obtain a construction permit from the County as well as the City in order to install improvements along Dollar Street.

T. Conser told Staff that item 11 -- if Tax Lots 700 & 800 are developed within a particular time period these developers will be reimbursed for the improvements made along Dollar Street -- was added to the conditions.

D. Darling indicated that the reimbursement agreement could be as long as 10 years unless specified otherwise.

F. Allen also wanted a condition about the water line on Michael Drive put in. There was some further discussion on this. M. Hesse said the condition would state that the water line would access through the easement at the end of Michael Drive.

John Buckley, Traffic Safety Commission, said that the subdivision had been reviewed and there were no problems whatsoever with the local street structure. It was found that at the very worst if Dollar is designated a collector street the half-street improvements on Dollar would improve that street immensely over what it has now.

C. Tryon asked Mr. Buckley if there were any site visits. He indicated that he gets the information usually 24 to 48 hours before their meeting and at that time anyone on Traffic Safety that wants to make a site visit can.

C. Tryon inquired as to how far up and down Dollar Street they would look. Mr. Buckley stated that they look at the subdivision request only rather than other problems that might exist on the road that it fronts. They look at the traffic situation interior to the site and any frontage road that there might be.

T. Conser asked Staff about the storm sewer problem that was brought up on Monday night: water collection at the end of Michael Drive at the cul-de-sac. He said that it did appear that it sloped towards the development from this cul-de-sac. He wanted to know if a flow line could be gotten out of that or could it be developed. M. Hesse said that he had heard discussion of sanitary lines and water lines and potentially some kind of storm line. He didn't know if that had been resolved. T. Conser said that currently there is a 50-foot right-of-way designation at the end of Michael Drive at the cul-de-sac which is access to the adjacent tax lot. M. Hesse believed that that piece of property was not dedicated public right-of-way. The developer of that area retains control of that piece of land.

C. Tryon wanted to know if Tax Lot 2300 would be deeded to the City as a natural wilderness area if the proposal was approved. Staff stated that that was not his understanding. Applicant said that he would deed it to the City if the City so desired. C. Tryon asked Staff what the standards of a natural wilderness area are. Staff said that it depended on the language that was used in the transfer of title and how it was dedicated. C. Tryon asked if the storm drain easement would have any effect on what it could be deeded for. D. Darling said that the easement would stay there and if the property was donated for whatever use it would be subject to that storm drainage easement.

C. Tryon wanted to know how much of this lot was within the floodplain. Staff said that the northern quarter or so would be within the floodplain.

Regarding drainage and erosion control findings, C. Tryon wanted to know who would be responsible for enforcing these things. Staff said that it is the obligation of the Engineering staff to inspect both the construction plans and the actual construction on the site to assure that these points are covered.

C. Tryon wanted to know if the river discharge structures had been submitted to the U.S. Army Corps of Engineers. Applicant stated that that was done during submittal of the construction plans. C. Tryon asked what the effect would be if those were not approved. Applicant said that the outfall structures may or may not be in the flow way. If it is in the flow way, a permit is required through the Corps of Engineers. If not, then it needed approval by the City Engineering Department.

David Dodds, 18931 Old River Road, stated that he didn't like the idea of having smaller lots. He also wanted to hear something about the natural vegetation on the site. He questioned the salability of 7000-square-foot lots as a basic criteria for changing the zoning.

C. Tryon made the comment that the site in question was devoid of any trees, that it was currently being used as a horse pasture.

Ronald Tatone, engineering representative for the applicants, said he was in agreement with the Staff report. He also stated that the water line would be connected to Michael Drive. That would complete the loop and conform with the amended Staff report. This would provide circulation to eliminate the foul-tasting water.

T. Conser asked the developer's representative about the possibility of putting a storm drain in and the feasibility of it.

Mr. Tatone said that the storm water on this site would be directed off the site. He said at that time there were no plans to direct the storm water from Michael Drive into the subdivision. He said he believed the Master Plan spoke of a dry well and other diversion of the water on Michael Drive. He had no knowledge of it being conducted onto this property.

T. Conser asked Mr. Tatone if it was feasible to direct the storm water into this development's catch basins. Mr. Tatone said that he had not done any studies, but he felt it would not be feasible to direct the storm water from Michael Drive back onto the subdivision.

T. Conser moved to close the public hearing. F. Allen seconded the motion. The motion passed unanimously.

J. Ohleman indicated that she was in favor of the zone change from 10,000-square-foot minimum lots to 7500. She felt by decreasing the lot size the lots would be more attractive to potential purchasers because the developer could lower the price for the base lot; therefore, the developer could build a smaller home or one that is more affordable.

C. Tryon stated that he felt the zone change would be fully compatible with existing zones around it.

T. Conser agreed with both parties. He also stated that it was a requirement of LCDC to try to obtain 8 units per acre. This would not achieve that goal directly but it is more toward that direction than the 4 units per acre that R-10 provides.

There was some discussion on this.

R. Burke was in favor of 10,000-square-foot lots, but he did agree with what had been said. He was also concerned about the level of city services and felt that at some time they will have to be dealt with.

F. Allen agreed with the zone change.

There was further discussion.

T. Conser moved to approve the zone change from R-10 to R-7.5 for zone change request 86-03 for Tax Lot 100, Assessor's Map 2-1E-34, and a portion of Tax Lot 900, Assessor's Map 2-1E-34C, based on the findings in the Staff report of March 4th, 1986, and the findings in the Applicant's submittal. F. Allen seconded the motion. The motion passed unanimously.

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T. Conser felt that this subdivision would improve some of the existing amenities around the community, one being traffic flow. Half-street improvements would be required along this development as well as along the two adjacent pieces of property in the middle. Those improvements will include half-street overlay as well as curbs and sidewalks along the existing development. He felt the water problems would be solved; although storm drainage would not be solved at this time. This would be a move in the direction of improving parking along this site by providing adequate parking spaces within the improvement. As far as traffic flow, he felt that the condition of the road, the improvements and the nearness of I-205 would direct most traffic east on Dollar Street towards the Willamette area and the I-205 interchange at 10th Street. County road maintenance is a problem. As these streets come to standards they will be brought into the City and then maintained by City staff. Fire and police protection: Staff indicated that the facilities are available. He also had a concern about sidewalks within Tax Lots 700 & 800. He would encourage requesting sidewalks on Tax Lots 700 & 800.

Staff said that on the excluded parcels of land there was inadequate right-of-way width along the Thelma Avenue frontage. They have a 40-foot right-of-way so that there is 20 feet from centerline along that frontage. When half-street improvements are done, there would not be enough room for sidewalks, at least along Thelma Avenue, unless the City gets a dedication. This developer does not have any control of that 5 foot strip of land. He also indicated that curbs would be included at its normal curb width and travel portion.

T. Conser also recommended that access on Lot #8 should be limited to Thelma Avenue as opposed to Dollar Street.

D. Darling asked about sidewalks on Lot #8. T. Conser said that he did not consider Lot #8 as double frontage under Mark's direction, that that would be a corner or side. This lot has double frontage as well as side lot. There is a requirement that that be developed at the time the house is developed. He asked if it would be unreasonable to require that the developer put in a sidewalk and curb on Dollar Street if access is limited to Thelma on Lot #8. M. Hesse felt that that would be reasonable.

C. Tryon stated that he agreed with T. Conser. He did have a concern about the impact of increased traffic west of the site on Dollar Street as it approached Borland. He asked that Tax Lot 2300 be deeded to City as a condition. He said that the City could determine the designation of the site upon its being deeded to the City.

T. Conser said that it was an appealing idea. He did state, however, that the City would be liable for maintaining the site.

T. Conser moved to approve the tentative subdivision plat 86-01 for Tax Lot 100, Assessor's Map 2-1E-34, and a portion of Tax Lot 900, Assessor's Map 2-1E-34C, based on the findings of the Staff Report of March 4th, 1986, and the amendment of the Staff Report, March 17, 1986, with the following revisions:

3. That a half-street for a 36-foot street improvement be installed along the Dollar Street frontage of the site. These improvements shall extend along the excluded parcels of Tax Lot 700 & 800 including Thelma Avenue frontage. The developer shall be responsible for sidewalk installation along Dollar Street frontages of Lots 8, 18, 19, 20, 700 and 800.

5. Species will be determined by the Planning Director and at 50-foot intervals.

11. The City shall enter into an agreement with the developer for reimbursement of half-street improvements and sidewalks fronting Tax Lot 700 & 800 on Dollar Street for the 10-year agreement.

12. Limit access on Tax Lot 8 to Thelma Street.

13. That a 6-inch water line be extended and connected to the water line on Michael Drive via the easement that is to be acquired.

F. Allen seconded the motion.

J. Ohleman had a concern about requiring sidewalks on Tax Lots 700 & 800 on Dollar Street. She wondered how close the existing home would be to the sidewalk. There was further discussion on this subject.

The motion passed unanimously.

3. Variance Request for Roger Thomas - Public Hearing

M. Hesse gave the Staff presentation. This is a Class II variance request which is located at 1974 Southeast Seventh Avenue in the Willamette District. A plumbing contractor wishes to establish an office site on a commercial property; and in establishing that use on the site, he is obligated to provide off-street parking spaces. The width of the lot along with the placement of the existing building does not allow sufficient room for a 24-foot access drive to be paved linking the parking area to the rear with the street. The variance request would allow the service drive, which would access the parking lot, to be reduced in width to 17.6 feet varying from the 24-foot standard. The other part of this variance request would be to reduce the aisle width once you get back to the parking lot. The aisle portion or the maneuvering portion of the parking lot is to have a 24-foot width as well, and the proposal has a 23-foot width. So there is a 1-foot reduction in that dimension from the parking standards.

Applicant, Roger Thomas, said that his intent was to locate office space and some warehouse space in an existing building. He said that the access to the area he intended to pave for parking, there is not enough access due to the width of the lot and the width of the existing structure in order to meet the minimum 24-feet.

T. Conser wanted to know about the types of vehicles that would be coming in and out of this location. Applicant stated that there would be no heavy equipment there. He said about the biggest piece of equipment would be a pickup truck. There would also be a small forklift located in the warehouse.

Applicant stated that the real estate company located next door had no interest in participating in any kind of joint access. They also were not interested in giving up their property as they had plans for future expansion on their site.

F. Allen asked if there were going to be any large doors where trucks would be coming inside. Applicant said that the ceiling level in the building was only 8 foot.

Applicant stated that there would be hardly any traffic. It would mainly be a small office. The rest of it would be storage.

R. Burke moved to close the public hearing. T. Conser seconded the motion. The motion passed unanimously.

There was no discussion.

R. Burke moved to approve the variance request of Roger Thomas as proposed in the Staff Report of March 6, 1986, with the conditions the Staff recommended. F. Allen seconded the motion. The motion passed unanimously.

4. "River's Edge Estates" - Public Hearing

M. Hesse gave the Staff presentation. This is a Planned Unit Development. There are 3 applications. One is the approval of a Planned Unit Development Overlay; the second is the approval of a Tentative Subdivision Plan; the third is the approval of a Willamette River Greenway Permit. The proposal would include the development of 24 single-family residence lots on 10.08 acres located at the northern limits of the city along Old River Drive and the Willamette River.

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M. Gosling asked Staff how many lots would be in this development since it was zoned at R-10. Staff said he wasn't sure but it would be around 35.

T. Conser asked if there was enough percentage of property to require a PUD because of the steep slopes. Staff said that there was. It was not only because of the steep slopes but also because it is a known hazard area in that a chunk of the property is within the 100-year floodplain.

D. Darling said that should the decision lean toward approval one of the conditions deals with sidewalks. The developer had some good arguments against putting sidewalks in this development. She said sidewalks must go in according to the Code. The only way to get out of that was to do alternate footpath-type things; pedestrian access cannot be done away with along the improvements on Old River Road. The developer would have to come back with a variance application requesting that he be relieved of that obligation. So the decision on sidewalks could not be made until that variance is requested. The choices would be to go ahead and approve it with the requirement for either sidewalks or footpaths along Old River Road and then let the developer come back with a variance application or continue the decision tonight for 30 days and give him an opportunity to submit his variance application and have that heard at the time of the final hearing and do them together.

Applicant, Mike Nelson, Vice-President and Portland manager for Benj Fran Development, a fully owned subsidiary of Benjamin Franklin Savings and Loan, said that a meeting with a majority of the contiguous property owners was held. At that meeting several concerns of the neighborhood were raised. He had a letter that included a partial list of those items that he would like to address. He said that before he went over these concerns he would like to have Ralph Tahran tell a little bit more about the specifics of the subdivision. Then during rebuttal he would get into the specific concerns of the residents plus any other concerns that come up.

Ralph Tahran, OTAK Inc., architect and planner, 17355 SW Boones Ferry Road, Lake Oswego, said that they had driven up and down Old River Road several times with one particular aspect in mind: the provision of half-street improvements along there. What the developer would like to do instead of half-street improvements would be a full overlay. It would provide immediate function to that street whereas a half-street improvement along there with curbs would be totally out of character and cause destruction of a lot more trees along the side of the road and may just never be met up with another curb along there. There are not many large parcels of land that are even possible to do a planned development or subdivision on. Another alternative that the developer came up with was for the hammerhead. The slope of that area is 50 percent or greater. Mr. Tahran stated that the trail was never intended for emergency vehicle access. He said it is possible to do a pathway that is 8-10 feet wide. It does cause for cutting into the hillside, would cause disruption to the trees in that area. In discussions with the neighbors, the neighbors have been willing to talk about providing the emergency vehicle access through their area in order to preserve that hillside. The developer agreed to put up screening along property lines and fencing. This area is zoned for 32 to 35 units. The developer decided that it would be more amenable to come in with a planned development that tried to go with about 10,000 square foot lots. The average of the lots is just over 11,000 square feet. On the hammerhead issue the developer talked about closing off at the intersection of the cul-de-sacs. It would provide for fire truck maneuverability and it actually tends to stop the development and the intrusion into the neighborhood. A curb is intended all the way along, leaving the private access road as is, and just have a driveway cut in there so that it really reads as a private drive. There were discussions of entry gates at Old River Road but there are security questions, emergency vehicle questions, and the whole development would have to be a private development. On the issue of sidewalks, some of the questions that came up were what would the sidewalks and the wide right-of-way due to the overall tree cover in

there. The developer would like to see the sidewalk lifted to retain the trees. An option to that would be to wind the sidewalk around the trees. An easement would be provided over that portion of the lot to accommodate that sidewalk. The developer would also like to have a flexible standard on trees in that where there are no existing large trees that the developer could in-fill with trees along those frontages. On the trail to the river, the developer would like to keep it pedestrian only.

F. Allen wanted to know how many houses were located down below. Mr. Tahrán stated that there were five. F. Allen wanted to know about fire protection for those homes if a gate were put in at the top. Mr. Tahrán said that in putting in gates before anyone that needed to get through that gate -- police, garbage, fire, etc., -- would get a key.

M. Gosling wanted to know if the road leading to the development was a private or public road. Mr. Tahrán said that it was a private driveway and it is an access easement. M. Hesse said that none of this was a public right-of-way at this time. It is all an access easement for the lots below.

Donald Stark, 18404 S. Old River Road, group representative, stated that this parcel of land covers a little over 9 acres. There are 4 parcels that are developed as single-family residences. The 4 residents occupy property slightly under 8 acres. He said that a great many of the group's concerns had been met by the letter to the City from Benjamin Franklin. There were a few things that the group felt had not be handled yet. Density was one thing. The members of the group could not envision 24 units on this piece of property. He thought it was unfair to say that this property was suitable for 32 units because so much of it is not actually a building site. The group is in favor of an overlay instead of half-street improvements. They don't feel that a brick wall along the street is appropriate. They would consider a rock wall as is present along some portions of Old River Road much more appropriate. They feel there should be a jogging path within the right-of-way. The half-street improvements would be isolated and would never be connected. A major concern of the residents on the river is the privacy that they get because of the trees. There is a natural spring system that flows throughout the lower part and it is important that the houses located in this area keep that. The group does agree with the developer in using the existing trees in the right-of-way for his street planning rather than planting 1-inch diameter flowering cherries. The group suggested deed restrictions which would require designer review before trees six inch in diameter could be cut. He suggested that a condition be made that the properties which abut this development be made beneficiaries of these deed restrictions so that the adjoining property owners could enforce them. Private owners may well want to spend the money to enforce violations of those deed restrictions. Another serious concern was the potential for public use of the common area. They have been opposed to parking being allowed because if it's a public street and parking occurs on it it's just an invitation to use the path to go to the river. The group would like to see a footpath serving the lower property rather than a road. Mr. Stark stated that he would be willing to allow a gate to be put on his property to serve that area. He said that if a road is put in, there would be a good possibility of severing the impervious layer that forces an artesian well to spring up ahead of it. This problem could be solved by using the footpath method. As far as the screening, he felt an agreement between the group and the developer on what would be provided could be made. Access should also be restricted for this development for lots 14, 15, 16, 17, 18 and 19. It was requested of the developer to redesign the entire plan to meet some of the objections made by this group as well as some of the objectives the developer wishes to make, and then let the group have another opportunity to examine it and return to another public hearing to comment on it. They had requested a setover of 30 days for this purpose.

M. Gosling said that the density of this property could not be down-zoned. The owner of this property has a right to develop this at R-10. M. Hesse said that that point was correct in that the only

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discretion the Commission has on the density question would be if this developer were to request density bonuses which the PUD provisions allows. Those bonuses are within the Commission's discretion.

D. Darling said that this application cannot be denied just because of too many units.

C. Tryon asked Mr. Stark if he had done any study on the path that he was willing to allow through his property. Mr. Stark said that he didn't want to give an easement for it but he would allow a gate to be built in there and let the emergency people have the key to the gate and full access.

There was further discussion on this subject.

Mr. Stark said that if the developer felt the roadway was not required, path only, that he would be able to accommodate that path in between Lots 20 & 21 which keeps it away from the boundary.

M. Gosling inquired about the easement to the Howell property. Mr. Stark said that as a condition of development the developer would permit an easement for sewer.

There was further discussion on this.

T. Conser asked Mr. Stark about the easement on his property. Mr. Stark said that he would need more time to examine that.

Bob Schlieman, 18414 S. Old River Road, Lake Oswego, indicated that this came up rather quickly. He stated that it would be good for all the people concerned if they had some time to try to work out an agreement among themselves. He felt it would save some of the Commission's time if they could then come back and present what the group had agreed on.

Bonnie Schlieman, 18414 S. Old River Road, Lake Oswego, emphasized the need for drainage. A good deal of land that will be cleared for this development has ground cover, along with trees, that prevents erosion. She was concerned that all water would be directed away from this downhill slope.

John R. Ellingson, 17855 SW Robinview, voiced a concern about Old River Road. He said with the significant impact on the density of the neighborhood with more cars the issue of upgrading the quality of Old River Road had to be addressed.

There was some discussion on this.

Greg Chiodo, 18601 S. Old River Drive, said that the Willamette River Greenway boundary runs through Lots 20, 21, 22, 17, 16, 15, 14 and 13. His understanding of the Comprehensive Land Use Plan is that areas within the Willamette River Greenway and areas which are unbuildable because of the steepness of the slope are excluded from the density calculation. He said that the area that lies within the Greenway for this project is nearly 3 acres. The area taken up by roadway as currently shown is 1 1/2 acres, which leaves approximately 5 1/2 acres. He didn't believe it was the intent of the Comprehensive Plan to allow rampant development of the Willamette River Greenway. If the developer is allowed to include portions of the Willamette River Greenway within the lots to be developed, trees on those lots would be cut, grading may be performed, and the character of the Greenway would not be protected by this. He said that Lots 14, 15, 16, 17, 20 and 21 have less than 10,000 square feet outside the Willamette River Greenway boundary. Lots 14 and 20 are just barely over 5,000 square feet outside of the Willamette River Greenway, and all but about 1500 square feet of Lot 20 is either within the Willamette River Greenway or lies on slopes in excess of 30 to 50 percent. Lot 14 is not a whole lot better. Lots 14, 15, 16, 17, 20 and 21 all lie on steep ground which is either on or bordering the Willamette River Greenway. Below these lots is an environmentally sensitive area consisting of ponds, drainage ways and

springs. He believed that development of this property in clearing would cause excessive water pollution in the form of excess turbidity during the construction period, possibly contaminants which could destroy the wildlife habitat below the hill. He said that he saw no evidence of any soil or groundwater studies had been done. He saw no evidence of the developer or the planning staff having referred to a wildlife inventory that had been done by the city. He felt that the development should not be approved without the safety of Old River Road being addressed. He also questioned whether this subdivision would fit in with the rural character of the neighborhood. He said that the advisory posting of this development did not meet the requirements of the City. He requested that the Planning Commission continue the hearing at a later date to give the planning staff and the developer time to address the environmental issues of the Comprehensive Plan, lot size problems, do a traffic study along Old River Road and develop solutions that will protect public safety.

J. Ohleman asked Staff who was correct on the issue of the Willamette River Greenway. M. Hesse said that he understood that the Greenway was defined as 150 feet from the mean low water mark of the Willamette River. He said by that definition that it does not fall within those lots.

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D. Darling brought up the issue of notice. She said that apparently there was no notification to the homes in the area that was required. She suggested that the public hearing be continued to the next regular meeting so that Staff would have the opportunity to send out individual notices to the homes that required them.

R. Burke said that the signs were a real problem and asked if something could be done with them.

There was further discussion on the boundary of the Willamette River Greenway.

Jean Belfontay, 19085 S. Old River Drive, expressed a concern about the safety of Old River Drive Road.

D. Darling went over the exhibits. Exhibit F is the grey-bound River's Edge Estate Planned Unit Development with the OTAK at the bottom; exhibit G, the Benj Fran letter of March 20th; exhibit H, legal memorandum about the discretion on improvements; exhibit I, Benj Fran-West Linn project at Old River Road, about the meeting; exhibit J, a new map that shows the gates at the end of the private drive; exhibit K, the colored map with the Tax Lots coded; exhibit L, the petition submitted by the adjoining and neighboring property owners.

T. Conser made a motion to carry over the meeting to April 21, 1986, at 8:00 p.m. and that Staff provide the Commission with a definition of the Willamette River Greenway as well as the maximum available density on R-10 based on the land transfers for slopes and Greenway, if they are or are not available; that a Traffic Report be done and submitted to the Commission; if possible, a letter of comment from Lake Oswego on how they feel 24 living units would affect the traffic pattern on Old River Road; that the developer have some comment on the soil and problems of that nature. R. Burke seconded the motion.

C. Tryon asked Staff if the issue of soil studies or groundwater studies has been addressed. M. Hesse said that there had been inadequate time to review that.

The motion passed unanimously.

The meeting was adjourned at 11:15 p.m.

Dee Ann Mathre
Dee Ann Mathre, Hearings Reporter

1. Acting Chairman T. Conser called the regular meeting to order at 8:00. Members present were R. Burke, J. Ohleman, C. Tryon and L. Dunstan. Absent were M. Gosling and F. Allen. Also present were M. Butts, City Planner; M. Hesse, Assistant Planner; J. Kelly, City Attorney Representative for Canby; D. Darling, City Attorney Representative; and D. Mathre, Hearings Reporter.

2. Minutes of the March 17, 1986, and March 20, 1986, meetings

J. Ohleman moved to approve the minutes as written. C. Tryon seconded the motion. The motion passed unanimously.

3. Appeal of Planning Director Determination

T. Conser wanted to put on the record that the party representing the property owner was his neighbor and a very good friend. He didn't expect that to cause any problem; he had not discussed this openly with his neighbor.

M. Butts gave the Staff report. He started out by introducing J. Kelly, the City Attorney from Canby. West Linn's City Attorney was representing the applicant so there was a conflict of interest. J. Kelly is serving as the City Attorney on this single issue. M. Butts said that this is an appeal of the Planning Director's decision. Under the Code the Planning Director has the initial authority to interpret the Code. An ARCO gas station was operating as a conforming conditional use. It was decided that due to records under the City that the conditional use had been discontinued for a year; therefore, application would have to be sought for designer review approval and conditional use approval again to continue that use. He said that this interpretation was being appealed. The Planning Commission was to serve as the fact-finding body and make a determination regarding this interpretation.

James O. Goodwin, representing the property owner, said that Mrs. Milliken had turned the property over to the US Bank Trust Department for management; therefore, he was representing both the bank and Mrs. Milliken. He said that the matter became one of concern to the Milliken family in early November when they discovered that although they had a sale of the service station for \$100,000, this piece of property, which had been a service station since 1957 and which was a conforming use until the most recent zone changes and Comprehensive Plan changes, was made into a commercial property of non-conforming use. There was a meeting with the Planning Staff and an oil company representative and Mr. Stein. It was determined that it was proper to reopen the service station if nothing was changed. They couldn't modernize the building, build a canopy on it or change the signing to make it more attractive without going through a design review and other land use procedures. At that time, Mr. Stein dropped his earnest money offered on the property. He did agree to lease the property with an option to see if it would be profitable. From the time of this meeting until sometime in December a lease was negotiated with an option to purchase at the end of the one-year period of lease if the Stein Oil Company felt that it was a viable service station site. Mr. Hutchinson drew up a lease and it was signed by Mr. Stein sometime during the early part of December. Stein Oil Company spent some money for signs, striping and materials to get the station going and there was talk about what kind of sign to order. It was on December 26th that the first word of caution came from either Mr. Hesse or Mr. Butts. They weren't sure about reopening the station without going through the whole process. This was quite a blow to everyone involved, and Mr. Stein had talked to Mr. Buol about the station and he thought it had been assured that there would be no problem. At the time this came up, a Stein Oil Company employee, Mr. Nichols, reported this to Mr. Stein, and Mr. Stein found that everybody on Staff had gone on Christmas vacation until New Year's day. When they got back and had discussed the matter, someone discovered that on the 28th of December, a year before, the other station had ordered the water meter read and had closed up. So technically, a year had passed on the 28th of December that the service station hadn't pumped gas. Mr. Goodwin felt that this deprived Mrs. Milliken of the value of her property because

nobody on Staff had told her, Mr. Stein or anybody in the family that that they were going to claim there was an abandonment if the station wasn't actually opened on the 28th of December. This was the interpretation that Mr. Butts felt he had to make. This interpretation was what was being appealed.

Mr. Goodwin stated that if there was an abandonment, it was the most harmless and de minimis type of abandonment. He said that someone on Staff should have informed the people getting the station ready to reopen that it had to be opened by the 28th of December. When Mr. Stein got this word, he turned the signed lease back in to the bank. By this time the bank had taken over the management of the property and the lease wasn't turned over to the bank by the 28th either. It was signed and it was ready. He said that Mr. Stein hadn't purchased a business license, but all he had to do to keep the station legitimate, so to speak, was to purchase a license by the 28th.

L. Dunstan wanted to know when the property was officially turned over to the trust fund of the bank. Mr. Goodwin said that it was sometime between the early part of November and the middle of December.

C. Tryon asked when the premises was actually vacated. Mr. Goodwin stated that he was not sure, but they weren't pumping gas after the water was shut off on December 28th, 1984. He said he didn't know if the premises was ever actually vacated because there were still things in the station.

R. Burke wanted to know when the last day the previous owner, Ed Fisher, pumped gas.

Mr. Goodwin said he didn't know that. He also mentioned that there were several things that went on with this property during the calendar year 1985. A convenience store was given permission to open, but the school board would not give them permission to have a beer license. Another business had an option on this property but it was later dropped. He said there was never any intention to abandon this property for commercial use.

Phil Ringle, representing Stein Oil Company, stated that Mr. Stein believed he could proceed with this. They had communications from November to the first part of 1986 with various staff members. Mr. Ringle said that in Exhibit D, the entry by Mr. Hess on January 2nd, 1986, Mr. Hesse apologized for the delay in answering the inquiry of the Stein Oil Company and George Milliken. He said that there was a recognized delay. He introduced a copy of the lease Mr. Goodwin spoke of, with Mr. Stein's signature on it, and a bill for signs showing that on December 16th, the Stein Oil Company ordered some striping to be added, as exhibits. Mr. Ringle stated under Section 16.65.070, which talks about discontinuation and non-conforming use, Section D, it states "On the date use ceases to be actively involved in the sale of merchandise as a provision of services..." He felt that they were in the provision of services even though they weren't pumping gas. They were preparing for services. He also stated that under Section 16.65.120 it states "An application to enlarge a non-conforming use or to alter a structure containing a non-conforming use shall be initiated by the property owner or the owner's authorized agent." Under D, a prerequisite under that, states that "A prerequisite to the filing of an application is a pre-application conference at which time the Planning Director shall explain the requirements and provide the appropriate forms." Mr. Ringle said that if this is what they thought, they never did this with either Stein Oil Company or with the Millikens. If they felt this was a non-conforming use, then Mr. Stein would have filed his application immediately to get in under the December 28th deadline. He said the application was dated December 2nd, and the money wasn't paid to the City until February 10th. Nobody made Mr. Stein or his employees aware that the application must be filed, get the station started and pay the money all before December 28th.

J. Kelly asked Mr. Ringle in regard to 65.070(2) on the sale of merchandise if he did not believe that that language indicated services to the public, vis-a-vis, a business in an ongoing business relationship rather than putting a sign out.

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Mr. Ringle stated that he did not know what that meant for sure; that J. Kelly had named a couple of interpretations. He felt it was somewhat ambiguous. He understood the first part on the sale of merchandise but service stations by their very nature provide services, and the station was being prepared to provide services and continue services that had been provided. He thought that that interpretation could be read into that.

J. Kelly asked if in December they were actually providing services to the public.

Mr. Ringle said that they were not selling any products.

J. Kelly asked Mr. Ringle if his position was talking about enlarging a non-conforming use or altering a structure. Mr. Ringle said it was the second portion. He said that if the Planning Director was taking the position that that was a non-conforming use at that point, then he should have advised them about the applications and so forth. This was not done. He said that that is an alternate position and he did not take that position.

J. Kelly asked if this particular subsection applies because there was a plan to enlarge the non-conforming use or to alter the structure.

Mr. Ringle said that they were going to alter the structure in some ways. They were changing the signs, etc. He said that it's a question of whether that's considered to be altering the structure.

J. Kelly asked if that was part of the conversation in November: the proposal to alter the structure.

Mr. Ringle indicated that a big alteration was a canopy and that was abandoned at that point. He said that Mr. Stein was going to buy the station at that time, but because putting this canopy on and doing these major alterations would require some other upgrading, they didn't go forward with the purchase and changed to the lease Mr. Goodwin spoke of.

T. Conser said that the receipt from Signs and Display Designs would be Exhibit I, and the lease agreement would be Exhibit J.

Mr. Goodwin submitted two exhibits: his authority to appear in behalf of the bank and a letter from Mr. Hutchison which explains his role in the matter.

T. Conser said that the letter of authorization from US National Bank would be Exhibit K and letter dated April 21st from Mr. Hutchison would be Exhibit L.

Bob Stein, president of Stein Oil Company, said that he proceeded with the obvious view that the station could be opened shortly after the first of the year. He said that during the period of time between Christmas and New Year's nobody does much of anything. You certainly don't open a business. He had gone on the basis that there was no problem with the City. He said he was rather surprised that after Christmas his service station supervisor was told to hold up. He thought that something would have surfaced on this thing before they got to that position. There was no indication that anything was wrong. He hadn't applied for the business license because it was not anticipated to open the business until after the first of the year.

J. Ohleman asked if the problem here was the fact that he had to apply for a conditional use permit and go before Design Review to do some capital improvements to the site that he did not particularly wish to do.

Mr. Stein said that in November when he first considered actually buying the facility outright, he had a meeting with Mr. Hesse and an oil company representative from Mobil. It was discussed if there would be any problems in purchasing and running the station and putting a canopy on the station as it then existed and improve the

pumping by putting in more dispensing units. They were told on the site they couldn't do that because the current Design Review rules for the City of West Linn precluded doing anything to the building unless current setbacks were obtained and actually put in use. Those setbacks would actually wipe out everything to the front of the service station. At that point he said he couldn't buy the station. He called Mr. Milliken and told him that he couldn't buy the station. After a couple of weeks Mr. Milliken asked if he would be interested in leasing the station. Mr. Stein said that he would consider that expecting that the station could be opened. He could lease it with a lease option, run it for perhaps a year, and see whether it would be profitable. If it were profitable, if the gallonage warranted, if it looked as though they had a good future, he would consider buying it. At that point if he had done well, if he had to do improvements, then he would adhere to the existing regulations which would require setbacks and so on. At that time he called John Buol and asked if there were any problems with going back into the Milliken station. John Buol indicated that he did not think so, but he advised Mr. Stein to check with Mark Hesse. Mr. Stein said that didn't have to check with Mark Hesse right now. He went ahead figuring if there were any problems, they would surface. He didn't anticipate any problems. After Christmas, that's when the problems began to occur.

C. Tryon wanted to know when Mr. Stein first talked to Mr. Buol.

Mr. Stein indicated that it was early in December, probably about the 2nd. At that time the lease had not been signed. The lease had been signed between that conversation and the 26th or 28th. He said that he held back on the lease; he didn't send the lease on.

C. Tryon wanted to know what the reasons were holding back on the lease.

Mr. Stein said why would he lease the station if he couldn't get a business license for the station. He said he didn't forward the lease; he kept it at the office.

C. Tryon wanted to know when Mr. Stein was first notified by the City of problems.

Bob Nichols, Mr. Stein's supervisor of the service stations, said that it was two weeks prior to the Christmas vacation. Mr. Nichols contacted Mr. Butts about a problem with a sign that had been taken down and put back up. He was told at one point not to worry about the sign, there were other problems. Then Mr. Nichols called back on two or three occasions after that and he was told that they were waiting on a decision of the City Attorney.

C. Tryon asked Mr. Nichols when he was told there were other problems.

Mr. Nichols couldn't say the exact day but he thought it was between the 16th and 20th of December.

Mr. Kelly asked Mr. Stein if he recalled when the meeting in November took place.

Mr. Stein indicated that it was probably mid-November.

Mr. Kelly wanted to know when the term of the lease began.

Mr. Stein said that he didn't think the lease was dated.

Mr. Kelly wanted to know why that lease wasn't scheduled to begin in December.

Mr. Stein had stipulated why he didn't want to open until after the first of the year. He did not want to open the business between Christmas and New Year's in cold weather.

Mr. Kelly asked Mr. Stein if he had no knowledge that there was a one-year period running against the discontinuance until after the first of the year.

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Mr. Stein said not until after the first of the year. He said they had knowledge when this kicked back to them pertaining to the conversation that Mr. Hesse had with Mr. Nichols that they considered there was a problem with the year period of time running.

Mr. Kelly wanted to know when they had knowledge of that.

Mr. Nichols said that it was between the 16th and the 20th.

Mr. Kelly asked why they didn't go ahead and file for an application to get the business running to stop the time period from running.

Mr. Stein said that there was no reason for that. He said that they would have to have a business license as they opened after the first of the year. The station wasn't actually being run prior to that.

Mr. Kelly asked Mr. Stein if all the statements that were contained in his letter to John Buol, dated February 10th, 1986, were accurate.

Mr. Stein said that they were as accurate as he could remember.

Mr. Ringle asked Mr. Nichols if he ever really knew what the problem was. Mr. Nichols said that he was never explained what the problem was. They were waiting for a decision from the attorney.

Mr. Ringle asked Mr. Nichols when he found out what the problem was. Mr. Nichols said that it was after the first of the year.

C. Tryon asked Mr. Stein why he didn't talk to Mr. Hesse when Mr. Buol suggested it.

Mr. Stein said that he had known John Buol for 20 to 25 years, had done business with him, had served in various different things with him and he highly regarded him as being straightforward. He didn't believe he had any problem at all even though Mr. Buol suggested he talk to Mr. Hesse.

George Milliken, 5475 Grove Street, West Linn, the son of the owner of the property, said that the first time he knew there was a problem was a few days before Christmas. He then called his attorney, Mr. Hutchison. Mr. Hutchison said that they had been asked for an opinion but that they couldn't render one because of the conflict of interest, he being Mrs. Milliken's attorney as well. Mr. Milliken called Mr. Stein and he suggested that they meet with Mr. Buol. Mr. Milliken called City Hall to set up the appointment. He said this was prior to the 28th of December. Mr. Buol was out of town and the appointment was made for January 2nd. It was at this January 2nd meeting that he really knew there was a definite problem. He said they also talked to Mark Hesse. Mr. Milliken said that had they known there was going to be a problem they would have opened up the station prior to the 28th. He also said that his mother had a lease on that property that terminated on the 31st of December, 1984. He didn't know when they stopped selling products in the service station, but as far as they were concerned they had possession of the premises through the end of the year 1984.

Merritt J. Wilson, 5710 Portland Avenue, West Linn, lives almost immediately across the street from the property in question. He said that if this service station is continued as a non-conforming use that his property value would be absolutely destroyed. He said without proper changes to conform it to the landscaping, setbacks and so forth that it would ruin his enjoyment of his home terrifically. He said his bedroom window is only 60 feet from the station. He said that the question seemed to him to be whether it was abandoned as a service station, not whether the property was abandoned in December of 1984. He didn't see how there could be a continuous use of the service station from December of 1984 to December of 1985. He stated that he was opposed to having a service station over there. He didn't feel that they had met the terms of the zoning.

L. Dunstan asked Mr. Wilson if he had any recollection of when the gas was no longer being pumped in December of 1984.

Mr. Wilson stated that as far as he knew there was no pumping of gas, no services provided after January 1st of 1985.

R. Burke asked if Mr. Wilson had noticed a big change in his life style after the service station came in. Mr. Wilson said not initially. He hadn't lived in the house continually, but he moved back into it six or seven years ago. He noticed a great increase in traffic, of course. He said that the station opened at 5:30 in the morning and the noises woke him up. He noticed a big difference in that respect. This went on until 7:00 at night. It was a real annoyance.

Claire Yoder, 1595 Bland Street, West Linn, stated that she did not have a position on whether the station should be reopened but she felt that the ordinances should be upheld in this situation.

J. Kelly said he would have M. Hesse, Mr. Butts and Mr. Buol, if necessary, testify to the issues concerning when the application came in, when the parties became aware of the problem and what the City did in response to that. He said he didn't know if Mr. Buol would need to testify because in his view Mr. Stein in his letter indicated what his statement was with respect to his conversation with Mr. Buol and Mr. Buol had not indicated any differently.

M. Hesse said that Exhibit D gave his recollection of the turn of events. He generated this from going back on his calendar. He said that the conversation in the meeting in November was generally discussing what would apply if the station were to be reopened. There was also a discussion about adding a canopy and what not which led into a conversation about Design Review provisions and what the construction of a new commercial structure, even if it was just a canopy, would do to the site. It was felt immediately that there would be conflicts between the existing improvements on the site and the Design Review provisions. At that time Bob Stein indicated that there was going to be too much of a hassle and to just drop it. Then he later came back with the lease idea as an alternative in December. The next that he heard after that meeting on the site was on the 26th when Mr. Butts directed him to investigate the Code sections which would apply if there was a gas station reopened on the site. These things were spelled out in the exhibit.

L. Dunstan asked if M. Hesse was in the office during the week between Christmas and New Year's. M. Hesse indicated that he was in the office. L. Dunstan asked if he remembered being petitioned for an interview during that week. M. Hesse said that he did not recall that.

T. Conser at that time said that it was Mr. Buol that was petitioned but he was not available.

M. Hesse said that as he recalled it when Mr. Buol came back in the office and had this meeting established, he then called M. Hesse and asked him to sit in on this meeting. This occurred on the 2nd.

M. Butts indicated that his only participation was in the meeting in November at which time they did talk with Mr. Stein and discussed the issue of wanting to extend the canopy and which Design Review provisions might come into play and invited him to come back to City Hall to look at the provisions and conditions that may apply. At that time, Mr. Stein indicated that it was too much of a hassle and he was going to drop the issue. His only other contact was through John Buol who indicated that he had met with Stein Oil. The Planning Staff then made their interpretation. They wanted to confirm that interpretation by contacting the City Attorney, and they did that. A tentative interpretation was drafted by the City Attorney. At that time they found out that they had a conflict of interest so they could not release that opinion. They then went to the City Attorney for Lake Oswego, Jim Coleman, who subsequently prepared an opinion

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for them, and based on that opinion, Staff made their determination. The City Attorney for Lake Oswego advised Stein Oil Company to make an official application for a business license rather than just approval of request which would then precipitate Staff reviewing that proposal and the City Attorney would draft a memorandum to that effect. So it was Mr. Coleman's opinion at that time that the applicant had to submit something in writing, such as a business license request, to initiate Staff research. It was at that point that they found out when the business had actually been vacated. Up to that time they were not aware of when the business had been vacated. Given the date it was closed required some more research, and that was not initiated until formal application had been made.

T. Conser asked if the applicant was informed that that research would not take place until after an application was made.

M. Hesse said, that because of Mr. Stein's friendship with Mr. Buol, the research was done on a verbal inquiry. He said when he first met with Mr. Coleman, Mr. Coleman asked what had been applied for. M. Hesse indicated that nothing had been applied for, and Mr. Coleman wanted to know why. M. Hesse said that it was a friend of Mr. Buol's and that they were going to explore what legal provisions apply without having received any application. That's why much of this activity as far as legal research occurred prior to the business license application. He said that under most circumstances the City must receive some kind of application before triggering some kind of research into what Code provisions apply.

T. Conser asked if the first meeting in November was based on coming in and rebuilding the site to make it useable at a service station.

M. Butts said that at the on-site meeting in November, Mr. Stein indicated some changes physically to the structure and would the present Code allow that outright.

T. Conser asked if their intent to reopen the service station was established at that point in the form of a new facility or to bring it up to Code.

M. Butts said that his intent wasn't to bring it up to Code. It was to extend a canopy. That precipitated a process for approval and brought into play the Design standards because of that initiation.

T. Conser asked if at that time it was considered as a conditional use or non-conforming use.

M. Butts said that that was right.

T. Conser wanted to know at what point it was determined that there was the potential for a change from conditional use to non-conforming or as indicated a "grandfather" conforming.

M. Hesse said on 12/27, the day before the discontinuance would expire, he began to question. He called the City Attorney for legal assistance. He then was informed to get outside help. This was on the 31st.

C. Tryon asked if Mr. Stein and Mr. Buol had not been friends, if any research would have been done on this until the application had been received in February.

M. Butts indicated that normally they sit down with the applicant at their request and go through the provisions of what the Code requires. They would not conduct research in terms of when a business had been closed down. They simply present the criteria that apply. They would not have conducted the research in terms of when the water had actually been shut off until after an application had officially been made. This meeting did not take place until after the first of the year.

J. Ohleman asked if there was any compulsion to notify the parties that they were going to lose the non-conforming use of this station if some action wasn't taken.

M. Hesse said that he suspected that this was the case but he wanted to have legal confirmation of it. So he did not consider calling the applicant.

T. Conser wanted to know if the business license had been applied for and it was a non-conforming use at that point but was "grandfathered" and that date had not passed, what kind of requirements would be required of the applicant to open the station.

M. Butts said that what would be defined in the Code as a conforming conditional use within that one-year period; the only application they would have to make would be for a business license and an application for sign change. Since this was over that one-year period he would have to have conditional use and design review hearings.

T. Conser wanted to know what kind of changes would normally be required at that point to upgrade.

M. Butts said one would be setback requirements for landscaping which it did not meet. He said they would take a look at the access which would be width of the driveway cuts as well as the driveway cuts distance from the corner; look at sign conformity; look at parking requirements; and also design and review the entire structure and landscaping.

R. Burke wanted to know if, given the size of the lot, it can be brought into conformity use, assuming the applicant wants to make those changes.

M. Butts said that one of the provisions of a variance is if there is a unique circumstance and identifies specifically the lot size and lot configuration. He said under that situation the applicant could come in and apply for a variance saying that if he has to meet these standards there is no way he can operate the business. He thought that that would be sufficient justification for a variance.

R. Burke asked if the City was completely above reproach in what was done.

M. Butts said that they had to be in the business of selling merchandize. He said the other side of the coin was to give Staff a reasonable length of time to do the research to get an answer. They did not have it. They had to get the City Attorney's opinion which was transferred to another City Attorney. He would not want to make an interpretation without legal counsel. That is the process that he uses. He would not want to jump in advance to make an error in any way. He said that they would have to be in operation, not just simply submitting a business license.

J. Ohleman asked if Mr. Stein had purchased a business license and taken a case of oil down to the service station and opened it up and sold the oil, would he legally have been in operation.

J. Kelly said that that was true.

Mr. Goodwin wanted to know if Staff had talked to Mr. Nichols about the sign sometime between the 16th and the 20th. He said that when Mr. Nichols talked to Staff about ordering the sign, Staff told him not to order the sign because there may be a problem, and he said it was sometime before Christmas. If it was before Christmas, then it wasn't the last day they had to look it up. Mr. Goodwin stated that if the building codes and land use codes are so complicated that it takes two weeks to get a simple answer whether you can open a business or not that's been in existence for 30 years, then we'd better start over. He wanted to know if Mr. Nichols did call them on the 16th or 20th or some day like that, and did they tell him not to order the sign because there may be a problem.

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M. Butts indicated that he did.

Mr. Goodwin wanted to know why they didn't tell him then what the problem was.

M. Butts said that they weren't sure what the problem was until they had conducted research. They were right in the middle of doing that research.

Mr. Ringle stated that, looking at ordinance 16.650.70, you don't need a legal opinion to determine, first, that the place has to be abandoned for a year. He said that you start counting time from one of the events listed in the ordinance A-E. One of them is when you turn the utilities off, which he guessed was the one they used here to start counting the year, and that was apparently December 28, 1984, though there was somebody in there until December 31st. He didn't understand why Mr. Butts or the Planners would need a legal opinion to tell somebody like Mr. Stein, who wanted to get his business established, that there was a deadline. He said that when Mr. Stein talked to Mr. Buol on December 2nd, why didn't he mention that then. Mr. Ringle said that Mr. Butts said it wasn't until after they got the legal opinion that they knew that this section came into play, but still Mr. Hesse's Exhibit D indicates that they knew on December 26th when Stephanie Goodpasture, the accounting clerk, found out the business license and water meter records indicated the ARCO gas station had ceased operation on or before December 28th. He wanted to know why Mr. Hesse didn't get on the phone to Mr. Stein and tell him to make his application. There were three different people that could have told these people what they needed to do. Mr. Ringle said that they didn't need a legal opinion to interpret simple language.

T. Conser asked about the business license being dated December 2nd.

M. Hesse said that the license was received in the office on February 10th.

Mr. Stein said that they were requested by the City to turn the business license in at that date after all the contacts had occurred.

Mr. Kelly asked Mr. Ringle if he felt that there was affirmative legal action on the part of the City to notify all people of expiration of permits and the ending of conditional use permits and those kinds of things.

Mr. Ringle said that if there is activity involved, they're here to be of service to the people in the community. He said that it would certainly be a service to inform somebody that is going into a business that there are deadlines in Section 16.650.70 that they ought to look at instead of saying we had to wait for a legal opinion.

Mr. Kelly again asked if there was an affirmative legal obligation.

Mr. Ringle stated that he didn't know without researching that to say there was an affirmative legal obligation.

Mr. Kelly asked if Mr. Ringle felt that Mr. Stein should have been told what the problem was when he talked to Mr. Buol in early December.

Mr. Ringle felt that he should have.

Mr. Kelly asked Mr. Ringle if he didn't think that Mr. Buol offered Mr. Stein the opportunity in December to contact the planning staff who would have the expertise to deal with the problem.

Mr. Ringle said that it wouldn't have done any good because they didn't act without getting legal advice, and that took 3 or 4 weeks.

Mr. Kelly said that it might have gotten back before the expiration date of the 28th of December.

Mr. Ringle said that the opinion probably wouldn't have gotten back until the 28th, if not later, which would not have helped. He felt that when the deadline is crucial, people should jump to help somebody that is making an application.

Mr. Kelly asked if there was an affirmative obligation on Mr. Ringle's client's part to contact the Planning Staff in December as Mr. Buol indicated they should.

Mr. Ringle said they did. Mr. Nickols contacted them on the 16th to the 20th of December.

There was a discussion at this time.

Mr. Goodwin said that in Mr. Coleman's legal opinion it stated that he assumed it could be established that use had been discontinued for a period of at least one year. Mr. Goodwin said this assumption was critical because his opinion would be different if the use was not found to be discontinued as a matter of law. He felt the evidence showed that the use was not discontinued for more than year, that the use started being continued again when the Stein people ordered their materials and ordered their pumps to be reinstated. He said the leading case in argument is Holmes vs. Clackamas County. In this case it was established because of Mr. Holmes getting out there with his bulldozer and clearing some ground and getting ready to do something before the Clackamas County building ordinances took effect that the use had been discontinued. He said when you hire a lawyer to draw up leases, you start spending money doing things and getting ready to go into business, some parts of society consider that very serious business. He said that the service station use was not abandoned after the date that they ordered these things and the receipt for the ordering of these things was in evidence. He said that, in and of itself, forgetting all the other things, overcomes any evidence of abandonment that would flow from the station not being opened for a period of one year. He said that there wasn't any failure for a year for the property to be dedicated to and operated in the service station business.

C. Tryon moved to closed the public hearing. L. Dunstan seconded the motion. The motion passed unanimously.

T. Conser stated that the Planning Commission was to decide on the application as to was there a discontinuance under the definitions of the Code.

J. Ohleman asked Mr. Kelly if the Commission was bound to make its decision based strictly on what is in the Code or if there were options because of extenuating circumstances.

Mr. Kelly stated that he thought it would be unrealistic to say that the Commission was confined in this circumstance to make a finding based upon what happened. He said there is a legal theory that is called estoppel, which is if there is information given that reasonably led these people to believe that the actions that were necessary to be taken to maintain and continue their conforming use were in some way mislead, then the Commission had the option to go ahead and allow them to continue that. He said they also had the option not to because he thought there was evidence indicating that they may have been somewhat less than diligent in seeking an opinion as to whether or not the conforming use would continue. He thought there was evidence on both sides, but the ordinance requires that the hearing should be limited to ascertaining the relevant facts required to make the determination. The hearing should be conducted in accordance with the other sections on public hearings and the determination shall include a statement of the applicable standards, a statement of the facts found to be true and relevant and an analysis.

R. Burke asked if the Commission decided that the year's continuation was not broken, if they would also have to decide if the continued non-conforming use by the applicant has to continue exactly as it is now, and then if he wanted to make any changes with that, he could come back before the Commission or Design Review Committee. In other words, could the Commission go ahead and make any conditions.

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Mr. Kelly said that the Commission could not impose any conditions. He said if the determination was made that there was no interruption in the conditional use period of time, or, if for extenuating circumstances the Commission found that the applicant did not submit an application within the year period of time through no fault of his own, they may make the determination that the non-conforming use did not discontinue. It would then continue as a conforming conditional use but could not be expanded nor could it be altered under the terms of the ordinance without having to come before the Commission.

L. Dunstan believed that Mrs. Milliken was well represented by adequate counsel during the entire period in question. Mr. Stein had counsel. He felt it was incumbent upon them to find out what sort of requirements were necessary for reestablishing this business. He agreed with Mrs. Yoder that the ordinances should be upheld. He did see the extenuating circumstances, but he did not think it was the City's Planning Department's fault on this issue. He said his direction would be to approve the continuing use but as an exception and probably against his better judgment, only because it makes sense to allow the business to come back into operation, to become productive. He disagreed vehemently with a lot of the testimony to the effect that the fault lay on the planning staff.

C. Tryon said that the facts were clear to him. He did not see any extenuating circumstances that mitigated the facts. He felt the attacks on Staff had been unfair, and that Staff responded in a timely and reasonable fashion to the application. He said that the reason there is a Development Code was to enforce it, and it was in the best interest of the City to enforce it in this case.

J. Ohleman also felt that the Code should be followed in all cases when possible. She said in this case she felt there were extenuating circumstances. She said that during the Christmas holidays, nobody is doing any business of any kind. She thought that since all of this happened around this period of time that it made a difference in the outcome of the events. The business license copy was dated December 2nd. If Mr. Stein had taken it down to City Hall on December 2nd when he dated it, then the Commission would not be dealing with it. She didn't really hear any evidence from the City indicating that there were other problems other than the fact that the business license was not submitted by December 28th and the business was not in operation by December 28th. She stated that the business should be allowed to continue as a conforming conditional use.

R. Burke agreed with most of what had been said. He felt that there were extenuating circumstances. He believed that standards had been adopted wisely and they had been upheld. He said that if this application was granted, it should be clearly stated that this was an exception rather than a general putting aside of the standards. He felt everyone acted in good faith. His tendency was to grant the conforming conditional use, clearly recognizing it as an exception.

J. Ohleman moved to overturn the Planning Director's determination of Non-Conforming Status on Stein Oil's application for a business license due to extenuating circumstances based on the fact of the time of year it was, and that there seemed to be intent with the date on the business license to take care of the problem in December. R. Burke seconded the motion.

C. Tryon wanted "extenuating circumstances" clarified.

J. Ohleman said the extenuating circumstances had to do with the application coming before the City at Christmas time and because there seemed to be intent with the dating of the business license December 2nd to take care of this problem in December but it simply didn't occur.

C. Tryon asked if it occurred because of a failure of Staff or failure of the applicant.

J. Ohleman said it was the failure of the applicant; however, he was going by verbal advice that he had received that said, "no problem, don't worry about."

C. Tryon said that the failure in December was of the applicant, not of the staff. He said that there was testimony of people that are opposed to that station continuing in its current use.

The motion passed with L. Dunstan, J. Ohleman and R. Burke in favor. C. Tryon: against.

The appeal rights were then explained to the interested people.

4. "Fowler's Oak View Estates" - Public Hearing

M. Hesse gave the Staff presentation. This a request for subdivision plan approval and a conditional use approval to allow single-family development in an R-4.5 duplex zone. The land area covers 5.3 acres and would develop 25 single-family lots. The location of the project is near the intersection of Norfolk Street and Exeter Street in the Sunset District.

AAD720 Dan Fowler, applicant, 1103 Washington Street, Oregon City, stated that he would like to make an application as designed and stated in the Staff report. It is an application for conditional use and subdivision plan. The subdivision is for a 25-lot subdivision. Applicant felt that conditional use was more conforming to the surrounding area, that is, single-family units. He could see no problems with any of the conclusions and findings of the Staff report. He said that the subdivision was designed to meet all the City codes and was within the plans and guidelines that the City would like to see. Great care had been taken in designing the lay-out of the subdivision to conform to an existing subdivision directly to the south of it. The streets had been laid out and reviewed and Applicant felt that it was the best lay-out for the site in terms of the topography.

R. Burke wanted to know how people would get to the house on Lot 16. Applicant said that that is a vacant home that will be eliminated.

T. Conser asked if Lots 24 and 25 were inadequate in their present size. M. Hesse indicated that they were not.

T. Conser asked if the access road was part of the other property. Applicant said that Tax Lot 24 included a long, narrow drive. He said that negotiations were taking place to eventually allow that access road to be acquired by Tax Lot 800. Applicant stated that the legal access to Tax Lot 800 is through a small alleyway easement at the very end of Southslope Drive. He stated that negotiations were taking place to create 2 more lots out of the rear portion of Tax Lot 800. He also said that they would open on Southslope Drive. At that time there will be a lot line adjustment on Tax Lot 25 to end at the narrow corner.

R. Burke wanted to know what would happen to the small access road. Applicant said that that would hopefully be vacated. He said that portion would become part of Tax Lot 800.

T. Conser asked the applicant if he planned to develop Exeter. Applicant stated that he did. It was planned to at least bring it up to curbs.

Staff said that the proposal satisfied the provisions of the subdivision section of the Code as well as the conditional use chapter. With the application of certain conditions as spelled out on page 6 of the April 9th Staff report, Staff recommended approval of the project.

T. Conser wanted to know if this was moving into an R-7.5 or R-6 type usage. M. Hesse said that the average lot size was about 7000 square feet. He said that single-family lots can go to 4500 square feet within the zone.

C. Tryon moved to close the public hearing. J. Ohleman seconded the motion. The motion passed unanimously.

There was no further discussion.

C. Tryon moved for approval of application SUB-86-07/CU-86-02 for a tentative subdivision plan and conditional use approval of "Fowler's Oak View Estates," which is Tax Map 2-1E-36AC, Tax Lots 900, 1000 and Tax Map 2-1E-36AB, Tax Lot 1000G, based on the findings of facts and conclusions in the Staff Report, dated April 8, 1986, and subject to the conditions listed therein. L. Dunstan seconded the motion. The motion passed unanimously.

5. Proposed Amendments to Community Development Code,
Comprehensive Plan and Inventories - Public Hearing

M. Hesse gave the Staff presentation. The first proposal would amend the Comprehensive Plan, the zoning maps, the Comprehensive Plan map and the Comprehensive Plan Inventories document. It would accomplish revision of the Willamette Historic Boundary, and it would remove most 7th Avenue commercial properties from the historical district.

R. Burke asked why the boundary was going through one building in one block. M. Hesse said that there were some business people along 7th Avenue who were concerned about being in the historic district. Some want to remain in; others don't. The boundary reflected where the opposition was the least, and it also reflected where the key structures were on that block. This boundary would make it harder to tear down something within it. He said that there had been split consensus out there as to whether there were historic structures which warranted protection along 7th Avenue.

C. Tryon asked if it was a judgment call on whether something is historically significant or if there were concrete criteria for that.

M. Hesse said that there were a variety of mechanisms to determine historic significance. These particular buildings were listed under the Clackamas County Cultural Resource Inventory for West Linn, and there were some criteria that were gone through to identify buildings as cultural resource for the area.

C. Tryon asked if everyone within this district and surrounding the district had received notice of this change.

M. Hesse said that the process by which this boundary was arrived at was extensively publicized. The Historic District Task Force had a mailing list of 20 people and several of the people on this mailing list were key characters on the 7th Avenue commercial district.

D. Darling said that these were legislative changes so there would be no notice requirement other than to post and publish, which was done.

T. Conser stated that the rear lot line of the dotted line on the exhibit was approved by Council some time ago as the historic district and that this was the second phase. The second phase addressed the commercial sites separately. He said the residential district was addressed, formulated, finalized and approved, and then the commercial district was looked at. Shortly after the Council was looking into the commercial district it was found out that the commercial investors in the community were not comfortable with what was being imposed. It was determined that possibly a task force set what kind of guidelines should be adhered and looked at in the commercial district in the future. The form that had been established in the form of a historic task force was not proper. He said that it was a requirement of this inventory and a requirement of the Code that any significant new information that becomes available, the Council would have to deal with it.

L. Dunstan said that much of the area that was blocked out was a variety of building types, age and construction all welded together. He agreed with the staff recommendation.

C. Tryon, J. Ohleman and R. Burke also supported the proposal.

Proposal #2 proposed to change the required sideyard setbacks in R-7.5 Zone from 7-1/2 feet to 5 feet. M. Hesse said that some developers had come forward requesting 5-foot setbacks because the extra 5 feet of building space had an impact upon their ability to select homes for these lots. Staff recommended this proposal. M. Hesse said that 5-foot setbacks was very typical in Beaverton, Tualatin and other places.

T. Conser brought up the point that West Linn had some unique characteristics: hills and lots of vegetation. He tended not to support this proposal. He said that in a normal development with a 5-foot setback to the base foundation and a 3-foot overhang on gutters there was a potential of 4 feet between gutters on homes. He felt that there would be difficulty in maintaining vegetation in those types of sites, especially on the north sides, and that it created a feeling of extreme density. He also said that the developer had the option of going into a PUD-type development. He stated that one of the amenities that is required is open space in a PUD; therefore, there are density transfers for clustering of homes and creating density but still creating a feeling of openness and a feeling of additional space.

J. Ohleman stated that she felt uncomfortable making a decision on this proposal.

C. Tryon concurred with T. Conser's comments.

L. Dunstan agreed with what had been said and also voiced a concern about a potential problem with fire.

R. Burke stated that he was also opposed to the proposal.

Proposal #3 changed detached single-family residences from a "Conditional" to an "Outright" use in the R-4.5 zone. M. Hesse said that this seemed to be an additional bureaucratic and financial piece of red tape for applicants attempting to develop property within R-4.5 zones. He said that the marketplace had proven that single-family development was unlikely to occur and this additional layer of requiring conditional use applications to single-family development seemed unnecessary. Staff's opinion was that this should be eliminated.

C. Tryon, R. Burke, L. Dunstan and J. Ohleman all supported this proposal.

Proposal #4 would clarify the allowable uses in Neighborhood Commercial Zone and define "Nursery" uses. M. Hesse said that the issue of manufacturing was a conflict. This was the one use that the City Director and City Attorney were unable to reconcile for a Neighborhood Commercial Zone.

There was further discussion on this.

C. Tryon, L. Dunstan, R. Burke and J. Ohleman supported this proposal.

Proposal #7 would clarify sidewalk improvement obligations on double frontage lots.

C. Tryon, L. Dunstan, J. Ohleman and R. Burke were all in favor of this proposal.

J. Ohleman moved to continue the public hearing to Thursday, April 24, 1986, at 8:00 p.m. R. Burke seconded the motion. The motion passed unanimously.

J. Ohleman moved to adjourn the public hearing at 11:15 p.m. C. Tryon seconded the motion. The motion passed unanimously.

Dee Ann Mathre
Dee Ann Mathre, Hearings Reporter

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April 24, 1986

1. Chairman M. Gosling called the special meeting to order at 8:00 p.m. Members present were R. Burke, T. Conser, J. Ohleman, C. Tryon and L. Dunstan. Absent was F. Allen. Also present were M. Hesse, Assistant Planner; D. Darling, City Attorney Representative; and D. Mathre, Hearings Reporter.

2. River Edge Estates (Old River Woods) - Continuation - Public Hearing

M. Hesse gave the Staff summary. The applicant is asking the City to give its approval to a planned unit development overlay and a tentative subdivision plan and a Willamette River Greenway permit for a 10-acre site located at the north end of Old River Drive, the northern city limits and the Willamette River. The proposal included 24 lots.

Mr. Mike Nelson, representing BenjFran Development, 501 SE Hawthorne, Portland, said that there were a few minor changes. He said that, after having checked with City Staff, who had gone through extensive checks with the State, the Willamette River Greenway was correct as drawn. All sidewalks would be installed by the developer in a meandering format granting easements to the various properties in advance of any construction activity. He agreed with conditions #3 and #4. On condition #6, he said the feeling had changed as to what the common area should provide. He believed that that should provide access with some small viewpoints, perhaps with sitting areas, but primarily develop that habitat to attract wildlife. He said the purpose of the roadway or pathway had a direct bearing on the use down there. The less attractive a nuisance that is located down there will hopefully be less need for emergency access. He wanted the pathway to be an access point to the dock. The use of the marina, if it is put in, is specifically restricted in the CCR's. There will be no fuel station located there so there will be little chance of fire. He said by minimizing the open areas with viewpoints of the river, it was hoped to minimize the picnic atmosphere. He stated that the CCR's had been written so that areas contiguous to this property could be added to this development at some later time. The developer would facilitate their connection to the sewer and water system, given their annexation. On condition #7, he said that the storm drainage plans were pretty sensitive in some parts of the site. Preliminary geologic reports showed several springs surfacing at the point the bank breaks. Condition #8 was fine. On condition #9, he said that the 40-foot road easement would be dedicated to the Home's Association, and that the road would be held specifically for access to the adjoining property only. The access easement was clear and the developer would continue to protect it so there won't be any question down the road. He said that ultimately that would be a private right-of-way down to future developments. There were no problems with Conditions 11 and 12. On Condition 13, he agreed. He further went on to say that as a standard part of all their developments, they employ a geotechnical firm to check the subgrade under the areas over which roads would be built to make sure that the roads that are built would not break up in 5 or 10 years because of inadequate base preparation. On Condition 14, Mr. Nelson read from the CCR's the restrictions placed on the marina. In addition to this, the Home's Association will establish certain rules and regulations for those dock areas, such as hours of operation and probably further specific restrictions on the activities. Condition 15 was fine. Condition 16, Mr. Nelson said that prior to development, he will supply Staff with a detail: how and where the sidewalks would be and where the tree locations would be. Pending approval of the site, the developer would locate all trees on the site not in the general roadway prior to commencing construction activity. He said part of the job that the Architectural Control Committee would have within his office until the Home's Association had enough residents to take over operation would be to monitor tree-cutting operations and site-plan review. On condition 1, he said that there were a couple of reasons why they would prefer not to build a road, none of them being cost. They had asked a geologist to take a look at the point where the springs come out where the bedrock meets the break of the hill. Mr. Stark is concerned about his water supply, and it's actually those springs that feed that pond down below. He

said it frightened him to have to build a road on top of springs. He said it could be done, but it would be very difficult to predict the outcome in advance. Springs have a tendency to move from one point to another, even in freezing weather. If there was a good place on that site to build a road, that would probably be the best place. Its topography was very extreme, and when you try to build a roadway on an extreme topography, you have a cut on one side that can be pretty deep and a corresponding fill on the side where the hill drops off. Not only would you lose the trees in the roadway, but also trees in the fill area where the slope banks down below and covers up the trunks of the trees. For fire protection, he said they could provide a pumping facility on the dock itself that would be for fire suppression. He also said that if they cut the use of the area down to a minimum, the only real need for health services would be for a river accident. On #10, he said they didn't feel half-street improvements would be in the character of the area because it would be one of the only areas where there would be curbs and gutters along the entire road. He had a solution that might help. They would record waivers of right to remonstrate against road improvements along River Road for all of the lots in that subdivision. Should the neighborhood in unison decide to improve the right-of-way, they could be assured that the 24 lots in Old River Woods would be part of the LID. To this site, almost along the whole frontage, there is a high bank. The same problem would develop once again of widening that road, taking out the dirt and trees and also having to slope the bank back up. He wasn't sure how the right-of-way sits in that location, whether there would be room for a bike path or jogging path to be built, but he would be happy to have the City Engineer estimate the amount that half-street improvement would cost and put that money into a pathway as far as they could put it down River Road depending on easements and access, etc. He said that they could meander a path on top of the bank in their particular position and not lose nearly as many trees. On Condition #5, he said the neighbors were concerned that during the marketing phase that people in to look at the houses and the lots were going to immediately drive down the roadway that exists there now. He said in order to take the effect of that driveway away, they have agreed to do a few things. They've agreed to landscape it in conjunction with their land planner. They would try to come up with a landscaping plan that basically would draw the attention away from that area. The access way would be a concrete driveway approach much like a driveway in a standard subdivision. Behind that they would build some stone posts that would match to some degree the entry monuments, and they would furnish, based on the Fire Marshall's and Staff's agreement, a gate of some kind that met with everyone's approval. If they could they would also widen that road 3 feet so that two cars could get by one another. He said it depended on how close they would have to get into that bank as to whether they can widen it.

Mr. Nelson said that springs and drainage were primary concerns to 2 or 3 of the residents. All of the footing drains, foundation drains and roof drains would drain to the street in front. The geologist had been asked to pay special attention to these areas and he would monitor them during construction. He discussed the fencing that they would put in. Rather than putting in a brick wall, they settled on some large stone monuments at the entrance. There was concern that future property owners would build fences along Old River Road in a haphazard fashion. He said the CCR's clearly state that that will not be allowed to happen unless the Homeowner's Association reviews the type of fence, and they are not about to allow anything that would cheapen the development. The cutting of trees was treated in the CCR's as well. The name of the development had been changed to Old River Woods. They were going to make sewer and water available to all contiguous property owners. The rental of spaces in the marina would be prohibited, and it would be up to the Home's Association to make sure it was fulfilling the purpose that it was designed for. He said that he would supply the Articles of Incorporation of the Home's Association prior to the development. This would explain the purpose of the Association. One of those purposes would be maintenance of the common areas. They are working on the fence style. He said it would look the same on both sides. It has a 20-year guarantee. The landscaping is mandated in the CCR's. The owner has 120 days to complete the front landscaping on the house.

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T. Conser was concerned about the fire problem down in the marina. He said that a fire retardant system in the form of a water pump is effective in most classes of fires. In the case of liquid fires or chemical fires you use retardants and things of that nature. He would like to see the developer work with the fire department as far as providing something that would be useful for them. Another concern he had was with emergency access. He asked if the City would be liable for lack of access if someone is hurt.

D. Darling said that this was a private project. The City had reviewed it and signed off on it.

T. Conser asked if a reasonable condition requiring a minimum liability for the Association would be an approach.

D. Darling said that this would be fine, naming the City as the insured beneficiary.

Mr. Nelson stated that the Home's Association would be well insured and it would not be a difficulty naming the City as an additional insured on the policy.

T. Conser asked about the fencing and buffering along Mr. Stark's property line.

Mr. Nelson said that where the fence stopped, they would continue down to the water's edge with plant materials chosen between the developer's landscape architect and Mr. Stark's landscape architect.

T. Conser asked about the access through Mr. Stark's property.

Mr. Nelson said that Mr. Stark would allow access through his property. Mr. Stark does not want to go on record to encumber his property with an easement because it may affect future development.

R. Burke was also very concerned about emergency access. He asked Mr. Nelson to list the reasons why he felt the access would be an unwise thing to do.

Mr. Nelson said the first thing would be topography. It would be difficult to build a road over steep ground. He added to that the trees on the property, and underneath the trees, the springs.

R. Burke wanted to know how the springs would be dealt with.

Mr. Nelson said that the springs would be capped on the uphill side of the road, carefully bring them underneath the road and then disperse them where they were in the first place. On top of that, the neighbor was very concerned about the springs. He said if the road was really necessary, then to tie it to a condition of approval of the marina itself.

R. Burke asked if Mr. Stark gets his water from the springs. Mr. Nelson indicated that he believed he did. He believed the pond receives the run-off down the hill.

R. Burke asked if having an 8-foot paved road would affect the sales.

Mr. Nelson said that it wouldn't. He was more concerned about the fact that the more people know it was there, the more people were going to use it. He could make it into a nice, small, fenced and quiet pathway that only the residents seem to know about.

C. Tryon wanted to know how important it was to the developer where the gate to the private road was located.

Mr. Nelson said the gate is purely for the residents comfort.

Gregory Chiodo, 18601 Old River Drive, West Linn, stated that he did agree with a lot of the things that the developer had done. He said he was in agreement with the developer on the half-street improvements. He liked the idea of having a meandering path on top of the bank. He was still very concerned about public safety on the

road. He wondered how the added traffic would affect the area. He agreed with the developer on the fire issue and the emergency access. He was very concerned about the possibility for slides in the areas that had been identified as extreme slope. He felt the soils report was very rough. He said the developer only addressed trees greater than 6 inches in diameter in the ordinances. He said what was probably holding the slope in place were the ferns, brush, etc. Another reason he was against the road was because it would disrupt the wildlife habitat. He was in favor of the bridge approach. He thought the common should extend up to at least the line of extreme slope to protect the slope from more than just the cutting of trees 6 inches in diameter and greater. He also was concerned about the Home's Association approving the cutting of trees greater than 6 inches in diameter. He expressed a concern about the brick paving and the drainage easement. He said that the drainage of water would change the character of the area, and the construction would destabilize the slope considerably and interfere with the natural habitat. He would prefer the water drain into the river rather than the drainage course indicated. He still was not happy with the definition of the Willamette River Greenway. He stated he was against the marina going in, also.

C. Tryon asked if by having a geotechnical engineer's certification of soil and geologic conditions on site would meet his concerns of slide danger.

Mr. Chiodo stated that this did answer some of his concerns.

L. Dunstan asked how Mr. Chiodo would propose to handle the safety of the roadway on Old River Road in relation to this development.

He didn't think a major improvement would have to be done. Maybe an overlay would be all that would be necessary. He would like to have the pathway built along Old River Road.

M. Gosling asked M. Hesse about the West Linn/Lake Oswego city limit.

M. Hesse said that there is an intervening lot that is in neither city.

L. Dunstan asked the developer about the slide concern on Lots 20 and 21.

Mr. Nelson said that the first thing that would happen was that the lot would be certified buildable by a soil expert. Every lot along the extreme slope would be tested.

R. Burke asked Mr. Chiodo what he would do if he were sitting on the Commission with regard to Old River Road and River's Edge Estates.

Mr. Chiodo said as far as the road was concerned he would seek the advice of City Council and City Engineer as to whether there were any funds available which might be dedicated to some improvement of Old River Road. He would also take up the developer's offer on the pathway. He would also ask the appropriate body to deal with the City of Lake Oswego to try and get Lake Oswego to do some improvements. As far as the overall development, he felt that some more consideration should be given to protecting the slope. He would ask for more information on the slope from the developer.

M. Gosling asked if Old River Road was a county road.

M. Hesse indicated that it was. He was told by the Engineering staff that the City maintains it just to the outside of the project site. He thought that the City would take over maintenance of the full roadway when there was a half-street improvement to a county road.

Richard P. Waterman, 8 Mozartem, Lake Oswego, stated that he was neutral on this issue. He did want to go on record as saying he was strongly opposed to requiring half-street improvements. He would encourage the offer of BenjFran to be taken up by the City. He was also opposed to anything other than a path to the future marina. He was pleased with the changes in the entrance and also with the change

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of the name. He questioned the use of bricks in the street. He felt it detracted from the natural amenities that exist in the area. In checking the deed recordings for this property and also the tax lots, he found that BenjFran purchased 9.04 acres. He wanted to know how it got from slightly over 9 acres to slightly over 10 acres.

M. Hesse said that the road is part of the property over which an easement runs. The road makes up the difference.

Mr. Waterman stated that he was extremely pleased with the cooperation and the quality of the project.

John Buckley, Traffic Safety Commission, recommended that the developer do an overlay of the existing street. However, where the pavement is sloping off into the gully, doing an overlay there is not going to improve that. Traffic Safety would like to see some kind of improvement to widen that out so there was more room for runners, bikers, plus adequate room for traffic. If it's decided that the developer is going to put in half-street improvements, Traffic Safety recommended a 16-foot half-street improvement as a maximum. He also said that when the street gets over to the north end of the site, it was going to have to taper over to the existing pavement. On the south end, it would have to be tapered almost to Cherokee Court in order to taper the existing pavement into this half-street improvement.

M. Hesse did not have information on what tapering would require.

John Buckley stated that the Traffic Safety Commission did not think sidewalks were necessary. They recommended an overlay with some kind of improvement which would come out of the east side of the existing street pad rather than a full half-street improvement.

M. Hesse gave the Staff report. He stated that he wanted to clear up some of the misconceptions of what the Willamette River Greenway provisions do to property along the river. He said that the Willamette River Greenway does not preclude development. The provisions do provide another chance for communities to review projects along the river. It does not eliminate projects from happening there; it simply gives another hoop for developments along the river to jump through. He said there were approval standards that the Code had for projects that lie within the Willamette River Greenway. One of those standards was that any new structures on new lots must be situated at least 150 feet from the mean low water mark of the Willamette River. This applicant proposed a building setback line, and this setback line, at its closest point, lies about 200 feet from the Willamette River mean low water mark. As far as the Greenway provisions, this applicant had clearly exceeded the standards of the Code. Another key provision that the Greenway section does, it speaks to the preservation of trees along the 150-foot setback. Applicant has also illustrated that tree removal will be minimized; and the only trees that may be removed would be those necessary to construct a pathway, should the City require it. M. Hesse said the major issues remaining pertained to Staff's recommended condition #1, which spoke to having an emergency access path to the riverfront recreation amenities that the project proposed. He called attention to the police chief's April 21st memo to the Commission. M. Hesse read this letter for the benefit of the audience, stating the reasons the police and emergency services encouraged the developer to pave an 8- to 10-foot blacktop road to the boat dock proposed on the Willamette River. He reiterated the concern of Staff over emergency access to the marina facility. He said if the Commission moved toward applying this particular condition, he felt that Applicant's proposal to tie this condition to approval of the marina made perfect sense.

D. Darling said the issue of whether or not to require a path to be there or of any width or of any particular paving was totally discretionary on the part of the Planning Commission.

M. Hesse stated the other major issue appeared to be Condition #10. He said the developer was obligated by the Code to install half-street improvements along the entire frontage of Old River

Drive, and the Planning Commission did not have the discretion to waive those improvements unless a variance was submitted. It was indicated at the last hearing in March that that would be the only process by which these improvements could be waived, and no variance had been proposed. He said the Commission had the discretion in terms of the width of that road improvement, and the Code standards say that collector streets shall have roadways between 36 to 48 feet in paved width. Staff recommended the minimum width of 36 feet, which would then require the developer to install an 18-foot half street along the frontage. On the issue of sidewalk versus a pathway, a bicycle pathway would relieve them of the sidewalk requirement. He also said that if the Commission moved toward approval of this project, he recommended that they be sure and include into any motion that they were adopting findings of both Staff reports since there were two documents that they might base approval on.

D. Darling stated that the letter submitted by BenjFran, dated April 16, that was a cover letter to which the CCR's were attached, would be labeled Exhibit S. The April 22nd letter from Mr. Stark was labeled Exhibit T. The April 18th letter from Rittenhouse & Zeman regarding the soil was labeled Exhibit U. Mr. Chiodo's diagram was labeled Exhibit V. The new colored exhibit on the wall was labeled Exhibit W. She went on further to say that on Condition #14 regarding the boat moorages, that those are for the use of owners only, that should be stated in the CCR's. An additional condition 17, that the CCR's should be submitted for City Attorney's approval prior to final plan. Another issue that was brought up that she felt should be addressed in the CCR's was the cutting of trees over 6 inches in diameter not being cut on certain lots. It calls for restrictions on what would be the river frontage lots and not the others. The only tree-cutting control would be that which is in the CCR's.

D. Darling also stated that the applicant was free to come back for a variance to do away with the street improvements and, thereby, amend the plan.

T. Conser asked, since the Commission could approve up to a 24-foot half-street improvement because it is designated a collector, if they had the flexibility of requiring a variable width to match the existing area.

D. Darling said what they would end up doing would be approving the fairly straight stretch of the 18-foot half street. If there was space, as the Traffic Commission indicated there would be on the southerly end, they would have to run the asphalt from the end of the half street over to the existing asphalt.

T. Conser asked if they had to construct the road to City standards beyond the 18 feet.

D. Darling said not with respect to curbs, gutters, etc. She presumed that the asphalt and what lies under it would have to be travelable. They wouldn't have to bring it up to full city street.

M. Hesse said that there was no input from Lake Oswego on the impact of traffic or the impact of this development. He did say they were notified.

T. Conser asked John Buckley if he had contacted anyone in Lake Oswego regarding the impact of traffic and the impact of this development.

Mr. Buckley indicated that he only talked to the people at the front desk to find out what the designations were around the area. He also said that the road was designated on Lake Oswego's plan as local. He said it was one of the roads that the County maintained but the City would not take it over until the County brought it up to their standards.

T. Conser asked about 5-foot utility easements on the interior lot lines as a condition.

M. Hesse said that that certainly could be added as a condition.

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There was further discussion at this time.

T. Conser asked what ability the City had to maintain the textured concrete that was planned for the streets and sidewalks.

M. Hesse said that the City was not equipped to maintain textured paving and bricks in the roadway. He said that the developer should be aware that when deterioration occurs, the City will not replace these surfaces with materials not readily available. A more intensive level of maintenance would be the obligation of the Homeowner's Association.

D. Darling said that the CCR's could provide for Homeowner's maintenance of textured paving within the development.

T. Conser asked if it was within the jurisdiction of the Planning Commission to require analysis of the removal of all vegetation on sloped areas greater than a certain percentage.

M. Hesse indicated that it was. He said one of the purposes of the PUD was to maintain and prohibit development from these steep areas and maintain the natural areas.

T. Conser asked about the jurisdiction on individual lots. He would like to try and protect the slopes from landscaping disruption.

M. Hesse indicated that it was within their jurisdiction.

Mr. Nelson said that he didn't object to protecting the slopes. He said it was in everybody's best interest to protect those slopes. He also said that it requires 75 percent of the homeowners to change the CCR's. He said that the drainage would not harm the habitats. He also said that the equipment brought in to put in the storm sewer was going to be small. He said that they would apply for a variance. By meandering the sidewalk, they would save a lot of trees along the edge of the street because when they come into clear, they will only clear the roadway, not the right-of-way. He said where there are no trees alongside the street, they will augment with similar species. He said the developer would make its decision on whether to keep the paving or not, depending upon what the Commission found. He said if they do save money on the special treatment of the pavement, they might add that money to the bike path money.

J. Ohleman asked Mr. Nelson why he didn't apply for a variance.

Mr. Nelson said it was not intentional. It was an oversight on their part.

R. Burke moved to close the public hearing. T. Conser seconded the motion. The motion passed unanimously.

M. Gosling asked if the Commission could make approval subject to someone applying for a variance.

D. Darling said no, because they would give away what they were going to do with that variance, and they couldn't do that.

M. Gosling asked about the authority of tapering outside city limits.

D. Darling said that the City could get consent from the County. If the Commission wanted to require some kind of tapering on that end, they could condition that upon County consent assuming there was sufficient right-of-way.

J. Ohleman asked for D. Darling's recommendations on options available since the developer would probably be coming back with a variance request.

D. Darling said that they could reopen the public hearing and continue it for one month, so that they could come back and apply for a variance and handle this all at one time. The other option was to go ahead and make their approval and see what the developer does and fashion the approval as though they were never going to see it again.

There was further discussion on this.

T. Conser recommended pushing on with approval or disapproval of the application, based on the merits that had been presented and the Code that they have to work within.

L. Dunstan felt it was appropriate to tie the construction of the road with the marina. He also would like to require that the private drive not be locked and gated but screened in some fashion to make it appear as not being a pass-through, but improve it and cause that to be an emergency route down to that area.

M. Hesse asked L. Dunstan if he meant the existing private drive down to the homes on the river could be used as an alternative emergency access.

L. Dunstan said that it would serve as useful a purpose as constructing another road through, presuming that that private drive was improved, widened and there was no gate on it.

R. Burke said that Mr. Stark did not approve of that, and the Commission had to act according to his wishes.

There was further discussion.

T. Conser moved to approve the application for ZC-86-04/SUB-86-03 /MISC-86-02 of a planned unit development for River's Edge Estates (Old River Woods), Tax Lot 200, Assessor's Map 2-1E-64AD, in compliance with the Staff report dated March 5 and April 9 based on the findings in those Staff reports and the exhibits attached thereto subject to the following conditions:

1. That upon approval and construction of a marina that an 8-foot pathway, emergency access drive, be improved with hard-surface pavement, with final construction plan subject to the City Engineer's and Planning Director's approval. Said pathway shall have removable bollards or other barriers to discourage unauthorized entry; or an access easement be secured through adjoining lands to the east guaranteeing emergency access for the boat moorage area.
5. That the trailhead junction with the street be redesigned as illustrated in Exhibit J and consistent with Exhibit S, specifically...
10. That an 18-foot half-street improvement with tapering on the north and south ends be provided and approved by the City Engineer and the County Engineer on the north end and installed along the Old River Drive frontage of the site. The improvements shall include curb, gutter and a meandering pedestrian pathway in lieu of a sidewalk subject to Staff approval.
14. Boat moorages may not be leased or sold to individuals not residing within "Old River Woods" subdivision; said restrictions to be included in CCR's and approved by City Attorney.
17. That the CCR's be reviewed and meet the City Attorney's approval.
18. That any unusual treatments of the roadway would be made the responsibility of the Homeowner's Association.
19. That the developer will provide analysis by a soil's expert and a plan for the removal of the natural vegetation on all slopes greater than 35 percent be subject to Staff approval.
20. That a 5-foot interior lot line easement be provided for utility purposes.

R. Burke seconded the motion.

After some discussion, the sentence "That the CCR's contain a provision reflecting the same" was added to Condition 19. R. Burke seconded the amendment.

The motion passed unanimously.

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3. Proposed Amendments to Community Development Code,
Comprehensive Plan and Inventories - Public Hearing - Continued

M. Hesse said that proposal #5 suggested that West Linn change the parking standards in the Code which apply to commercial uses. He said that West Linn based their parking requirements on gross floor area and other jurisdictions surrounding West Linn based their parking requirements on gross leasable area. His understanding of what leasable area excluded was hallways, storage areas, common areas, rest rooms, conference facilities, etc. He said there is usually a 20-percent reduction in the area that is used to calculate parking requirements.

D. Darling stated that she did not like M. Hesse's idea of what "leasable" meant. She said that this ordinance could be dangerous without a good definition of "leasable."

M. Hesse said as an alternative to that, by the next Council meeting, a definition could be generated to be presented to the Council.

D. Darling said that if the Commission liked the concept, they should condition recommendation upon Staff coming up with a definition of "leasable." They should then give some recommendations on what they believe "leasable" is.

M. Hesse said he would contact as many jurisdictions as he was able to and compare how they define "leasable area." He would then generate a definition for West Linn for use in reviewing proposals.

T. Conser asked if conference areas are considered as part of the common area.

L. Dunstan said that where the conference facilities are used by all tenants, that is considered as part of the common area.

There was more discussion on this.

M. Gosling said he would be very happy to get rid of the number of employees.

M. Hesse said that it was an administrative nightmare for Staff to try and guess how many employees there are going to be.

R. Burke wanted to know why high schools were not included.

M. Hesse said that a jurisdictional comparison had been done of parking requirements for high schools. That study resulted in the City adopting Code changes for the high school parking requirements, reducing them by 25 percent from what they previously were.

J. Ohleman asked if this proposal was adopted by the City Council, if it was retroactive.

M. Hesse indicated that it would not.

There was further discussion.

This proposal was supported by the Commission subject to Staff coming up with a definition of "leasable."

M. Hesse said Proposal #6 would change certain sections of the "sign code" relating to service station signs, real estate signs, development signs and signs in newly annexed areas. The first item would be to delete the terms "or subdivision" from Section 52.300(C) and Section 52.400(E) of the "sign code." He said that 52.300(C) pertains to multi-family development or subdivision signs. Another section pertains to temporary development or construction signs. There is confusion for developers and Staff in which of these two provisions applied to subdivisions. This proposal would make 52.300(C) applicable only to multi-family development projects and keep 52.300(G) for subdivisions and then change that particular subdivision section to codify real estate signs. He stated that one of the problems this particular addition attempted to address was that if temporary development and construction signs were allowed to

be 32 square feet, there was nothing that said they can't put the name of the subdivision in 3-inch letters at the bottom and the remainder of the sign as basically a real estate sign advertising lots for sale. This attempts to restrict that portion of the sign which can be used in the real-estate-signage fashion. The bulk of the sign would be for identifying the project. He said that #5 was put in because right now there is no height limit placed on the signs. Section 52.300(H)(4) refers to subdivision signage: shall be approved by the Planning Commission at the time of development. He said what generally happens is that the developers are never ready to present their signage at that time, and they have to come back. The next one deals with automobile service station signage. He said that the present Code allows 12 square feet of sign area for the purpose of advertising fuel prices.

R. Burke wanted to know if signs in the West Linn area were 12 square feet.

M. Hesse indicated that they were not. He said that no one is conforming to the 12 square feet that exists today. He said the proposal is for 18 square feet. The event that led up to this proposal was that a Mobil dealership approached the City saying that there was new State legislation which required that all fuel prices be displayed. He said that with the 12-square-foot maximum, the dealers found it difficult to get the prices across. He said the point of the proposal was to recognize that the stations were being required by State law to have fuel-price signage and respond to that requirement and, yet, retain some control. Another proposal was to increase the free-standing identity sign allowed from 28 to 32 square feet. He said that time had not allowed Staff the time to do a thorough look at all the oil companies' signage. #6 said that free-standing signs shall not exceed 7 feet in height, deleting the word "identity." The reason for this was that other signage allowed under the Code does not necessarily have height limitations attached. On newly annexed lands, this was an attempt to clarify what effect annexation had on signage. This proposal would require that in newly annexed areas, those properties within the annexed area have 30 days to bring the signage within conformance with the "sign code." The next section, in the event West Linn has a fast food outlet, dealt with menu boards. This is a free-standing identity sign not attached to the building. West Linn's "sign code" does not allow that. It limits the size to 16 square feet.

L. Dunstan wanted to know how the number 16 was arrived at.

M. Hesse said it was just a proposal.

R. Burke was concerned about the size. He felt that the size of these menu boards should be researched.

M. Hesse said the next proposal dealt with the "sign code" for multiple tenant commercial projects. Multiple tenant is defined as 5 or more establishments on a single site. He said that the Code right now says that the sign shall only contain the name of the center or complex, and they may include the directory. The effect of this change would be to allow a complex with 5 or more tenants to have a single sign with an identity sign for more than one tenant on that site. The thought amongst Staff was that these 5-to-8-tenant complexes seldom have a name. If they do have a name, that name does little to advertise for the tenants of that complex. The next section would allow real estate signage to go to 24 square feet in area, with a provision that the signage be set back a minimum of 60 feet from any right-of-way line abutting that site. The effect of this would be that large parcels would have the opportunity to exceed the 6-square-foot real estate sign standard that is presently enforced. This would ensure, with the 60-foot setback, that small parcels, small commercial sites, may not use the larger real estate signs; but on larger sites, if their signs are setback 60 feet, they could have a 24-square-foot real estate sign.

M. Gosling asked if maybe one acre would be a bit more realistic.

M. Hesse said it was just a proposal. The next section dealt with this as well. It puts a 9-foot height on all real estate signage, except on the large sites that have been given some flexibility, that they have a 12-foot height.

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J. Ohleman stated she was uncomfortable with the 60-foot setback.

L. Dunstan stated that he would like to see a smaller sign, but have it butt up to the property line. He couldn't see any useful purpose setting it back in 60 feet.

There was further discussion.

T. Conser said that 20 feet seemed to be more realistic for that size of sign.

There was further discussion.

R. Burke again brought up his concern about the size of the menu boards.

M. Hesse said that he felt it was important to get the provision in the Code as soon as possible.

T. Conser concurred with this.

R. Burke felt that the size should be 24 foot.

J. Ohleman asked if this should be opened up to any business that has a drive-through.

R. Burke felt it should be limited to restaurants.

It was agreed that this proposal should read "drive-through restaurant" and the sign should be 24 feet.

M. Gosling suggested 1 acre and a 20-foot setback for Section 52.400(L)(1).

Mr. Val West wanted to know, before these proposals were submitted for adoption, if the West Linn Business Group would be presented with the ordinances that pertained to businesses. He wanted to know when they would get these proposals before deliberation was made on them.

M. Hesse said he would check and get back to him.

There was further discussion on this.

J. Ohleman asked if the West Linn Business Group had an opportunity to look at the "sign code" revisions, if they could legally make additions to the list.

D. Darling indicated that they could. She said it would depend on how the notice was worded.

M. Hesse said if the West Linn Business Group proposed changes to signs relating to service stations, real estate signs, development signs and signs in newly annexed areas, they could.

J. Ohleman asked about other areas.

M. Hesse said that legal notice had not been satisfied for delving into other areas.

J. Ohleman stated that there were a number of West Linn business persons who were sufficiently upset with the present "sign code" to storm City Hall.

D. Darling said that they couldn't do anything now unless it was a service station sign, real estate sign, development sign or a sign in newly annexed areas. They would have to wait until September.

M. Hesse said that didn't mean that they shouldn't pursue their concerns. It meant that their concerns couldn't be adopted into a Code change until September. They can't be codified until September.

T. Conser moved to close the public hearing. R. Burke seconded the motion. The motion passed unanimously.

R. Burke moved to recommend approval of Proposals 1, 3, 4 and 7 as worded; Proposal 2, not be approved; Proposal 6, approval, with the following changes: "drive-through business" be changed to read "drive-through restaurants, limited to 24," rather than 16, "square feet;" Section 52.400(L)(1) read "...parcels of land in excess of 1 acre...be set back 20 feet." Proposal 5 should add a definition for leasable floor space.

T. Conser seconded the motion.

J. Ohleman proposed an amendment to Section 52.400(3) to read "...24-square feet..." for the changeable copy sign.

There was some discussion on this.

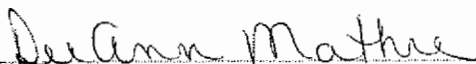
T. Conser seconded the amendment.

M. Hesse said that on the second part of 52.400(3) about changeable promotion, this provision would allow flatwall changeable promotion signs. He said the point of this particular change that the Planning Director wanted to stress was that the threshold which he was cautious to cross was that the present "sign code" allows identity signs to identify businesses. It does not provide for identifying the product and the services that individual businesses provide.

There was no objection to leaving that in.

The motion passed unanimously.

T. Conser moved to adjourn the meeting. R. Burke seconded the motion. The motion passed unanimously. The meeting was adjourned at 12:15 a.m.


Dee Ann Mathre, Hearings Reporter

May 27, 1986

1. Acting Chairman T. Conser called the regular meeting to order at 8:00 p.m. Members present were R. Burke, J. Ohleman, and L. Dunstan. Absent were F. Allen, M. Gosling, and C. Tryon. Also present were M. Hess, Assistant Planner; M. Butts, Planning Director; D. Darling, City Attorney Representative; and D. Mathre, Hearings Reporter.

2. Minutes of the April 21, 1985, regular meeting and the April 24, 1985, special meeting

J. Ohleman moved to approve the minutes as written. R. Burke seconded the motion. The motion passed unanimously.

3. Proposed Car Wash for Dave's Texaco Station - Public Hearing

David Himes, applicant, said that he had arranged for a long-term lease with Texaco, Incorporated, and he wanted to put in a car wash at his station located at 5460 Portland Avenue. He said that the layout was exactly as the Texaco station in Clackamas. The only difference between the two was that the egress was from one side primarily on the station located on Portland Avenue. He said that this car wash was originally in the other Texaco but he came to the conclusion that the egress approach from two directions was a disadvantage for its operation. The egress approach for this would be on 43 and enter at the north end. His intent was to use the full-serve aisle in the car-wash approach, utilizing the facility, then back out and egress into the mainstream of the traffic pattern and continue on down the street. He said the car wash had the capability of being a drive-through, a back-out, or approach from either end. The car wash also had a computer reader. He did not see

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any problems that would arise with the installation and utilization of a car wash in this facility. The car wash is modular and state-of-the-art. He also said that the bulk of the car washes were sold between six and 9:00 or closing and between 10:30 and noon during the day. He couldn't see any congestion problems related to the traffic flow and the physical layout of the facility. He said that the car wash was equipped with a tunnel system of lights that say stop, go, advance, etc. There was also a sign built right into the car wash, which is modular and slides into the car wash, that says "Car Wash."

M. Hess gave the Staff report. He said the applicant had to do two things according to the West Linn Development Code. Applicant had to obtain a conditional use approval from the Commission to have an automotive-cleaning establishment in a general commercial zone, and he must obtain approval to alter an existing non-conforming structure that has a conforming use within it. He said the structure is classified as non-conforming with regard to its setback and its placement on the property. It varies from the standards of the Code in that fashion. It can be altered as long as certain standards were met. He said that this proposal satisfied those standards. The existing non-conforming remains the same before and after. The proposal also satisfied the conditional use standards that are applicable also. There would be sufficient space for as many as 5 cars to stack up while they're waiting for a car wash. Staff recommended approval of the proposal with the one condition that any additional signage require a sign permit since that was not included in this proposal.

T. Conser asked if the 5-car back up would be within the existing property.

M. Hess said that figure was based on where the existing curb location was on Highway 43. So it would be 5 vehicles off the street but not necessarily on the site. There was approximately a 50-foot distance between the existing curb location on Highway 43 and the property line.

T. Conser asked if any public development of the right-of-way would inhibit this particular site.

M. Hess said if the road was widened in that particular spot, it would impact the ability of cars to line up there, but the likelihood of that was pretty slim as that portion of the roadway was already developed with 4 travel lanes and there is no parking on the street there.

J. Ohleman moved to close the public hearing. R. Burke seconded the motion. The motion passed unanimously.

L. Dunstan was inclined to require that if any sign go in to advertise the car wash other than the sign over the bays on the service station that the rest of the signage be brought into conformance.

M. Butts said that his concern with that was the free-standing identity signs limit of 7 feet for individual businesses. He felt this would be a hardship for this particular business. He said none of the other service stations operate under that, but the other stations can easily be brought into conformance. This included all signage.

R. Burke asked if all service stations in West Linn were non-conforming.

M. Butts indicated that they were.

J. Ohleman said she had some concerns with that proposal. She didn't feel it was fair to have one service station come into conformity when none of the other service stations in West Linn do just because they wanted to put up additional signage to advertise their car wash. She said if this became a part of the motion, she would not support that part. She did, however, support the proposal.

R. Burke wanted to know what Mr. Himes would have to do to get appropriate signage for the car wash at this point.

M. Hess said he would have to come in and apply for a sign permit which would then be reviewed against the approval standards of the Sign Code Chapter. That would be a Staff-administered permit.

R. Burke asked if he put up new signage for the car wash if that would have to be conforming or if Staff would have the option of making the new signage also a non-conforming use.

M. Butts said that any new signage would have to meet the Sign Code.

R. Burke stated that he was in agreement with J. Ohleman.

R. Burke moved to approve the request for a car-wash facility, CU-86-03/MISC-86-08, Tax Lot 301, Assessor's Map 2-2E-30CD, based on the findings contained in the May 7th, 1986, Staff report. J. Ohleman seconded the motion. The motion passed unanimously.

4. Proposed "Robynwood View Apartments" - Public Hearing

L. Dunstan stated that he lived about 2 blocks from this planned development. He didn't think that that would bias him. He felt that some of his concerns with the application could be stronger since he lived in the area, but the ultimate decision on it would not be impacted.

M. Hess said that the conflict of interest dealt with financial conflicts.

M. Hess gave the Staff presentation. He said this was an application for a design review and a PUD, meaning planned unit development, overlay for a 98-unit apartment complex. The site is located immediately south of the Robinwood Shopping Center on the southerly and easterly side of Hidden Springs Road. Applicants are Steve Hinckley and Real Estate Investment Capital Group, represented by OTAK Architects, Inc.

M. Hess said that the Traffic Safety Report would be Exhibit C. The Robinwood Apartment Packet would be Exhibit D.

Ralph Tahran, architect for the project, OTAK Inc., felt that Staff had covered things very thoroughly in their report and they didn't have any problems with any of the recommendations. They did agree that access was an issue that needed to be resolved. He also said that the accent color picked was at some debate. He said that the accent color and the whole building design would add more of a lively character on that corner. He said that, originally, there were 3 access points. It was known that the access on the curve would be a questionable access point. There was one access point that was a given and that was the access to the adjacent apartment complex. The access to that apartment complex would be taken by a 20-foot existing easement. It is paved and Applicant would like to use that as one of their outlet easements. The third access was a joint access between the commercial and apartment area. He said the joint access becomes a touchy issue in terms of liability in terms of how to get identity for the commercial versus the apartment. They designed the project based on that. As their application was evaluated, the Engineering Department, State Highway Department, and Planning Department wanted to discuss whether or not that location for the joint access was viable, and they wanted more information to allow the access point because of the future of the commercial area. He said the traffic study came up with two viable options that allowed the applicant to maintain the character of the development and allow the commercial area to develop also. One was that they would still propose joint access. The other would be to locate the access as close to the property line as they can but as far away from 43 as they can to allow for stacking. He felt that a joint access could be worked out at the point originally proposed. He said that the apartment complex did not impact Hidden Springs Road to a point where it's a problem with traffic. He said that as soon as the commercial developed there would be a conflict with the accesses in the p.m. peak hours. It was anticipated that about 90 percent of the trips would be commercial

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348 development. The other option was to separate from a joint access and become an exclusive access if they were a minimum of 120 feet from the existing Robinwood Shopping Center access. Applicant proposed 145 feet for a couple of reasons: it would provide for more distance, and they would have to revise their site plans so they could still get their recreation building in and maneuver in there. This would not be a joint access, however.

T. Conser wanted to know how wide the joint access with the other multi-family units would be.

Applicant said that it would be a 20-foot access easement.

T. Conser asked how high the berm would be. Applicant said that it would crest at 5 foot.

L. Dunstan wanted to know what was envisioned for the recreational facility.

Applicant said it would be a very small recreational facility, about 940 square feet. There would be area for weight lifting equipment, a meeting room, a leasing office, a sauna, and changing rooms for the pool.

L. Dunstan asked how much room would be provided for the leasing office. Applicant said that they had set aside an area 10x12 for the office. He also said that this would be open to all the individuals living in the facility.

L. Dunstan asked if the revision of the entrance to the site would change the number of parking spaces available for the complex.

Applicant said that they would be able to maintain the same number of spaces.

Wallace S. House, 19499 Wilderness Drive, said the only objection he had was the central drive of the complex. He was satisfied with the changes that the developer had made to the complex.

Kathy Boyen, 2168 Hidden Springs Court, was concerned about the effect this 98-unit complex would have on the already overcrowded schools.

Carla Garr, 2587 Bronco Court, wanted to know what the color scheme was for the apartment complex and what affect the addition of this complex would have on the water situation for West Linn.

Chris Patton, 2765 Carriage Way, was also concerned about the impact on the schools as well as the stack-up problems on Hidden Springs Road.

M. Hess gave the staff report. He said that on the issue of school overcrowding, the Planning Commission dealt with whether or not the City of West Linn should approve a particular proposal, whether the service the City of West Linn provided was adequate to serve a proposal. The West Linn School District was governed by different boundaries and was a different jurisdiction. That particular taxing body was charged with providing school facilities for the area within its boundaries and it was charged with planning for the anticipated population within those boundaries. It was neither the Commission's or the City of West Linn's duty to determine whether or not other agencies have done adequate planning for facilities within its bounds.

T. Conser stated that when the Comprehensive Plan was put together the School District was quite involved in it and had been involved in several of the activities that affect how the school district operates. The School Board is aware of the Comprehensive Plan which gives them a maximum density that the City could develop. He said that their planning is coordinated based on that potential.

M. Hess said this was an application for design review and a planned unit development overlay. The PUD overlay is a section in the Code that allows greater flexibility in the site design. There is also a bonus section of that particular chapter whereby the Planning Commission could grant a bonus to the density that's allowed by the underlying zone if the proposal meets certain criteria. This application seeks approval of a 5-percent density bonus for design excellence. The Design Excellence section of the PUD allows up to an 8 percent bonus. The density allowed by the underlying zone would be 93 units. Staff concluded that the design of the site and the facilities do warrant the 5-percent requested bonus. He said that primarily it was the structure itself that Staff based that award on, but, in addition, the site design had some characteristics that satisfied the criteria in the bonus section. Staff also concluded that the design review provisions had been satisfied in most respects. The one issue which the Design Review Chapter required pertained to the parking lot layout. That section states that there will be no more than 12 parking spaces in a row without a 5-foot landscape strip to break up the length of the parking facility. This proposal has carport structures to break up the parking, but this section does not say anything about architectural breaking up of the parking.

Earl Reed, Public Works Director, City Engineer for the City of West Linn, said that water was not a problem for this particular area. He said the only area that might have a water delivery problem would be the Rosemont area. The solution to this would be odd/even sprinkling for the summer. He explained where the Rosemont area was located. Mr. Reed said that for this development, they rely on the pressure system tank in Oregon City which basically gravity feeds to that elevation. From that elevation it would go to a pumping station. From this pumping station it then would go to a second pumping station, which is the Rosemont pumping station. From that point on, there would be a pressure problem in certain areas. He said that there is plenty of water going through the two pump stations. The problem begins when they try to get the water up the hill from that point. On the stacking problem, he said that a traffic consultant made a special report in response to that and other concerns. He felt that the commercial site should be looked at as well as the 98-unit apartment complex. He then discussed the various accesses to the site.

D. Darling said that the Commission could not say what the access on the undeveloped site was or wasn't going to be. She said they could plan the access on this lot to complement the anticipated uses of the undeveloped site. She also said that the Commission could defer the access to Staff and Engineer approval.

Mr. Reed said that if Mapleton was used as an access for the commercial site, it would be a signalized intersection.

T. Conser wanted to know whose financial responsibility it would be for the signal.

Mr. Reed said that he would look to whomever developed the site to pay for whatever access control was needed.

T. Conser asked if Mr. Reed felt that this particular application would have any impact on that particular intersection.

Mr. Reed didn't believe so.

M. Butts said the commercial facility would probably be coming in to Staff within the next month or so. By allowing the City Engineer to make the final access determination, given the two alternatives, Staff and the City Engineer can jointly determine what the needs are for these sites as far as access is concerned.

John Buckley, Traffic Safety Commission, went over the findings in the Traffic Safety Commission's letter to the Planning Commission on the different accesses to this site. He also said having dealt with

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the State Highway Division, the intersection for the commercial site would be very questionable. The reason for this feeling was because of the double-curve situation and there would be a third signal.

J. Ohleman asked how the Traffic Safety Commission felt about additional traffic lights on Highway 43.

J. Buckley indicated that there would be no problem with a light at Pimlico. The light was tentatively set up for 1988 if the State felt it was needed. He said that the left-turn lane at Pimlico was a go-ahead, but a traffic light was still being looked at. He also assumed that there would eventually be a traffic light going out toward Lake Oswego or at least a change in the Marylhurst College signal. He also added that from Traffic Safety's viewpoint the only access to this commercial site that could be guaranteed would be anything that the Planning Commission would grant off of Hidden Springs. He said that Traffic Safety preferred a separate access for both the commercial and the apartment complex.

Ralph Tahrán reiterated the problems dealing with the access to this site. He stated that each alternative had its detractions and that there was no perfect answer in this situation. He felt that Exhibit 1 would work the best for all parties involved.

T. Conser asked Applicant what questions and concerns the neighborhood expressed about the color.

Applicant said it was mainly the pastel color. The teal green was going to go on the individual doors only.

Carla Garr felt that it was important that the color scheme be flush with the surroundings. She said it looked like something for downtown Portland, not the West Linn area.

Applicant said that most of the opposition seemed to be the peach accent color. Rather than have that drastic a color change, he said it could become a pale bluish or grayish tone.

Donald Nussmeir, 25425 Swift Shore Drive, West Linn, the optionee on the commercial property adjoining the apartment land, said that an access on Hidden Springs was critical to that property. He said that it would be acceptable to have a shared access.

L. Dunstan moved to close the public hearing. J. Ohleman seconded the motion. The motion passed unanimously.

There was some discussion at this point.

L. Dunstan voiced a concern about the recreation facility becoming a video arcade down the road.

M. Butts said that a condition could be added that the recreation facility be for the exclusive use of the residents of that area. He said if there was any change whatsoever they would have to come back to the Planning Commission and request an amendment to the planned unit development.

D. Darling said that the Commission could express some parameters that could be placed on the recreation facility and ask that a plan for it come back for Staff approval, but they would have to put what they don't want to see.

L. Dunstan said that he preferred the earth-tone colors over what had been proposed.

J. Ohleman, even though she preferred the color scheme as proposed, didn't feel strongly enough to fight for it.

R. Burke preferred the earth-tone colors or a blue-gray color.

J. Ohleman felt comfortable granting the density bonus on this development. She thought that the other issues were being dealt with in one way or another.

R. Burke preferred that any commercial development access off of Highway 43. He was opposed to both a joint access and a separate access. He felt it was just waiting for an accident to happen. He also was personally opposed to abrogating that responsibility to Staff.

T. Conser felt if the concerns that had been expressed can be put in a motion to Staff, that Staff could best handle the traffic problem. He tended to go with the blue tone that Applicant suggested.

L. Dunstan moved to approve application DR-86-18/ZC-86-06 for a 98-unit apartment complex for property described as a portion of Tax Lot 6200, Assessor's Map 2-1E-23AD, based on the findings of fact and conclusions of the May 13th, 1986, Staff report subject to the conditions, therein, with the following changes:

4. Add the statement "That the plans for the interior design and utilization of the recreation facility be approved by the Planning Director."
7. That the access onto Wilderness Drive be eliminated.
8. That the accent color for the units be changed to a lighter tone of blue or blue-gray.
9. That the recreation facility be reserved for the exclusive use of the tenants in the development and guests.

T. Conser asked if the Commission wanted to give any direction to Staff with reference to the parking lot.

L. Dunstan said that the landscape buffer was appropriate, that a garage does not adequately break it.

M. Hess said a landscape buffer would eliminate about a half dozen parking spaces. The developer would have to redesign.

R. Burke seconded the motion.

T. Conser felt that the architectural structures broke up the parking spaces.

D. Darling said that if there were additional concerns on that issue, the Code should be looked at and the Planning Commission would have to interpret what the Code means.

J. Ohleman didn't feel it was necessary to require that the parking spaces be broken up by a landscape buffer in this case.

There was further discussion

The motion passed unanimously.

5. Proposed "Hidden Springs Summit" Subdivision - Public Hearing

J. Ohleman had an ex parte contact on May 20th. She had a discussion with one of the residents of the area about the traffic on Carriage Way. She felt this resident would address the concerns she had expressed at this hearing.

M. Hess gave the staff presentation. He said that this was a subdivision located on 48.6 acres of land near the intersection of Hidden Springs Road and Santa Anita. The application was for a tentative subdivision approval and a planned unit development overlay. He said the Commission may approve the plan as submitted or they may approve it with conditions, or they may deny it. The issues that Staff identified in its report for the Commission's consideration dealt with recreation and open space, storm drainage, and the future athletic club facility.

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D. Darling said because of the lack of specificity on the athletic facility on what it was going to be, she advised that that area be redesignated as a future study area. She said all reference to the athletic club would be stricken and the condition would require the applicant to come in with a plan for area G within two years. There would be no designated use on that parcel of land of any kind.

Jerry Palmer, 700 SW Taylor, Portland, Oregon, an engineer representing the applicant, K & F Development and Dave Edwards Development, concurred with the recommendations as they had been modified. One minor point that he wanted to clarify was the storm drainage system. He felt that the drainage system that existed throughout Hidden Springs Ranch had been properly designed in capacity to service this development. He said that those same calculations had been provided the City Engineer. He did not feel there was a problem at that intersection in the way of capacity. He proposed that it be changed to read "That increased storm drainage run-off impacts be mitigated within the existing system to a point at the intersection of Bluegrass Way and Hidden Springs Road as may be necessary and as determined by the City Engineer." He said that this was a clarification because the wording in the condition indicated that there was a problem, and again he did not feel there was a problem at that point.

Lantz Reppert, 1909 Sunray St., representing a group of Sunburst II homeowners, said that they basically supported the subdivision with some conditions. They requested that an addition be made to Sunburst Park, which is between Sunburst II and the proposed development. They would like it to be a wilderness park. This park would provide an excellent buffer between neighborhoods. There are a lot of wildlife that exist in that area. They would also like the tree line that currently exists between Sunburst II and the proposed subdivision to be preserved as much as possible. He said the developer indicated in a meeting with the homeowners that they would preserve all trees over 6 inches in diameter within 10 feet of the property line on their side, as long as they were not diseased. Mr. Reppert said that right now there were not too many trees located on the south end of the property line. They would like to see some consideration given to adding some trees in that area. They would like the tree consideration to be given to the whole property line between the two subdivisions. On the path connecting parks, they did not have any particular position on that.

Mark Seeger, 1952 Sunburst Terrace, said he was in favor of the development the same way that Mr. Reppert represented it and the way the developers had proposed it.

Ken Bean, 1931 Hunter Way, said he was in favor of the subdivision, but he did have some concerns about the park and the different things that had been proposed there. He also said that he was opposed to the straightening of Hunter Way. He thought the developers had done a nice job of looking at some of the traffic-flow problems.

Chris Patton, 2765 Carriage Way, a group representative, said they had a real concern about the water pressure problem. She had routed a petition throughout her neighborhood which she read into the record. She felt the odd/even sprinkling was a bad approach and unacceptable. She said a member of the group suggested that a complete analysis of proposed solutions to the water problem be reviewed by other engineering consultants and the community, and this resident would like to see at least a comparative proposal of gravity and pump systems. She was not confident that there were adequate facilities for this subdivision.

Ed Dierick, 2927 Hunter Way, a group representative, said they had a concern that Hunter Way on the Benski Park side of the development would be the dumping grounds for all the traffic from this development. They would like to see the traffic diverted to an access onto Hidden Springs Road. This proposed access would add more congestion to the already congested Carriage Way and possibly injury to the youngsters in the neighborhood.

Richard Johnson, 2931 Carriage Way, said he also had a concern about the access to this development. He felt if the access came out of Hunter Way and Carriage there would eventually be a light on Hidden Springs. Other than that, he was in favor of the project.

George Passadore, 19602 SW Derby Court, considered any scheme of odd/even watering a degradation of City services.

Carla Garr, 2587 Bronco Court, wanted a clarification on the R-10 zoning, the exact definition, and some more detail about the lots that would surround the athletic facility.

T. Conser said that this application was for a PUD which would allow a total density of an R-10. The total density would not be exceeded if this site were developed at R-10 just lot by lot.

Carla Garr asked if R-10 meant 10,000 square feet per lot.

T. Conser said that that would be a minimum lot size in a standard R-10 zoning. He said in a PUD it was flexible zoning, and in this particular development the lots run from roughly 8,000 to 27,000 square feet.

Carla Garr wanted to know the justification for flexible zoning if it was supposed to be 10,000 square feet per lot.

T. Conser said it was because this was an application for a zone change to a PUD. The lot sizes are changeable in a PUD when it could be shown that this type of development was for the betterment and in a planned fashion.

Carla Garr wanted to know what the alternative would be in the event the athletic club failed to materialize.

Ken Worcester, representative for the West Linn Park and Recreation Board, said that the Board recommended the proposal of the developer for the Sunburst Park expansion and requested the inclusion of the four remaining lots on the south side of Hunter Way in the proposed drainage area and to extend the proposed tree preservation deed restriction along the existing park boundary to its southern border. The last part of the recommendation was to maintain a trail corridor specifically linking Sunburst and Benski Park. He said the Park and Recreation Master Plan did provide for or recommended, whenever possible, links from park to park in a trail-type concept. He also said that the Board changed the designated use for Sunburst Park from that of an athletic-type complex to more of a passive-use area with a natural area. That would be where the proposed expansion would fit in.

R. Burke asked if he had any idea how many lots that would knock out of the proposed 148 units if there was a corridor over to Benski Park.

Mr. Worcester thought that this corridor would probably reduce the size of lots, not knock any out.

T. Conser asked if there were funds available to maintain nonpaved type of paths.

Mr. Worcester indicated that at this point they were not prepared to maintain a whole network of these type of trails.

Bill Muncy, 2926 Hunter Way, wanted to underscore the traffic problem that he and other people in his neighborhood see happening on Hunter and dumping down onto Carriage Way.

M. Hess gave the staff report. He said the proposal before the Commission was for a 148-unit subdivision, 132 of which would be single-family lots, 16 would be common-walled attached housing. There are going to be 7 phases to this project. He said the Commission was being asked to approve a PUD overlay as well as a tentative subdivision plan. One of the points that Staff wanted the Commission to consider in their review of the PUD aspect

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of the proposal was the purpose of the planned unit development overlay. He stated that two of them stood out to Staff and they still question whether what was being proposed to the Commission adequately addressed these. One of these states "...to preserve to the greatest extent possible the existing landscape features and amenities through the use of a plan that relates the type and design of the development to a particular site." The other purpose states "...to allow flexibility that will encourage a more creative approach in the development of land, and will result in a more efficient, aesthetic and desirable use of open area." He then went on to compare some of the other PUD's in the West Linn area with the proposed PUD. With the proposed PUD there was no public dedication of open space or park land offered. What was offered by the developer was 1.6 acres of park land which would expand the Sunburst Park to the northeast. From all of the recommendations presented for the park, the park dedication would range between 1.6 acres to 2.5 acres which was still, in Staff's opinion, a bare-bones dedication of open space and park land given 148 new dwelling units. He said that Staff had no problem with the tentative subdivision criteria and supported approval of the tentative subdivision plan. It was the PUD-approval criteria that warranted a greater look at alternatives for this development. He said Staff was not recommending any straight through of Hunter Way, and the attempt to discourage through-traffic through their street plan was not opposed by Staff in any way. He went on to say that under R-10 zoning there was a single-family residential zone that required 10,000 square foot minimum lot sizes. If the PUD overlay is applied to the property, that would give them flexibility in lot sizes as well as more flexibility in terms of land use. If the approval criteria for the PUD are to the Commission's satisfaction, that would give the developer the flexibility to reduce some of the lot sizes below 10,000 square feet and may even be awarded a density bonus. The average lot size for this proposal exceeds the minimum 10,000 square foot minimum. On the path connecting the parks, he said one method to perhaps allow a trail to occur between the two parks was explored by having a parkway formed by splitting the street that would traverse the development east and west. There would then be a strip between the street of 30 to 50 feet width that would contain within it the trail that would link the two parks. Where a crossover occurred, there would either be a bridge so the pathway would go underneath the travel lanes or a grade crossing for the path. He stated this was an alternative that addressed this concern. On the access point of Hidden Springs Road, he wanted to call to the Commission's attention a section of the Land Division Design Standards which recommended an 1800-foot distance between access points on arterial roads. The proposal where the access was immediately adjacent to the athletic site would not satisfy that minimum distance.

Earl Reed, City Engineer, said it was desirable to have Bay Meadows line up with the proposal on the south side of the access point. If Bay Meadows was moved further to the east, the access points would be closer and this would not be desirable. He said there was probably some merit to the stack-up problem on Hunter and Carriage. His thought was that if this did develop into a problem, it would not take too long for the residents to start using the other access onto Hidden Springs. He said the applicant had addressed the Staff's concerns from the engineering standpoint. On the water pressure problem, he said this development was located in the Rosemont area where there is a concern in the summer months. He said City Council; Murray Smith, consulting water engineer; and City Staff met repeatedly to work out something that would improve the water situation for the people in the summer. What was decided was there would be an ordinance that would require people in the Rosemont zone to water on odd/even days. This would provide a several-fold increase in the amount of water that would be used in that zone. With the odd/even sprinkling he did not foresee a problem. On the gravity pump system, he didn't have enough information to address that issue. He said there were adequate facilities for this application and the other previously approved applications.

There was further discussion at this time.

R. Burke asked what the distance between Bay Meadows and Santa Anita would be if Bay Meadows was brought straight down in front of the athletic club and intersected with Hidden Springs Road.

Mr. Reed said it would probably be a couple hundred feet.

John Buckley, Traffic Safety Commission, said they were concerned about the two four-way intersections. He said they had a very strong feeling that Hidden Springs should be improved during the first and second phases of the development, because there would be more and more traffic added as the houses were built. They also had a concern about the grade on Derby Place. The grade was within the Code but it would be an awfully short street. It would be a 13.8 percent grade on a less than 100 foot horizontal movement. They would like to work something out with the developer to mitigate that to a certain extent. They did not see any street that would serve as a major local street or collector to direct a smooth traffic flow. The best movement would be to move the traffic down to the arterial rather than forcing more traffic onto Carriage Way considering that collector services everything that exists up in that area at the present time. Another issue was the access for the park. They felt that some access had to come off the arterial.

J. Ohleman asked Mr. Buckley if he was as concerned about access for the park if it was to be a passive park as opposed to the full-scale sport center that it was originally going to be.

Mr. Buckley said there was already a wilderness park and that this park would probably end up being an area for picnicking. He said it would probably not just be a woody area.

D. Darling said that it was not necessarily the developer's responsibility to develop this park. The issue of parking spaces and that kind of thing would come when the City had the money to develop it. She did not think it was appropriate for conditions on this application unless the Commission took the position they were going to develop that beyond dedicating it.

M. Hess added that street frontage was needed to provide parking.

D. Darling said that if the Commission wanted more frontage this would be the time to address that.

R. Burke said he was unclear as to why this park and Benski Park should be connected.

M. Hess said there was a policy in the Park and Recreation Master Plan that said that as new development occurred, connections between existing parks should be explored and encouraged. This would provide a linear park system all through the developments so that a person could move from one facility to another without having to go to on-street circumstances.

There was further discussion.

D. Darling said Tract G would be given a PUD overlay but there would be no use designated. If the developer wanted to come back with some plans for the athletic club, that would be looked at by itself. The Commission would be able to see what the use of Tract G would be, but right now there would be no designated use. She also stated that the City Council was the place to go for citizens to place their concerns about the water issue. Also, any concerns about the odd/even sprinkling should be taken up with the City Council. Resolution of the water issue would not occur at this body. She said that condition 3 of the recommendations should read "That Area G be labeled a future study area with no designated use and that the plan for that area be submitted to Staff on or before May of 1988." The only other condition that she recommended was that if the 1.6 acre park dedication was accepted, that dedication occur no later than the development of Tract D. The park will be within Tract D and that is why it was tied in with the development of that tract. She said the only other item that had not been addressed in the condition was whether or not to extend the 10-foot tree preservation line all along the entire side of the project.

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J.M. Palmer, applicant, stated that he agreed with the amendments that had been proposed and Staff recommendations. He said that when this project was first submitted they had Bay Meadows Drive as a straight connection to Hidden Springs Road. The reason it was moved was because it would match up with future development to the south. He said the objective when they laid out the arterials was to maximize the venting of the traffic that would occur within the whole development. They modified the alignment to try to minimize the traffic impact on Hunter Drive. He said the lots that would be using the Hunter Drive intersection would be the larger lots. On the Hidden Springs Road access, the lots are smaller and there was more density. He said they would be more than happy to meet with Staff and look at the options available. Relative to the construction and phasing of Hidden Springs Road, he said the applicant does not own that property due to the purchase and leasing arrangements for this occupied use at the southerly side of the site. The applicant has no right-of-way ownership for Hidden Springs Road until the development of Phase F. The construction season for this phase would be 1988. That would be the reason for the phasing as suggested in the Staff report. He said the southern portion of the project was leased with an option until December of '87. He also pointed out that since this would be a phased project, not all the lots would be placed on the water system at one time. He said the primary purpose for the PUD was to pursue the athletic club opportunity and to get a mix of housing and size of lots. They responded with the dedication of park area adjacent to Sunburst Park to meet the open space requirement. He said the 1.6 acres exceeded the Staff standard of 1 acre of land for park land for the residents of Hidden Springs Summit. The improvements the developer would do within the dedicated park would be to define a drainage way, clear the underbrush, and construct a soft pathway. He said the developer was asking for the four lots that would front Hunter Way adjacent to the park for the express purposes of recovering the cost of the road improvement and for continuation of the housing that exists further to the west.

Herb Koss, K & F Development, applicant, said that he didn't wish to give the additional land because of the street frontage. He wouldn't be opposed to giving the City the option to buy the four lots as long as the option did not exceed a year. He did not have any problem with the 10-foot strip of land to buffer the trees. He said there was no problem with anything that Staff had asked for. He had a problem with the pathway that had been mentioned because he said the City did not have the funds to maintain the pathway. He also said that they had submitted their subdivision to the Homebuilder's Association for the '87 Street of Dreams. It made a big difference to them whether they had the Planning Commission's approval. He expressed a willingness to work with the neighbors, the City, and the staff to try to correct the problem on Hunter Way. He asked for approval of A, B, & C options and leave the rest of the approval and continue it until a further date to work out some of the problems. He said the Homebuilder's Show would be for option A or B.

D. Darling said that legally the Commission could approve a portion of the PUD but whether or not they should was another question because by giving them A, B, and C were they cutting off and restricting the access options they had. She also said that there might be some big picture concerns about the whole project that would be cut off by giving the developer A, B, and C.

Herb Koss said this would give everyone a chance to think about the park issue, because the park is located in Phase D.

R. Burke said that the concerns he had with the project were not in A, B, or C.

T. Conser asked if this was approved and the Commission not able to resolve the concerns and interests on the southerly portion of this project if A, B, and C would then become a separate subdivision.

D. Darling said in effect, that would be right. There would also be no devoted park land.

There was further discussion.

Herb Koss stated that they felt very strong about giving the 1.64 acres for the park, but they were very willing to give the City the option to buy the other 4 lots.

There was further discussion.

Herb Koss said the Homebuilder's Association needed either A or B because of the size and prices of the lots.

D. Darling said the Commission could approve A, B, and C on the condition that approval for Phases D, E, F, and G be within two months. If there wasn't an approval on the last phases then the approval on A, B, and C would expire. The decision on D, E, F, and G would continue to the next meeting.

There was further discussion on the access problem.

M. Butts asked that any new alignment proposals be submitted a minimum of two weeks prior to the Planning Commission so they would have an opportunity to review it.

R. Burke moved for partial approval of application SUB-86-08/ZC-86-07 for "Hidden Springs Summit" PUD for areas A, B, and C, with the stipulation that within 60 days areas D, E, F, and G would need to be approved, or the remainder of the approval of Sections A, B, and C would be null and void. He also moved that the public hearing on D, E, F, and G be moved to the public hearing on June 30th, 1986, at 8 p.m. L. Dunstan seconded the motion. The motion passed unanimously.

T. Conser asked if the Commission could discuss this PUD.

D. Darling said they could have a work session on it. She said that that might be something they would like to do because there were some big issues.

There was a discussion on when to set up the work session.

It was decided to have work session on this development on June 30th at 7:00.

J. Ohleman said one of the problems she was having with this development was that there was not enough open space in it. She was not referring just to the park, but also to houses being jammed into the development.

R. Burke said he was really plagued by putting in this PUD with only 1.64 acres for park.

D. Darling said if the Commission was uncomfortable with the proposal, they shouldn't have approved anything. They should have continued the whole thing and stated their issues. She said it was always better to keep a project as one rather than splitting it up.

L. Dunstan moved to adjourn the meeting. R. Burke seconded the motion. The motion passed unanimously. The meeting was adjourned at 1:00 a.m.

Dee Ann Mathre

Dee Ann Mathre, Hearings Reporter

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June 30, 1986

1. Chairman M. Gosling called the regular meeting to order at 8:00 p.m. Members present were R. Burke, T. Conser, J. Ohleman and C. Tryon. Absent were F. Allen and L. Dunstan. Also present were M. Hess, Assistant Planner; D. Darling, City Attorney Representative; and D. Mathre, Hearings Reporter.

2. Minutes of the May 27, 1986, Regular Meeting

T. Conser moved to approve the minutes as written. J. Ohleman seconded the motion. The motion passed unanimously.

3. Variance to Maximum Building Height - Public Hearing

M. Hess gave the staff presentation. He said this was a Class II variance from the 2-1/2 story maximum building height by 1-1/2 stories. This meant that, if approved, it would be approval to construct a 4-story residence.

Claude Elmore, applicant, said that because of the extreme slope of the land and a sewer easement running through the center of the property he was asking for this variance. He said the house would only be a story and a half above the curb, so there would be no obstruction of any view of the surrounding neighbors.

M. Gosling asked how high the peak of the roof was going to be in relation to the other residences.

Applicant said it would be substantially lower for two reasons: The road itself dropped off and a hip roof was designed versus a straight sloping overhead gable. He said the peak would be about five feet below the peak of adjacent houses.

There was further discussion.

M. Hess gave the staff report. He said the June 20th, 1986, Staff report listed some proposed findings which supported the approval of the requested variance. These findings were addressed in the chapter for Variance Requests of the West Linn Development Code. He said Applicant also submitted some proposed findings that supported the variance request. He said Staff recommended approval of the requested variance to the height limitation.

T. Conser had a concern about removal of the vegetation and trees from the lot down toward Hidden Springs Road. He asked if there were quite a few trees in excess of 6 inches.

M. Hess said he was not familiar with them.

T. Conser asked if the Commission had the ability to restrict removal of vegetation outside the plat or the footprints of the building.

D. Darling said they did have that ability but it had to be reasonably related to the request before them: what it would have to do with the building height.

T. Conser said his intent was to request that the vegetation and trees be left, which would tend to soften the appearance of the 4-story structure on down the hill.

D. Darling said they had the ability to do that.

Applicant said he was in agreement about leaving the vegetation and trees for two reasons: to soften the appearance and also to prevent erosion of the soil. He said there was only one tree that was in excess of 6 inches, which was a scrub birch tree. He would like to take that birch out because he felt it was an eyesore.

T. Conser moved to close the public hearing. C. Tryon seconded the motion. The motion passed unanimously.

T. Conser said in light of one scrub birch tree, he withdrew his intent.

C. Tryon moved to approve the Class II variance request for Tax Lot 200, Assessor's Map 2-1E-23DB, File No. VAR-86-09, based on the facts and findings contained in the June 20th, 1986, Staff report. J. Ohleman seconded the motion. The motion passed unanimously.

4. Continuation of Hearing on Proposed "Hidden Springs Summit" Subdivision - Public Hearing

M. Gosling reopened the public hearing on this matter. He also stated that he was not present at the previous meeting when this matter was on the agenda, and that he had read the minutes and was familiar with the testimony that had been given.

C. Tryon stated he also was not present at the aforementioned meeting, and he had read the minutes and was familiar with the testimony that had been given.

M. Hess gave the staff presentation. He said this was a continuation of a public hearing on the proposed "Hidden Springs Summit" subdivision. He said the plan had been modified since the last meeting. It was now proposed for 127 single-family lots (132 previously proposed) and 28 attached single-family residences (previously 16) to bring the total to 155 dwelling units proposed (previously 148). He said the applicant was asking for approval of a tentative subdivision plan and a planned unit overlay. Staff recommended approval with conditions.

Jerry Palmer, Civil Engineer, representing the applicants, said that the revisions to the subdivision were in response to some of the concerns raised at the last hearing. He said a concern at the last meeting was the traffic impact on Hunter. He said the traffic patterns in the development had been revised to meet this concern. The phasing of the project was changed to Phases I-VI instead of the original A-G. Tract VI would be the future study area for the athletic club. He stated that with the change of the circulation system the athletic club had been reduced in size to 2.8 acres. This was in order to keep Carriage Hill in alignment with Bay Meadows. This would put 28 attached single-family units in the development rather than the previously proposed 16. Another concern he addressed was how people would get from Sunburst Park to Benski Park. He said a pathway had been dedicated south of Surrey which would allow egress and ingress to Benski Park. Persons could then use the street sidewalk system to get to Sunburst Park more directly. As far as the conditions of Staff he said 1-6 and 8-12 as presented by Staff were acceptable to the applicants. Condition 7 concerned the street "islands." He said where the "islands" were proposed was of concern to Staff because of the grade of the streets. He said that after discussions with the City Engineer it was decided to eliminate the Derby Street "island." Applicant asked to keep the "island" at Bay Meadows because that would be the front entry to "Hidden Springs Summit." He also asked for allowance for construction of a landscaped "island" at Stallion. He also proposed that the condition be changed to say that any entry "islands" which were proposed at the intersection of Stallion and Derby and the intersection of Bay Meadows and Hidden Springs Road meet with the City Engineer's approval. He said that condition 13 was another concern that was discussed fully with the City Attorney and Planning Staff. He said he would like the Planning Commission to realize that "Hidden Springs Summit" would not be the only frontage on Hidden Springs Road. He asked that the condition be reworded so that Applicant would not be responsible for the full cost but only for the portion that would be fronted by the development. He felt that other developments could occur that would share in the cost of improving Hidden Springs Road. Applicant also asked that consideration be given for the developers to have optional means of surety for the road construction. He proposed substituting a letter of credit or bank guarantee for the cash deposit. He also felt that conditions 3, 11 and 14 were redundant and should somehow be combined. Another issue he brought up was the park. He said the proposal was the same as was proposed during the May meeting. It would be a 1.6-acre park area that would expand Sunburst Park. In addition to this 1.6 acres would be the potential for at least 2.8 acres in the southeast corner. He said both of these uses were allowed under the R-10 zone. One thing

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he wanted to point out was that they were not asking for a density bonus. They were requesting 155 units of single-family housing which would be 3 under the underlying R-10 zone. He said in their proposal their intent was to provide the City with 1.6 acres to expand Sunburst Park. He also felt that the parkland was more useable than open space dedicated by other developments. The park would be fronted by Lots 1-4 in Block 7. He said these lots were a continuation of lots that exist further to the west along Hunter Drive. He stated the reason that these four lots would not be included in the park was because of the public roadway that would be constructed along the frontage. Their intent was to try and retrieve some of the improvement cost through the sale of those lots. In order for people to gain access to the park, he said they would consider an adjustment of the park boundary to expand into lot 1 of block 8. This proposal would expand the park area to 1.83 acres and would also increase the visibility and openness of the park from Derby.

T. Conser asked Applicant about the "island" on Stallion.

Applicant said the "island" would be 8 feet in width and 20 feet running to the west. It would be set back from the intersection to allow for adequate movement of traffic.

T. Conser asked how Applicant intended to treat the drainage that ran through the park.

Applicant said the drainage course was ill-defined as it left Sunburst Park. He said their intent was to leave the drainage course open through the park. It would be a pipe system the rest of the way over to Benski Park. He said there would be a storm drainage easement on the lots this pipe system would run through.

Michael Riley, 2055 Carriage Way, voiced his concern about the water situation in the area.

M. Hess said that concern had been addressed at the last meeting. He said that the provision of water would not be under the jurisdiction of the Planning Commission. He stated this would be a City Council issue.

D. Darling said that water would be adequate according to the City Engineer. She also said that the water issue would not be reason to deny the application.

Mr. Riley said he was also concerned about the old-growth timber located in the northwest corner of the property. He said that a number of wildlife frequent this area. He would like to see the old-growth timber left to serve as a buffer between the neighborhoods and also to preserve the wildlife habitat. He also had a concern about the access from the development. He didn't feel the existing roads would be able to handle the increased traffic.

M. Gosling said the tree issue was addressed in condition 2 of the staff report.

Laurie Caldwell, 1937 Carriage Way, said she was also concerned about the removal of trees from the forested area. She also objected to having an athletic club in a residential area. She felt the athletic club would open up the doors to further commercial development.

Art Sather, 1958 Carriage Way, said he was opposed to the athletic facility also primarily because the facility would be closed to the residents of the community. He also said there was quite a traffic problem on Carriage Way as far as speed.

D. Darling said that the athletic club would not be under consideration by the Commission. She said Staff had recommended that that area be designated a future study area.

Karen Griffith, 1947 Carriage Way, voiced her concern about the forested area. She was worried about traffic on Carriage Way, especially the construction traffic coming in and out of the project. She said water was also a concern. She wanted to know if clearing and grading could go on on the property if it had not been approved.

M. Hess said that surveying would be possible, but grading was not supposed to occur.

D. Darling said they could push the dirt around and take things down. They could not put anything up.

R. Burke said the developer did have tentative approval for the north part of the property which would be adjacent to Carriage Way.

Ms. Griffith would like to have a buffer zone between the developments which would save the old-growth timber.

Brad Garrett, 2936 Carriage Way, was concerned about the traffic flow onto Carriage Way from Hunter. He wanted to know if Bay Meadows Street could be put through to Hidden Springs Road as part of the initial development.

M. Hess gave the staff report. He said Staff did agree with the new street configuration. Upon completion of all the phases most of the traffic would be directed to the Hidden Springs Road access point rather than the earlier scheme which directed a large portion of the traffic to the Hunter Way access. He said the remaining issue that Staff concerned itself with was parkland and open space dedication. He stated that this site was somewhat different than other PUD's mentioned in the May 13th, 1986, Staff report comparison in that the other PUD's had much more difficult terrain and deep ravines which in part were responsible for the large percentage of open space dedications within these PUD's. He said the parkland dedication by this development was comparable if not greater than some of the parkland dedications of the other PUD's. He said there was no clear standards on which to base a distinction on the open space issue, and Staff would not make a recommendation to the Planning Commission. He also said that the parkland and recreation space standards had been more than satisfied with the proposed 1.6 acre dedication. He stated that the West Linn Parks and Recreation Advisory Board recommended inclusion of several additional parcels in the parkland dedication. He then went over the conditions proposed by Staff. He said conditions 3, 11 and 14 should be combined. After some discussion condition 11 was stricken. He then discussed the options the Commission had on the tree removal restrictions for the northwest corner of the property.

There was a discussion on the tree buffer.

M. Hess said as far as the speed of traffic on Carriage Way, the limits were determined through a process that involved the City Engineer and the police department. He said if there were concerns about this, it should be taken up with the City Engineer and police department.

D. Darling said the City Council would have some control over changing speed limits.

M. Hess said that construction personnel would have the same access as anybody else. The City of West Linn does impose hours for construction and those would be from 7 a.m. to 6 p.m. Monday through Saturday. There should not be any construction activity going on during any other hours.

C. Tryon asked what the discretion of the Planning Commission was requiring park space dedication as related to the PUD.

M. Hess said they had discretion in terms of requiring dedication of recreation and open space. They would have to base any requirement they would impose on the application on the approval standards of the PUD. If there were some conditions that the Commission would seek to impose that varied with the submittal, that condition would have to be tied to approval standards for PUD's.

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D. Darling said they had a fair amount of discretion so long as it would be necessary for the development.

M. Hess said the May 13th Staff report went into approval criteria for PUD's. These criteria would apply to all PUD's regardless if there would be a bonus density or not.

D. Darling stated that the City Engineer had indicated there would be sufficient water to accommodate this development. She said if this matter were appealed to the Council on the issue of water it would not be sufficient to overturn a Planning Commission approval, if it were approved.

There was a discussion at this time on amending the conditions.

T. Conser wanted a clarification on what would happen to Tract A, Phase V if the athletic club was not built. If this was developed as single-family homes it would exceed the number of dwelling units for a PUD without giving a density bonus. He would like to see Tract A made into a separate phase tied into the construction of Phases IV and V. He didn't want to commit to Phase V prior to knowing what would be done on the other site because the density would affect the potential development. If the athletic club did not develop he would have the option of building only 3 homes on this site or coming back for a density bonus.

D. Darling said that could be worked into a condition.

Mr. Palmer, in rebuttal, said that as far as the old-growth timber along the north boundary of the project that could be included in the same deed restriction for the old-growth trees along the west boundary. This would be a 10-foot tree maintenance deed restriction. It was the intent of the applicant to have those lots be very large to preserve the trees. On the issue of land being cleared and surveyed, he said they were clearing a survey line for Stallion for the purpose of surveying alignment of the roadway. The reason they were doing that was solely on the basis of the tentative approval that was granted at the May meeting for the first phases. He asked that there be other ways available for the applicant to satisfy the surety for the construction of Hidden Springs Road. In addition to the irrevocable letter of credit, they asked that there be an option to provide a lender guarantee on funds set aside subject to the approval of the City Attorney. He said the 28 attached single-family units would be constructed between single-family residences and the athletic club, if the club was constructed. He said when and if Phase V developed they would have to modify Phase V as a part of the reflection of what would be happening to Phase VI. He said even if the phases were to be modified they could still come in under the 158 units allowed under the R-10 zone. He said with the recommendation of the Park Advisory Board of adding Lots 6-12 to Sunburst Park if the athletic club were not built they would have to reconsider their decision to go to a PUD. He said the park area would be 1.83 acres as they would be including Lot 1 in Block 8. He felt that would provide adequate space for off-street parking. He said there was available parking that could be built to supplement the curb parking that would be available on Derby Street. He also said that the land currently dedicated as a park would be developable including the parcel where the pathway would go up to Derby between Lot 1 and Lot 4. He then discussed why they would dedicate Lot 1 and the parcel right next to it in Block 8 instead of Lots 1-4 in Block 7. He said it would not be acceptable to dedicate Lots 1-4 because the cost incurred in the improvement of the road would be offset by the sale of these frontage lots. He then discussed the possibility of the City vacating the 16.5-foot access easement to Sunburst Park.

M. Gosling asked if it would be possible to construct the Bay Meadows Street access during construction of Phase III.

D. Darling said the problem with that would be that the applicant would not have ownership rights on Hidden Springs Road.

M. Hess stated that was why they would develop the northern part of the property first.

Applicant said it would be constructed in '88 or '89.

There was further discussion at this time.

T. Conser asked Applicant if he would have any problem with providing a 10-foot access similar to the one in Sunburst somewhere in the area of Lots 8-12 along Bay Meadows Circle.

Applicant said that would be proposed for potential access for Phase IV, perhaps between Lots 11 and 10. That would enable Phase IV to access the park directly.

T. Conser asked if there would be any particular lot the applicant would prefer.

Applicant said they would like some flexibility on that. They would not want to put it on a steep grade.

T. Conser moved to close the public hearing. J. Ohleman seconded the motion. The motion passed unanimously.

M. Gosling was concerned about how useful and accessible the park would be for residents to walk to the park.

R. Burke felt that Lots 1-4 would be a useful addition to the park dedication.

T. Conser said that parks were getting a lot of use by the people of West Linn. He was very concerned about the access to the park. He tended toward adding Lots 1-4 to the dedication. He felt it was important to have good visibility to the community of this park site and to also provide parking along Derby. He would really like to see the park develop into something the community could use.

There was some discussion at this time.

C. Tryon agreed with what had been said. He would rather have Lots 1-4 of Block 7 than Lot 1 of Block 8 and the parcel for the pathway.

J. Ohleman was in total disagreement with the rest of the Planning Commission. She did not believe that this park should be a West Linn city-wide park. She was in favor of adding Lot 1 of Block 8 as proposed. She felt it was a generous offer. She also liked the idea of vacating the 16.5-foot pathway. She wished that Hidden Springs Road could be developed sooner. She asked that the developers include the 10-foot right-of-way travel lane if they were only going to half-street improvements. She wasn't convinced that parks in West Linn got a lot of use. She didn't think there was a need for lots of off-street parking.

R. Burke felt strongly that Lots 1-4 should be used as part of the park system. He said the parks don't get used very much in West Linn because they were sparse and not accessible. He was in favor of every issue that had been raised except the park.

D. Darling suggested that the Commission reach a consensus on the park before any motion was made. She then went through the options the Commission had on the park issue.

The Commission then had a discussion on the options for the park that was off the record.

T. Conser moved to approve SUB-86-08/ZC-86-07 for a PUD for "Hidden Springs Summit," Tax Lots 500 and 501, Assessor's Map 2-1E-23 and that previous approval granted for portions of "Hidden Springs Summit" be revoked subject to the facts and findings in the May 13th, 1986, and June 18, 1986, Staff report and Exhibits A-Q and subject to the following revisions:

7. That any entry "islands" in the project be subject to City Engineer approval for placement, design and appearance.

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12. That cost for a full half-street improvement plus a 10-foot wide travel lane on Hidden Springs Road shall be determined by Applicant's engineer and approved by the City Engineer. Applicant shall deposit either as a cash deposit or irrevocable letter of credit or lender guarantee approved by the City Attorney, funds at the rate of 1/50th (i.e., the area of each phase will generate proportionate dollar amounts towards Hidden Springs Road improvement) of 120 percent of the construction cost of the road for each acre per phase. The funds shall be deposited prior to submittal of construction plans or submittal of final plat for any phase. All street improvements shall be completed prior to any development of Phase IV, V or VI. All funds deposited shall be specifically earmarked for development of Hidden Springs Road and shall become the sole property of the City upon completion of Phase I, II or III. However, the City shall leave those funds in the Hidden Springs fund until submittal of construction plans or submittal for final plat approval of either Phase IV, V or VI or June 30th, 1989, whichever comes first.

13. Prior to any development or platting of Phase IV, V or VI, Applicant shall receive tentative plan approval for Phase VI.

14. Extend a 10-foot tree maintenance deed restriction along north plat boundaries of Lots 3, 4, 5 and 6, Block 1, Phase I.

15. Footpath access in Phase IV to connect Bay Meadows Circle and Sunburst Park per Planning Director's approval.

16. Lots 1-4, Block 7, in Phase IV be dedicated as park space. The area shown as park to the east is to be platted for 1-2 lots and the creek will be relocated over to Lot 4, Block 7, and intersect with Lots 6 and 7, Block 8, per Exhibit "P."

Of the original conditions in the June 18th, 1986, Staff report, condition 11 was deleted and condition 12 became 11. R. Burke seconded the motion.

J. Ohleman proposed to amend the motion. The amendment would call for Lots 1, 2 and 3 to be dedicated as park, and Lot 4 and the area east of the park to be given back to the developer and platted as lots.

There was no second to the amendment.

The motion passed unanimously.

5. Proposed Variance to Half-Street Improvements on Old River Road - Public Hearing

M. Hess gave the staff presentation. He said that the applicant, OTAK, Inc., representing Benj Fran Development, was asking to vary from the standard half-street improvements required by the Code for the frontage of their development along Old River Road. That meant that they preferred not to install curbs and gutter along their frontage. They had offered to come back and do a full-street overlay in lieu of the half-street improvement. He said their primary interest was to preserve the rural character of Old River Road along that section. He then explained Exhibit J to the Commission. He said Staff recommended approval with conditions.

Nozad Hoffman, representing the applicant, said this was a project that would fit well with the surroundings. The road had been an issue from the very beginning. He said having to put in half-street improvements with curb and gutter would not fit into the rural environment. He proposed an 18.5-foot street overlay rather than the 24-foot street overlay recommended by Staff. He said the 24-foot

street overlay would exceed what they thought they could do with it. He felt the 18.5 street would work in this rural setting. He then discussed Exhibit B and the various options available for the developer. He said if he had to put in the recommended 24-foot overlay he would rather go ahead and do half-street improvements because of the damage that would be done to the area.

There was a discussion at this time.

Bill Muncy, 2926 Hunter Way, felt that the character of Old River Road should be preserved. He couldn't imagine a wide street and sidewalks in this area.

M. Hess gave the staff report. He said Staff recommended approval of the variance with conditions. He said the issue was the condition that the Engineering staff had recommended, and that was a minimum 24-foot street section be required which would have an impact on the grade on the opposite side of the street from this project. Another issue which he had not addressed in the staff report which the Commission had heard testimony on during the Old River Woods PUD proposal related to the value of the half-street improvements. He said at that time Applicant had testified that the value of the half-street improvement or the equivalent sum of money would be used toward putting in a full street overlay. Any funds that were left would be used for extending the 5-foot sidewalk/pathway out of the site within the Old River Road right-of-way. He recommended this become another condition. This condition would not relieve the developer of any pathway obligation that they had. He said the retaining wall would not be a requirement of the City's. However, he said it would be desirable in terms of esthetics. The cost of the retaining wall should not be included in the exchange of funds. On the other hand, he said if the 24-foot street width was to be imposed by the Commission, it would be possible that the funds would be used up entirely, and, therefore, there would be no funds available to extend the pathway offsite. He said the engineer's recommendation was the 24-foot standard. The engineer felt that would be the minimum safe width necessary for this roadway, particularly in light of the heavy recreational traffic this road would continue to experience.

There was a discussion at this time regarding the various options the developer had put forth.

Mr. Hoffman said that if the developer was required to go to a 24-foot street, they would pull the variance because the impact of the curb would be less than the impact of the 24-foot street. He said they would try to achieve the maximum achievable width.

M. Gosling asked how wide the pavement was.

Applicant said it was 16.5 and they would widen it to 18.5 feet. He said they would overlay the existing street to create an 18.5-foot minimum width.

There was further discussion.

C. Tryon moved to close the public hearing. R. Burke seconded the motion. The motion passed unanimously.

The Commission was in agreement that Option A as presented by the applicant was the best way to go.

D. Darling went over the revisions to the conditions.

T. Conser moved to approve the Class II variance, File No. VAR-86-08 from OTAK, Inc., for variance of half-street improvements required for the tentative subdivision plan approval based on the facts and findings of the June 19, 1986, Staff report subject to the following revisions:

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1. That Applicant's proposed street improvements as illustrated in Exhibit B be amended to provide a minimum of 18.5-foot street section as shown in Option A.

3. To establish the cost of a full half-street improvement on Old River Road for the frontage of the development, the estimates to be approved by the City Engineer. This sum shall then be used to develop the street as shown in Exhibit F, Option A, to 18.5-foot overlay, construction of footpaths on the frontage, and to construct footpaths as far south as the remaining funds allow. Said improvements to be completed by developer prior to final engineering approval of Old River Woods PUD public improvements. The cost of the retaining wall shall not be subtracted from these funds. In any event developer shall bear all costs of the street and path improvements on the frontage. If no funds remain in the estimate, the developer need not extend the footpath offsite.

R. Burke seconded the motion. The motion passed unanimously.

There was a discussion on when to hold the next Planning Commission meeting. It was decided the next meeting would be held July 21st, 1986.

T. Conser moved to adjourn the meeting. J. Ohleman seconded the motion. The motion passed unanimously. The meeting was adjourned at 12:30 a.m.

Dee Ann Mathre
Dee Ann Mathre, Hearings Reporter

July 21, 1986

1. Acting Chairman T. Conser called the regular meeting to order at 8:00 p.m. Members present were C. Tryon, L. Dunstan, and R. Burke. Absent were J. Ohleman, F. Allen, and M. Gosling. Also present were M. Hess, Assistant Planner; D. Darling, City Attorney Representative; and D. Mathre, Hearings Reporter.

2. "Pleasant View" Subdivision Plan and Zone Change - Public Hearing

T. Conser stated that he had an ex parte contact. He had a conversation with Bob Stole, a Councilman in his area, in which Mr. Stole asked questions about the possibility of condemnation and street vacation. T. Conser told Mr. Stole it was not a policy of the City to do that. He said it was a very brief discussion.

M. Hess gave the Staff presentation. He said this request was for a zone change from R-10 to R-7.5 and approval of a tentative subdivision plan for "Pleasant View" subdivision. The applicant was proposing to subdivide 5.59 acres of land located at the intersection of Shannon Lane and Rosemont Road. He said with approval it would create a 25 lot subdivision.

Applicant, William C. Cox, principal of Homesite Development Corporation located at 3236 Southwest Kelly, Portland, said the zone change was within the purview of the Comprehensive Plan for residential property, and the Low Density Comp Plan allowed 7500-square-foot lots up to as as high as 20,000. He said the major hurdle was access to the property. He said Shannon Lane was in the master plan of the City as being the major connector to Rosemont. He said from Shannon Lane to Horton there would be no other major accesses onto Rosemont. In the future plan, any access would be limited. He said if other land was to develop or a change of circumstances occurred, those accesses that now exist would be terminated. A 30-foot-wide strip of land on the easterly portion of

Shannon Lane had been dedicated to the City. He guessed the length to be 300 feet long. The westerly side of Shannon Lane was under private ownership. He said their efforts to have a discussion with the owner of this strip of land and those people with an easement on that strip had been futile. Applicant proposed a temporary access off Rosemont Road until Shannon became a major access to Rosemont. He said when the problems with Shannon Lane had been settled the access off Rosemont would be closed and everyone would access off Shannon. When Shannon would open as access the land used for the temporary access would be reverted to the owners of Lots 1 and 25. He said the application was made with the full understanding that 7500-square-foot lots were allowed by the Code. He said this site was probably the best place to put that kind of density. This was a flat piece of property that had very little natural problems in developing it. He felt it was needed to put 7500-square-foot lots on this kind of property because the more severe topography lots would require 10,000 square feet and up in order to be able to place a home on it appropriately and address the topography properly. He said they were only picking up 4 lots over what they would be getting from 10,000-square-foot lots. The lots ranged from 7,533 square feet to in the neighborhood of 11,250 square feet. He stated they applied for a smaller size width street. Their theory was that 28 feet would help dissuade future use, and, therefore, achieve some permanence to the access which was intended to be temporary. The City Engineer indicated that he wanted a 36-foot-wide street and a 50-foot-wide right-of-way. Applicant could see the need for this along Ulysses and north of Athena because that would probably gain more use when Shannon would open. Applicant questioned whether they would be prepared to do that if Athena Road was terminated at Lots 1 and 25. He said by asking for the wider street width it would cut into the viability of the project.

T. Conser asked what the applicant's intent was with the stand of trees that ran north and south off of Rosemont.

Applicant stated it was their intent to retain as many of those trees as they could. He said these trees were located where the street layout was intended and they would take down what trees they needed to take down. He said they did not intend to take any more than was necessary. He said they had some views of Mt. Hood they would like to increase and a couple of trees seemed to be in the way.

T. Conser asked if the applicant intended to try and save the oak tree in the north part of the property.

Applicant said that with the addition of the 36-foot-wide street the oak would be going.

L. Dunstan asked how the applicant foresaw the closing of Athena and the opening up of Shannon.

Applicant said that both tracts to the north of the subject property were large undeveloped acreages. He imagined that both of those tracts would eventually develop. He said one of these parcels was owned by Dr. McLean and the other was owned by Dr. Cleland. He said the applicant was trying to achieve what the City's master plan was with Shannon. He said the reason the City Engineer wanted 36-foot-wide streets was because Athena may never open up.

D. Darling said the options available would be if someone else wanted to develop bad enough they would put a road in or condemn it.

M. Hess said if the owner of the property to the north who also owns this particular piece of land chose to develop they would have an obligation to dedicate and improve that access to their property.

D. Darling said another option was either if the ownership changed or the owner changed his mind and decided he wanted to dedicate it in exchange for the City to improve it.

T. Conser asked if Shannon could be closed off and access be redirected through Ulysses and Athena.

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D. Darling said that was not an option because they could not close off private access. She said the reason for requesting the reservation of the 3-foot strip on Ulysses was to prevent people from using the access on Ulysses so that they will not be able to develop the northerly portion up to Ulysses and get out of having to participate in improving Shannon and claim access through Ulysses because it is a public right-of-way.

Applicant said they were aware that the Clelands did not want access running through their property to the area north of them.

There was a discussion at this time on Exhibit D.

C. Tryon asked what portion of the public access on Athena would revert to Lots 1 and 25.

Applicant said it would be a matter of where the property lines were drawn. He said the property lines would not be determined until the final plat was recorded.

Robert Fulton, 21950 Shannon Lane, West Linn, representing a group of homeowners, stated they were opposed to the zone change but not opposed to development in this area. He said with the 50-foot-wide street right-of-way there would be actually six lots that were less than 7500 square feet. He stated the houses surrounding this site were large homes, and in some cases the deeds to these homes were restricted to one house per acre. The 5 acres directly to the east of this parcel contained deed restrictions of one unit per acre. He said the possibility of developing the parcels of land surrounding the site would be very remote. He said the average density in the area was over one acre per single-family residence and most likely much higher. He said the development increasing the density from R-10 to R-7.5 would magnify the nonconformity of this new subdivision. He said within a half-mile radius of this there was not one R-10 subdivision. He stated that contrary to what the developer said the subject site was not currently served by public transit or a neighborhood commercial complex. He said that no conditions had been applied to the subdivision, mainly, open space, berming along main streets, tree preservation, landscaping requirements, uniform fences and walls, adequate storm drainage systems, etc. Even though schools were not a planning issue, he felt it should be when a zone change was involved because what the schools project is based on current zoning. The schools were already overcrowded and he felt that it should be considered.

Robert Inman, 21395 Shannon Lane, was concerned about the access to Rosemont Road. He felt the Commission should look at the access for this subdivision as being permanent, not temporary. He said this access would be approximately 425 feet west of Shannon Lane, which is well below the recommended standard of 1800 feet between major intersections. From this access less than 500 feet further west is the access to the Alpenlander Playfields. At that site there becomes a rise in the road and then a dip that makes the sight distance extremely dangerous. To compound this problem, he said the speed in that area was 45 miles per hour. He then referred to the preliminary design report of Rosemont Road, which was commissioned by the Clackamas County Department of Transportation and Development, April 1986. He was concerned that Rosemont Road was not physically able to take any more traffic. He didn't feel that the Commission should encourage the R-7.5 development in order to have somebody make a profit. He said there were other alternatives to the R-10 or R-7.5 zone.

L. Dunstan asked Mr. Inman where he got his statistics.

Mr. Inman indicated they were from the preliminary report.

There was further discussion at this time.

T. Conser stated that developments were required to do a minimum of half-street improvements. He said that Rosemont would not be improved until someone developing the property was willing to foot the bill.

Mr. Inman said that widening Rosemont just the length of the subdivision was not going to do one thing as far as safety and the accessibility of through traffic.

Fred Cornilles, 21600 Shannon Lane, West Linn, felt that widening Rosemont in front of the subdivision would create a false illusion and create a traffic funnel by giving the impression to westbound traffic that Rosemont was going to widen. He also did not see any pressing need for R-7.5 housing in West Linn. He then went through some statistics about the number of homes on the market and the number of homes sold. He said there were a lot of homes available in the Lake Oswego/West Linn area that were in the economic range that an R-7.5 development would provide. He said there was inadequate culvert drainage for Rosemont even with the undeveloped characteristics of the property surrounding Rosemont. He said there had been nothing submitted to the City by the developer for any increase in the drainage that would result as a result of developing this property. He said it was not true that this was level land, and it would impact his land and property east of the subject property. He said there was a problem with the developer's proposal to tie into the sewer line on Rosemont. This problem was that they would be draining uphill. He felt they would have to put in a pumping station in order to pump the sewage from the north end of the property up to Rosemont.

Ted McLean, 21575 Shannon Lane, said by going to the R-7.5 zone it would impact the trees, plants and animal life that surround the area. He also expressed a concern about the drainage. He said there was no view of Mt. Hood from the subject property.

Donald L. Cleland, 21305 Shannon Lane, said that Shannon Lane was a private road and he would keep it that way. He had an obligation to keep the road the way it was and an obligation to his neighbors. He had no intent to dedicate the road to the City.

Rod McLeod, 3300 Rosemont Road, was concerned about the traffic impact on Rosemont. He felt Rosemont did not need any more traffic than it already had. He also was concerned about the esthetic impact this development would have on the surrounding neighborhood. He said it would be difficult to save any of the existing vegetation on the site with the proposed layout.

T. Conser said that the minimum requirements of the developer, if it was developed at the zoning that was outright allowed, would be curbs, sidewalks, and half-street improvements. The half-street improvements can be increased an additional lane, if possible. He said the berming, brick-wall-type treatments, et cetera were usually done based on PUD's. Those treatments were done by the developer as part of the enhancements to the total development.

M. Hess said this was a generic subdivision as opposed to a PUD subdivision. A PUD subdivision gave the City a lot more flexibility in esthetic design as well as tree preservation, etc. He said this site did not fall under the requirements to go to a PUD. If the site was characterized by steep slopes and whatnot, then they would be required to go PUD. This subdivision did not fall within those criteria. Therefore, they could come in with a generic subdivision which had much less scrutiny by the City.

Mr. McLeod said he understood the point but his point was the safety issue on Rosemont for the people with yards facing Rosemont. He felt it was as much a safety hazard as it was an esthetic issue. He said this project did not allow the proper frontage to be put into it and he felt it needed to be rethought.

Mary Otis, 21510 Shannon Lane, voiced a concern about the water.

T. Conser said that Staff stated there was adequate water for this project.

Susan Fulton, 21950 Shannon Lane, was concerned about the overcrowding of the schools and the safety on Rosemont Road.

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Dale A. Krug, 3350 Rosemont Drive, stated he was told that there would be no more access onto Rosemont Road. He was concerned about the drainage from this project.

Bill Pyreh, 2935 Rosemont Road, stated he was not against the development coming in, but he would like to see it limited to the R-10 zone.

Don Schmeiser, 21580 Shannon Lane, stated he was the owner of the eastern part of Shannon Lane and some of the western part. He said that somewhere along the line he lost 300 feet of his road and he was concerned about where the land went.

There was discussion to clear up the confusion on who owned what portions of Shannon Lane.

Mr. Schmeiser stated there was a 12-inch culvert, and during normal runoff that is at capacity. He also stated that an easement would have to be gotten through Mr. Cleland.

M. Hess gave the Staff presentation. He said that regardless of what conditions the City would impose, if the R-7.5 was approved, the subdivision would have to comply. So any lots that would fall short of that would have to be modified to satisfy the 7500-square-foot minimum. He said the area to the south of Rosemont Road was well within the urban growth boundary of West Linn and was zoned future urban by Clackamas County which meant upon application for annexation they would be annexed. If the City was able to provide them with adequate services, particularly in the form of water pressure they would be annexed. On the issues of esthetics and preserving trees on the site, he said the Code did not allow for that kind of scrutiny on a generic subdivision as opposed to a PUD. A PUD was required on properties where a quarter of the area of the site was a hazard, particularly where slopes exceed 25 percent. In this instance, he said the slopes were not sufficient over the entire site to require them to go PUD. This limited the City's scrutiny of the tree and esthetics issues. It would have to be reviewed against the standard criteria for subdivisions, meaning do they provide adequate right-of-way and minimum lot sizes for the zone. Any other esthetic or tree preservation issues would be a marketing decision on their part as to what would be attractive in the marketing sense to sell their lots. He said it was not this developer's obligation to rectify the City's and region's transportation conflict sites. As development occurs within the City, developers are obligated to improve the road along their frontage. This developer would have the same obligation. In addition to the widening of Rosemont Road for approximately 600 feet, the developer would install curbs, sidewalks, and a 6-foot bike lane. He felt there would be an improvement in safety along this frontage as with any frontage that would develop. The reason the sidewalk obligation was not mentioned for Lot 1 in the Staff report was because that would be the only frontage for that particular lot, and it would be the homebuilder's obligation to install the sidewalk along that frontage. It was his understanding after discussions with the City's engineering staff that the downstream impacts were not of the magnitude that would require this developer to install downstream improvements. On the issue of the sewer line pumping he would defer to the developer's engineer. He said the City had no tree preservation ordinance nor any requirement to preserve trees in a non-PUD subdivision. The fire department had deemed the Ulysses Street length to be short enough not to present problems for fire protection. He said the City Council was the body that had the authority to impose a building moratorium based on the adequacy or inadequacy of the water delivery system. The Council based its decision on the advice of the City Engineer as well as the consulting engineer. Based on the advice of those two staff sources they have determined they will not impose a moratorium, and, rather, they would impose a rationing plan that would allow them the time to explore financing schemes for installation of a water tower within the Rosemont pressure zone. He said safety would be improved along the 600-foot stretch of Rosemont Road with the widening of the road and installation of a bike lane along the frontage, as well as sidewalks. On the question of the public right-of-way along Shannon Lane, he understood that the 300-foot public right-of-way was attained in 1983 or early 1984 from Mr. McKissick. This particular transfer of ownership from private hands to public right-of-way

was indicated on the County Assessor's Map. As far as the zone change proposal, he said the Comprehensive Plan did indicate that when considering the density of a development, the location in relation to arterial streets should be given consideration and that higher density residential zones should be given consideration and that higher density residential zones should occur along arterial streets rather than removed from them. He said the Comprehensive Plan did indicate the slopes and topographic constraints of a particular parcel should be considered when determining the density of a particular zone. Those two considerations led Staff to concur that the R-7.5 zone would be appropriate in this particular area. He said this was a low density designation as was the R-10 designation. The issue of access had plagued the City all along as far as the subdivision was concerned. He said the Development Code did recommend a minimum distance of 1800 feet along an arterial between access points. The Shannon Lane access did serve 9 homes, and, therefore, the City had every reason to believe that it would remain as a principal access point for at least 9 residences. Given that fact, the City sought to require this developer to combine their future access to Rosemont with the existing Shannon Lane access point. The developer, being unable to secure that access, proposed an access point separate from Shannon Lane as far away as possible which would be approximately 425 feet. The fact that this distance was so far below the recommended minimum led Staff to propose the temporary access easement rather than make this a permanent public right-of-way access, even though the temporary access easement might run for 10 or 15 years. It was still the desire that this should be temporary and Shannon Lane would become the principal access point for the residential areas to the north. At some point the access at Athena would be removed and returned to Lots 1 and 25 in this subdivision. In the meantime, the engineering staff considered that Athena would serve as the principal access for a great many years, and, therefore, it recommended that that portion have the 36-foot width to allow sufficient room for parked vehicles as well as two-way traffic. The only street that was considered to be appropriate for reduced roadway width was the short cul-de-sac that would run east and west in the subdivision. He said Staff recommended approval of the zone change as well as the tentative subdivision subject to several conditions listed in the July 10th, 1986, Staff report. He recommended adding the sentence "That the easement shall also include a permanent 10-foot utility easement centered over the water line" to the end of Condition #2. He said to take Exhibit D with a grain of salt. It was just an attempt to show how the road system of this subdivision might line up with future development to the north and west.

D. Darling suggested a rewrite of Condition #4. She said to eliminate the wording "except in the case of double frontage lots on Rosemont Road," and add the sentence "However, on double frontage lots the homeowner shall only be responsible for the interior sidewalks." She said assuming the roadway would go to 50-foot width the lots would have to be re-platted. She also said for purposes of a motion, the Commission should consider making separate motions because there were two issues before them: the zone change and the subdivision. All the conditions would need to attach to the subdivision, not to the zone change. In addition, the Commission had the discretion to condition the zone change upon development as they saw fit. She said if they didn't want to give them free access to 7500 square feet and wanted to require that if they were going to get the benefit of the zone change it had to develop this way, they could do it. They would do this merely be conditioning the zone change on the subdivision. The only condition on the zone change would be that it develop as platted with any conditions attached thereto. She said if they found the zone change appropriate and this subdivision did not develop for some reason it would leave it open for some other developer to come back with different access, different plans, different lot configurations, et cetera, and they would be stuck with having to grant it if it complied with 7500-square-foot lots.

T. Conser asked if the temporary access would be developed to full City standards with curbs and sidewalks.

M. Hess said that engineering requested that that be the case. He said Rosemont would be established with a 24-foot-from-center-line improvement which would provide space for a 6-foot bike lane, an 8-foot parking lane, and a 10-foot travel lane.

T. Conser asked if additional half-street was being required.

M. Hess said the instances where that had been required were where there were no other improvements on the other side of the street, no pavement. He said the current width of Rosemont was between 24 and 26 feet and the existing pavement meandered all over. The developer must match to the existing pavement even if it went beyond the center line.

There was further discussion at this time.

C. Tryon asked what kind of implication was indicated for the frontage of Lot 1 onto Athena when the temporary access easement reverted back to private ownership and vacated.

M. Hess said they would need to establish an elbow in order to provide a minimum of 35 feet of frontage. That would be included in the final plat so that the property line between Lots 1 and 25 would be established at that time.

C. Tryon asked if the recommended minimum distance between intersections on arterial streets applied to both public and private access points.

M. Hess said it did not. It applied only to public streets.

There was further discussion.

The sheet of photos presented by Mr. Fulton was marked Exhibit H.

John Buckley, Traffic Safety Commission, explained Exhibit F, the Traffic Safety Commission's report.

T. Conser asked if access could be restricted if the traffic pattern had been established.

D. Darling said it could. She said the position they would want to be in would require each property as it developed to pay its fair share of the access plan. If there was public dedication right up to the edge of the property they could not stop it, but if there was private ownership next to it which would be held in the name of the City they could. Then the City would not have to dedicate it over for public use until such time as the next developer had complied with whatever the City deemed its fair share to be. She said they did not have to provide public access to a person's property unless they cut it off.

John Buckley continued his explanation of the Traffic Safety Commission's report.

Applicant, Mr. Cox, in rebuttal, said that many of the comments of the opponents would have been more appropriately aired at the time the Comprehensive Plan had been developed. The Comp Plan said this area was low density residential, 7500- to 20,000-square-foot lots. He said there was nothing preventing any of these people from breaking up their individual parcels into smaller lots. The idea of 7500-square-foot lots had been addressed in the Comprehensive Plan and it would be up to the people to know the law. He said Mr. Fulton had attempted to buy this land, and he questioned the validity or motivation behind his statements. He said the arterial street that was next to this property was a key element in increasing the density of this zone. As for the topography of the land, he said what little roll existed in the land made for better homesites. He said the topo maps indicated there was enough depth to the sewer on Rosemont to satisfy the flow that would be coming into it. He said if there was concern about the downstream flow some language could be added to the approval to the effect that prior to approval of the final plat the City Public Works Director would review the storm water runoff projections to assure that adjacent properties would not be adversely affected by the increased density. He said they were talking about

increased storm water runoff for only 4 lots. He said they would increase the runoff to some extent because they would be putting in streets and roofs that would catch the water and have to go into the drainage system. He said they proposed the development with 28-foot-wide streets as a means to dissuade the future use of the north/south street and to put more pressure on to achieve what the City had already planned which was to have Shannon be the major access. He said they could meet the square footage requirements by adjusting some lines. He felt there was no pattern of development in the West Linn area. He said they were very conscious of the CCR's they put in their subdivisions. They controlled the size of the houses, the materials that were used on the exteriors and the roofs and windows, the landscaping around the houses before occupancy, and the use of what kind of window coverings for the house upon occupancy. They never had neighbors come to them and tell them they were disappointed with what had been done. He said there was a very clear view of the mountain and he wanted to protect that view because it was an attraction to their subdivision. He said the oak trees come right in the street path. If the street was widened there would be more of an intrusion on those trees. Spot zoning was not applicable when they were complying with the Comprehensive Plan. He said they had no problems with the amendments to the conditions proposed by the City Attorney. Applicant stated the City Engineer had told him that it would be up to him and the developer's engineer to figure out what kind of permanent curb to put in the temporary access. He said Exhibit D was not intended to be a viable alternative. He stated they were very concerned about esthetics, too, because it sold their lots.

R. Burke asked what Mrs. Belshe's long-term plans were.

Mr. Cox said he thought she would be returning to her native country.

R. Burke asked how many lots he would be able to get with R-10 zone, assuming the development was going to be built with 50-foot minimum rights-of-way and 36-foot minimum curb-to-curb, except for the cul-de-sac, and the zone change was not made.

Mr. Cox said they would get 21 in addition to Mrs. Belshe's. He estimated the difference in cost between an R-7.5 lot and an R-10 lot to be in the neighborhood of \$7500 to maybe \$10,000. He said they really couldn't tell. He estimated the value of the homes would be from \$90,000 to \$125,000. He said a lot of that would depend on the market.

There was further discussion.

M. Hess said that if the Commission would impose some kind of condition regarding drainage he recommended that they simply require that the application comply with Section 87.050(A3C). This would shift the burden from the City Engineer to the developer's engineer.

T. Conser asked about sewer flow lines. He said it looked like they would have to have a minimum depth of 8 feet on the sewer in Rosemont to get grade, not counting any flow line.

There was a discussion on this.

Mr. Cox said they had met the terms of the Code in terms of when it was appropriate to ask for 7500-square-foot lots and the improvements that were to be done. He said in order to get Rosemont Road fixed there would be a necessity to some extent to increase the density as proposed in the Code for arterial-sided subdivisions.

T. Conser asked about tapering the street improvement to get back into the existing alignment.

M. Hess indicated the engineering staff required it before they would sign off on something. The City Engineer had to say it would be safe. He would not accept an abrupt barricaded reduction in that roadway. They must taper it and the length of the taper would be determined by the driving speeds on the roadway. He said the taper would occur beyond the project site.

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T. Conser asked how they could taper beyond an existing driveway without cutting out and improving that driveway.

M. Hess said there was a potential they would be required to improve the property.

L. Dunstan moved to close the public hearing. C. Tryon seconded the motion. The motion passed unanimously.

D. Darling said one of the Commission's choices was to deny it. If it was denied they would need to give reasons for that because the Staff report had not dealt with that. The other option was to approve it obviously with conditions. She suggested they do a separate motion for the subdivision and a separate motion for the zone change. If they were going towards approval she recommended they first approve the subdivision adding to it a condition that said the approval was conditioned on the approval of the zone change to R-7.5. The second motion would be to approve the zone change. If they wanted to require the development to go as presented the only condition of the zone change would be that the property be developed as the "Pleasant View" subdivision as previously approved with conditions.

R. Burke asked why they would approve it that way and not the other way around.

D. Darling said they could do that. But if they wanted to tie them to this development plat they would not be able to do that as a condition of the zone change because there would be no approved development plat.

L. Dunstan said he had some problems with the development as far as services. Rosemont is a very dangerous road at that point. He saw some problems with the visibility. Adding more traffic and additional driveways he felt it deteriorated from the area. He felt the water service was something that should be looked at even though it was not the Planning Commission's issue. He was against changing the zone from R-10 to R-7.5. He stated he did not have any problems with development but he was opposed to this particular plan and for moving it from R-10 to R-7.5.

C. Tryon stated he did not have any problem with changing the zone. The R-7.5 was completely compatible with zones around it. On that basis alone, he felt it was appropriate to approve it. The one problem he did have was the access issue. He felt the temporary access on Athena would become permanent, and he didn't feel that was in keeping with the Code. He would support the zone change but not the subdivision.

R. Burke stated he had a lot problems with the zone change. He said he had never seen as much opposition by the neighbors in the time he had been on the Commission. There was not one neighbor, with the exception of the owner of the property, that was in favor of this. He was vexed by the traffic issue and the lack of resolution of the storm drainage issue. He felt the neighbors had absolutely no plans to divide. He was concerned about the access on Shannon Lane. He didn't foresee the opening of Shannon Lane for a very long time. He didn't think that changing it from R-10 to R-7.5 would make it more affordable housing. He was concerned about the trees that would have to be cut. He was vexed because of the lack of an overall master plan. He could not support the zone change.

T. Conser said that when the motion was made, they would have to consider the zone change on its merits and the subdivision the same way.

L. Dunstan moved to deny ZC-86-08/SUB-86-09 for a zone change from R-10 to R-7.5 on property located on the northwest corner of Rosemont Road and Shannon Lane, Tax Lot 800, Assessor's Map 2-1E-25B based on the findings of fact and conclusions arrived at by the Commission rather than the Staff report for the following reasons:

That Rosemont Road traffic is unsafe for the traffic it currently has and additional traffic from this level of development was not warranted on Rosemont; that there was an inadequacy of water supply in the area; that there were access problems with Athena being located where it was and the fact it could become a permanent access was not in keeping with the Code; that there was failure to address storm runoff; that there was incompatibility with surrounding development; that Shannon Lane was the appropriate access for this development but it was not available for the development; that increased density proposed a greater threat to preservation of the natural condition of the land.

B. Burke seconded the motion.

L. Dunstan moved to amend the findings by adding that there were 18 neighbors from the surrounding area that were opposed to it. R. Burke seconded the amendment.

The motion passed with L. Dunstan and R. Burke in favor and C. Tryon against.

T. Conser explained the appeal process to the audience.

Tom Wright, chairman of the Gladstone Planning Commission, came forward to invite the West Linn Planning Commission to the Gladstone Chautauqua Festival and challenged them to a Chautauqua Run on August 2, 1986.

3. Business from Planning Commission

T. Conser stated he would like to investigate a tree-cutting ordinance or a drainage-way-survival ordinance. He said he would not want to tell someone what to do with their property up to a point, but one of the things that made West Linn so livable was that the vegetation was very thick. He thought the series of drainage ways all along the river and Highway 43 needed to be protected because most of the existing subdivisions as well as the older subdivisions relied upon those drainage ways. He said disruption of that drainage way could cause a lot of problems downstream as well as upstream. He felt if this couldn't be looked at in September then it would definitely need to be reviewed in January as to what other cities were doing.

M. Hess said in order for a Code change to be adopted in September, he would have to have notified the newspapers by July 18th. He said the proposal would have to have been more firmed up for him to even get it into a notification form. He also indicated this would not be the type of thing that would require the vote of the people.

The Commission members were in favor of this idea.

T. Conser said one of the things that really bothered him was that there was protection for natural drainage ways.

B. Darling said it was only tied to development. She said if someone chose to go out and dig up the drainage ways and clear cut on their property there was nothing that could be done unless it violated the fire code or the building code.

M. Hess said if that did happen and they came to the City with a development proposal the City could then require the establishment of the natural drainage way and the vegetation.

C. Tryon brought up the idea of getting together with the other Planning Commissions and comparing philosophies, procedures, methods, etc.

M. Hess said the only thing he had ever heard of were some metropolitan-wide seminars and the commissioners were invited to them.

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T. Conser said he would like to get into a planning position. He felt that right now they were reacting to the applications and concerns of the community and to minor changes in the Plan.

R. Burke was concerned about the lack of park space.

M. Hess said it was budgeted for this upcoming fiscal year to update the Parks and Rec Plan and to identify the developing areas along the edges of the city that were going to need park facilities.

R. Burke expressed a desire to get together with the School Board.

L. Dunstan asked if the Code could be amended to address the topic of schools.


D. Darling said that it could.

L. Dunstan recommended that that be done.

T. Conser said that when the density was increased for bonuses or anything else, they were essentially putting pressure on the school system that was designed off the Plan.

There was further discussion.

It was moved to adjourn the meeting. The motion was seconded and passed unanimously. The meeting was adjourned at 12:30 a.m.


Dee Ann Mathre, Hearings Reporter

August 18, 1986

1. Chairman M. Gosling called the regular meeting to order at 8:00 p.m. Members present were R. Burke, T. Conser, J. Ohleman, C. Tryon, and L. Dunstan. F. Allen was absent. Also present were M. Hess, Assistant Planner; J. Hammond, Acting City Attorney Representative; and D. Mathre, Hearings Reporter.

2. Approval of Minutes for the June 30th Regular Meeting

T. Conser moved to approve the minutes of the June 30th regular meeting as written. C. Tryon seconded the motion. The motion passed unanimously.

3. Proposed Tennis Courts at West Linn High School - Public Hearing

M. Hess gave the Staff presentation. He said this was an application to add four tennis courts to West Linn High School. There were three different land use actions: a conditional use because school facilities were conditional uses within the R-10 zone, a design review because any non-single-family structure would require design review in West Linn, and expansion of a non-conforming structure because the high school was non-conforming in terms of the required number of parking spaces that it provided on site. He said there were three different sets of standards they would have to use to determine the application.

Applicant, Mr. Dea Cox, Superintendent of West Linn Schools, stated they agreed with most of the Staff recommendations. On changing the fencing from four feet to six feet, he said they placed the four foot in because they felt it would look a bit less institutional, but they would be happy to put the six-foot fence in if the Planning Commission deemed that the best thing to do. They concurred on the condition for lighting. He said the area was presently lit but that would be shifted for the relocated baseball field. He said they would not light the courts for school purposes. All of the school activities for the tennis courts would take place during the daytime.

He said there could be a time when the community would like to have the courts lit, and they would consider that and work with the City in doing that. He said parking did present a problem for them. He said they had no place to add four parking spaces. They had looked at various options but none were viable. He also said there would be quite a bit of expense for a small gain. They did not conform to the parking requirements, but they did have more parking than any high school in Oregon City, North Clackamas, and Lake Oswego. He said they currently had more parking than was used except for the home football games and graduation. He said it would probably cost about ten thousand dollars to put in the four additional parking spaces if they had to get the land. The fourth argument he had was he felt there was some logical inconsistency in the point that they were adding capacity by adding the tennis courts. When they added to the high school in 1980, they added enough capacity to handle 1500 students. He said the Board did not intend to add additional classrooms or teaching stations to the present high school site. The expectation was that at some point a new high school would be built out toward Wilsonville. He said a group of students could not be assigned to meet on the tennis courts. They would have to have another place for those classes because of the inclement weather. He asked that if at some point in time they ever did address the issue of adding classrooms that adding parking spaces be addressed at that time.

C. Tryon asked if the tennis courts would be available for public use during off-hours.

Mr. Cox said that all school facilities would be available for public use during off-hours.

T. Conser asked if the parking lot had been striped to include compacts and things of that nature to increase capacity.

Mr. Cox said the new area had been striped in this way but the old area had not been done.

Dianne Westrike asked how many extra spaces would be provided if the two big lots at the high school were re-striped.

M. Hess said in the upper lot there would be potential for providing half a dozen spaces. The lower lot was so poorly designed in terms of real maneuverable parking that by striping there would probably be a net loss of spaces. He said the addition of four tennis courts to the West Linn High School was governed by three separate chapters in the West Linn Development Code. Staff had concluded that the applicant had satisfied all the standards addressed in the Development Code with the exception of three items. Staff recommended that a six-foot fence be placed along the southern boundary adjacent to the new tennis courts. He said this was in response to a neighbor's concern about trespass onto their property from the high school. He said the six-foot fence was the maximum allowed, and it would be placed on the property line. If the tennis court fence was set back as a structure would be, then it could go to the full height of tennis court fences. On the issue of lighting, he said if the courts were used by the public afterhours, at some point there would be a desire on the part of the public or the school district to add lighting. Staff wanted that issue to be reviewed by the City before it would be installed so that it would not have an adverse effect on the neighboring property. He said the high school presently required 322 parking spaces. The position Staff had taken on this proposal was that instruction areas were being added. While the student enrollment was not necessarily tied to the addition of new facilities, it did provide added capacity to the school. Therefore, each incremental addition to the capacity should also have a commensurate expansion of parking facilities in order that the non-conformity not be worsened. He said given that rationale Staff proposed that four parking spaces be added. The four parking spaces came from the department standards for high schools. He stated for each six students there should be one parking space. It was their understanding that the tennis courts would provide instruction area for 20 students and that would correlate to four parking spaces.

L. Dunstan asked if it was Staff's feeling that if the parking spaces were not required for the tennis courts and additional classrooms were ever requested if they would have the situation where the school would come back and say that the parking spaces were not required for the last expansion; therefore, they should not be required this time.

M. Hess said that was true. He said the Planning Director was concerned that this expansion proposal would set a precedent for further expansions of the site.

T. Conser was concerned that the fence would not be adequate to keep balls from bouncing into the neighbor's property. He asked if there was a way to eliminate that kind of impact.

M. Hess said perhaps allowing a taller fence on that side for the tennis courts themselves would address this concern.

R. Burke asked if it was appropriate for the Commission to suggest a 12- or 14-foot fence along that side.

M. Hess said that was within their discretion. He said one of the approval standards of conditional use, as well as design review, was to review the impact of this proposal on the neighboring property. He said if there were mitigating measures that the Commission felt would lessen that impact it would be within their realm to apply. He also stated that Mr. Tripp, the owner of the neighboring property, would prefer that the tennis courts be located on the property line adjacent to his property to achieve the highest fence possible. However, the Code does not allow fences above 6 feet in height. Fences that are above six feet in height are called structures rather than a fence and must be placed within the setbacks of that particular zone. M. Hess suggested a condition that might read that those fences that were within 30 feet of the neighboring property line be placed at the maximum height under tennis court regulations.

T. Conser said he would like to have the maximum fence allowable. He really didn't like the idea of a change in elevation of the fence.

There was further discussion.

Mr. Cox, in rebuttal, still felt there was an error in the logic of added capacity. He said what concerned capacity of the school would be the teaching stations that were involved in the school. He stated the Board had a long-standing policy not to increase the capacity from 1500 students. He said that the requirement of taxpayer's money to avoid a precedent was a large price to pay for something he felt was as marginal in terms of value as the four additional parking spaces. He also stated that if they wanted to add to the site they would have to get State Department approval. He said it would be more appropriate to include additional parking requirements if they ever came back and asked for approval to build additional site.

M. Hess said the existing fence along the property line would be removed and a new fence would be installed.

J. Ohleman moved to close the public hearing. R. Burke seconded the motion. The motion passed unanimously.

J. Hammond said he did not see the connection between getting additional court space and linking that to additional parking requirements.

T. Conser felt the parking issue could be solved by applying some of the present techniques such as compact parking and things of that nature. He was still concerned about the balls going over the fence and the annoyance to the neighbor. He felt this should be taken into consideration if they were going to approve something that close to the property line. His direction would be to require the maximum fencing around that structure.

M. Hess said a compromise thought would be if they were leaning toward requiring an especially high fence around the court that it be along the southern boundary or anything within 20 feet of the property line.

R. Burke moved to approve the proposed tennis courts for West Linn High School, File # CU-86-04/DR-86-23/MISC-86-13, with the following recommendations:

1. That the fence along the property line be six foot in height.
2. That lighting plans be subject to Planning Director approval.
3. That because the tennis courts would not add capacity to the high school and back-up parking was available at the high school, parking spaces would not be required.

He further moved that the standards of conditional use, design review, and expansion of a non-conforming structure had been satisfied.

J. Ohleman seconded the motion.

L. Dunstan said he would like to require that the school re-stripe the upper parking lot.

J. Hammond said that that would be inconsistent with the motion. If the present motion was not adopted, then they could go back and rephrase the motion.

The motion passed with R. Burke, J. Ohleman, and C. Tryon in favor; T. Conser and L. Dunstan against.

4. Proposed Expansion of Dorsey Bus Offices - Public Hearing

M. Hess said this was a proposal to expand the offices of Dorsey Bus located on Willamette Drive. They had three applications before the Commission: approval to expand a non-conforming structure, design review, and Willamette River Greenway Permit. He said they were non-conforming with regard to their parking dimension and landscape-dimensional standards in the Code. They were also a design review because any non-single-family structure in West Linn would be under the provision of the Design Review Chapter. They would also need a Willamette River Greenway Permit because the site lay within the Willamette River Greenway. He said Staff recommended approval of the application.

Charles McAllister, supervisor for the West Linn branch of Dorsey Bus, stated they did not have any problems with the recommendations of Staff. He said they had no problems with putting the ivy along the back fence but it would probably be overpowered by blackberries.

C. Tryon asked what the additional space would be used for.

Applicant stated it was for additional office space. They were not increasing staff, but they did need more room for the staff they had.

M. Hess said they were extending their structure by 12 feet, and the finished product would be undistinguishable from the existing building. There would be no loss of parking spaces, although three parking spaces would have to be moved. He said the primary issue that Staff felt was important in terms of reviewing the standards applicable to the proposal was in the Greenway Provisions. The Greenway Chapter spoke to the reflective nature of buildings and structures from the river and their impact on the view from the river. He said the original design review on this particular structure required wood slats be placed in the fence along the perimeter of the site to screen the bright yellow buses from the riverfront view. The intent of condition #2 was that that screening be more permanent and greener. The wood slats tend to deteriorate in 5-10 years and do not do a complete job of screening the buses. Condition #1 which requested detailed landscape plans for the area was simply a piece that lacked from their submittal.

M. Gosling asked if the substandard landscaping was something that was not completed when the original building was put up.

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M. Hess said if this were to be reviewed against today's standards, it would have quite a different layout unless there was an extensive variance granted. He said the property line lay almost directly on the front of the building, and the facility was developed partially in the public right-of-way through permit from the County or the State. A great deal of the parking and all of the landscaping and whatnot that go on along the site were all on public right-of-way. He said the Code today would require a 10-foot landscape strip from the property line back to where the parking lot began. He said this was not a case of where something that should have been done was not done. It was before the current standards were in effect.

M. Gosling asked if there were the required number of parking spaces.

M. Hess said the maneuvering areas were not to code in terms of the amount of area to back up in, et cetera.

T. Conser asked the right-of-way width of Willamette Falls Road.

M. Hess said it varied from Sunset Avenue to where it joined with 7th Avenue. He said it varied anywhere from 60 to 120 feet.

There was further discussion.

T. Conser moved to close the public hearing. C. Tryon seconded the motion. The motion passed unanimously.

T. Conser moved to approve the expansion of a non-conforming structure, design review, and Willamette River Greenway permit request for the Dorsey Bus Company office addition, File # MISC-86-14/DR-86-25/MISC-86-16, on Tax Lot 1704, Assessor's Map 2-1E-36, based on the findings of the Staff report, dated August 6, 1986, and testimony heard with the following conditions:

1. That detailed landscape plans for the new landscape portions be submitted for Planning Director approval prior to occupancy of the addition.
2. That a species of ivy be planted along the rear and side fences at a spacing sufficient to achieve coverage of the fence in four to five years, subject to Planning Director approval.

L. Dunstan seconded the motion. The motion passed unanimously.

5. Variance to Front Yard Setback for a Proposed Residence - Public Hearing

M. Hess gave the Staff presentation. He said this was a request for a variance from the required front yard setback for a proposed residence on Arbor Drive. The applicants were Allan and Susan Koepping. If granted, the variance would allow a 12 1/2-foot reduction of the 20-foot required front yard area. Staff recommended approval as submitted.

Applicant, Mr. Allan Koepping, stated he had tried to be as complete as possible and as objective as he could be in preparing his request.

M. Gosling asked how big the lot was.

Applicant stated that with the flag it was approximately 10,400 square feet.

M. Hess said Applicant had addressed the criteria for variances in his letter, Exhibit B. In Staff's review they found no problems with the analysis he had done regarding variance criteria. He said this was a challenging site, design-wise, in order to build on it. By the shape of the lot and slope of the land there was minimal buildable area without tremendous disturbance to the setting. Staff felt that the proposal achieved a good balance of achieving the desired separation between structures. He said the challenge for the applicant as well as for Staff was what the definition of front yard setback was for a flag lot. Staff recommended approval of this request as submitted.

There was some discussion at this time.

C. Tryon moved to close the public hearing. T. Conser seconded the motion. The motion passed unanimously.

C. Tryon moved to approve the Class II Variance Request on Arbor Drive for a 12 1/2-foot variance to the 20-foot front yard setback on Tax Lot 2303, Assessor's Map 2-1E-14, File No. VAR-86-10, based on the facts and conclusions contained in the August 4, 1986, Staff report.

J. Ohleman seconded the motion. The motion passed unanimously.

6. Willamette River Greenway Permit and Variance to the Greenway Setback for a Proposed Residence - Public Hearing

M. Hess said this was an application for a Willamette River Greenway Permit and a variance to the minimum setback required by the Willamette River Greenway provisions. The applicant proposed to build a residence on Calaroga Drive and must obtain approval for these two permits in order to do so. He said Staff recommended approval as submitted with one condition.

Applicant, Mr. Richard L. Walton, said this was one of the few lots left on the west side of the Willamette River between West Linn and Portland. He said he wanted to keep the lot in the natural state as much as possible. The lot had natural screening on the river property line which would all remain in place. He stated there would be a few trees that would come down for the house. He said the property also had two shelves. If he was to build a house with a basement which faced the river, that would sit on the bottom shelf which was above the floodplain. The upper story would hit about right for the upper level. So there would be very little excavation for the property. They would have about a 50-foot shelf for the front yard and a 30-foot shelf for the backyard. The natural drain would remain in place.

M. Hess said the applicant had addressed the criteria for granting variances in a letter to Staff. He said the findings proposed adequately addressed the criteria necessary to grant variances. The variance requested was to the requirement of the Greenway provisions. He stated this was a vacant lot within an existing developed area. All homes in the area had established a setback less than the required 150 feet from the mean low water mark. He said the home proposed would be more in character with the neighborhood with the variance granted than it would should the 150-foot setback be imposed on this residence. The applicant also showed a plan which appeared to maximize the retention of a number of the trees on the site between the home and the river. The only condition Staff would request the Commission impose was the requirement that the riparian vegetation between the work area and river be maintained. Staff recommended approval as submitted.

There was a discussion on the mean low water mark.

T. Conser asked the elevation of the foundation closest to the property as it related to the water.

Applicant said it was about 35 feet above the existing water line.

M. Hess said that as someone applied for building permits, anyone within the 100 year flood area must specify the elevation in order that they not have to purchase flood insurance.

L. Dunstan moved to close the public hearing. T. Conser seconded the motion. The motion passed unanimously.

L. Dunstan moved to approve the application for a variance to the 150-foot Greenway setback and a Willamette River Greenway permit for construction of a single-family residence, File No. MISC-86-15/VAR-86-11, for property described as Tax Lot 1000, Assessor's Map 2-1E-13CA, based on the findings of fact and conclusions of the August 6th, 1986, Staff report and subject to the following condition:

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1. That riparian vegetation between the work area and the river's edge be protected during construction and maintained in its natural state.

J. Ohleman seconded the motion. The motion passed unanimously.

7. Appeal of Planning Director Decision - Public Hearing

M. Hess said the Planning Director had made a decision on a minor partition request, File No. MIP-86-05. The request was filed by John and Coye Harney. It was taking a parcel of land approximately an acre in size and dividing it into three parcels. The Planning Director approved the partition and imposed some conditions on that approval. The appeal was regarding the conditions imposed, not on the approval itself. He said the Code specified that an appeal of a decision made by the Planning Director should be de novo, which meant that the Commission was not confined to the record specifically. They could accept new evidence in rendering their decision on the application.

Applicant, John Harney, 2712 Oak Grove, Milwaukie, stated that the Planning Director imposed some unduly burdensome conditions for a minor partition, particularly since the road there was so steep. He did not feel the road would ever be utilized. He did not feel he should have to put in the street improvements.

C. Tryon asked which of the conditions the applicant was appealing.

Mr. Harney said he did not feel that a 50-foot street should be required in that area. He said part of the area down below was within the 100 year floodplain. He was under the impression that the people who owned this land might donate it to the City or sell it to the City for a park. If a park was built, the entry would probably be located elsewhere. He said he did not object to the additional five-foot right-of-way, but he felt it was unduly wide for the street.

There was further discussion on the conditions Mr. Harney was appealing.

Opponent, Phyllis Kessler, the owner of the only house that exists on the end of 10th Street, stated that 10th Street was an undeveloped street. If the area Mr. Harney owned was to be developed and there would be more traffic on that street, she said there was a definite need for the entire area to be developed. There is quite a bit of dust from the road now and during the rainy season the road gets rutted to the point where the mailman would not deliver their mail. They had to call the City in to grade and gravel the road. She felt that Mr. Harney stood to gain from having his lot subdivided and that he should be the one responsible for taking care of the street and making sure that it would sustain the increased traffic load. She thought Willamette should have better streets, better drainage, and better curbs. 10th Street drained onto her front lawn.

M. Hess read Exhibit 7 into the record.

Ms. Kessler said that all the people that signed the exhibit were all neighbors surrounding the block.

Steve Sheridan, 1291 11th Street, Willamette, was concerned about the drainage because he lived right below this proposed development. He said it was not unreasonable for people that lived around a new development to expect new developments to maintain a high standard. He did not think it was unreasonable for Mr. Harney to put in sidewalks and curbs. He also had mail-delivery problems. He said it was absurd to have a 12-foot road when there were going to be at least three or four houses on that acre.

David Hillis stated he was concerned about the condition of 10th Street with the added capacity. He said the soil of this site was unstable. He stated he was opposed to the development and opposed to any development without improvement of the street.

There was a discussion at this time.

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 M. Hess said the Planning Director had some discretion in terms of the improvements required of the partitioner. The position the Director took was that there were three general categories within which minor partitions would fall: in an established area where they were a vacant parcel in an otherwise developed area, out in a totally undeveloped area where there were no other lots approaching the minimum size around them, or on the edge of an established area and an undeveloped area. He said in instances where there had been an infill proposal in terms of a vacant lot in an established neighborhood the Planning Director's position had been not to require street improvements. If the partition was on the edge of an established area or in a totally undeveloped area, the partitioner would be required to make improvements because it would either provide access to some newly developing areas or it would match up with new development that might occur around it. It was the Planning Director's opinion in this instance that this particular acre proposed for subdivision was at the edge of an established area that did not have curbs but the area beyond it that was not developed would have standard urban streets at some point in time. The area to the north of the proposal was a developed area along 5th Avenue with a sidewalk but no curbs. To the south and east there were a number of parcels that were subdividable. That was primarily the reason the Planning Director felt it was important to establish what the street standards should be along 10th Street. The Planning Director felt he was compromising somewhat in the strict interpretation of the Code concerning 4th Street and 10th Street improvements. He said the reason for the right-of-way dedication along 10th Street was the 50 foot was the standard right-of-way width in today's Code. Forty foot was the standard in the turn of the century. He said there were a number of partitions in the Willamette Tract area within a thousand feet of this proposal that had dedicated an additional five foot of right-of-way around the time they partitioned their properties. He said Staff stood by the conditions imposed. They felt the conditions were a reasonable compromise in terms of the strict interpretation of the Code, read with the discretion the Code provided. He also said the drainage improvements were not viewed as entirely connected to whether or not curbs went in or not. The City could impose certain drainage requirements without improvements.

M. Gosling asked for a clarification on the condition for half-street improvements including a sidewalk along 10th Street in front of the property and an extension of the paving to 5th Avenue.

M. Hess said that particular requirement in terms of paving to the nearest pavement was a provision in the Code that at the time a building permit was requested, the City would automatically require a 12-foot-wide paved hard-surface pavement to the nearest pavement within public right-of-way. If they would be using the public right-of-way as their driveway to the new home, they would have a minimum of a 12-foot driveway to do within the public right-of-way. If it was serving two or more homes the width would be 20 feet.

J. Ohleman asked if there was any provision to put a limited LID or something like that so that the people who would benefit from this road would also share in the cost.

M. Hess said there was an LID process which would be up to the individual property owners to initiate and to bring before the City. He said it was seldom that the City would initiate this to facilitate a particular development.

J. Ohleman said there was a very clear case here where the Kesslers would benefit from having the road improved from 5th Street, and yet they would not be required to pay a penny for that improvement.

M. Hess said that benefit was not unique to the Kesslers. He said there were numerous examples where partitions were developed which were required to make certain improvements which the public at large would benefit from.

T. Conser asked for a rough idea of the percent of slope of this property.

M. Hess said it was roughly a 25- to 35-percent slope. He said it seemed to be flatter near the north end and then it got steeper as it moved south.

T. Conser asked if the street was extended if there would have to be some sort of fill in order to maintain the City standard of 25 percent or less.

M. Hess said he was not qualified to answer. He had not seen any elevational information.

There was a discussion about where the floodplain was located.

T. Conser asked if the Commission would have the option of requiring sidewalk easements in a 40-foot right-of-way.

M. Hess that sidewalk easements had been required from other subdividers.

There was a discussion at this time.

Mr. Harney, in rebuttal, said this request had been referred to as a variance and a subdivision, and it was none of those things. It was a partition.

T. Conser moved to close the public hearing. J. Ohleman seconded the motion. The motion passed unanimously.

L. Dunstan said he agreed with Staff in regard to the conditions placed on the property if it was to be developed. He felt there were some legitimate concerns about the road. He said he did not have a problem with the development presuming that it could be structured per the Staff's recommendations.

C. Tryon said he agreed with the Planning Director's guidelines and criteria. He felt it was consistent with the Code.

J. Ohleman agreed with the Planning Director. She did not think there was any way the street would be useable if it was not improved.

T. Conser said the only change he would propose to Staff would be to look at sidewalk easements rather than taking an additional 5 feet. He stated he did support Staff's opinion.

R. Burke said generally speaking the Commission needed to support the decision of the Planning Director unless there had been some miscarriage of judgment. He said he could certainly empathize with the applicant having to put in \$60,000 worth of improvements that would benefit others as much as it would benefit him. He said he would support the Planning Director.

There was a discussion at this time.

T. Conser moved to deny the appeal of the Planning Director's decision, File No. MISC-86-12, based on the fact that the Commission supported the Planning Director's report of June 23, 1986.

C. Tryon seconded the motion. The motion passed unanimously.

8. Business from Staff

M. Hess said the City Council was seeking two volunteers to serve on a task force for the Systems Development Fee Study. The duration of this would be 60 days and probably would entail 3-4 meetings. He said the City was doing an analysis of the systems development fee amount and how it would be appropriated to what particular facility.

M. Gosling and R. Burke volunteered.

9. Business from Planning Commission

M. Gosling asked if the Council had made a final decision on the review of the gas station.

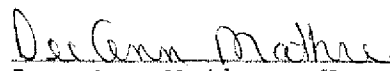
M. Hess said the Council overturned the Commission's reversal and upheld the Planning Director's decision.

M. Gosling asked what had been done with regard to a letter from Mr. & Mrs. Killian to John Buol.

M. Hess said the letter came before the City had taken any action on the proposal. He said this was a minor partition application and some neighbors submitted evidence regarding the history of this particular parcel of which none of the Staff was aware. Since the evidence was submitted before any decision had been rendered it was basically an incomplete application. They were waiting for the applicant's response to the particular points that were raised in that letter.

T. Conser stated that he would still like to get some discussion going on a tree-cutting ordinance, clearing of land, et cetera. He also mentioned getting together with the City of Lake Oswego and discussing common interests and boundaries.

T. Conser moved to adjourn the meeting. J. Ohleman seconded the motion. The motion passed unanimously. The meeting was adjourned at 10:45 p.m.


Dee Ann Mathre, Hearings Reporter

September 15, 1986

1. Chairman M. Gosling called the regular meeting to order at 8:00 p.m. Members present were F. Allen, R. Burke, T. Conser, J. Ohleman, and L. Dunstan. Absent was G. Tryon. Also present were M. Hess, Assistant Planner; D. Darling, City Attorney Representative; and D. Mathre, Hearings Reporter.

2. Approval of Minutes for the July 21, 1986, and August 18, 1986, meetings

R. Burke moved to approve the minutes of the July 21, 1986, and August 18, 1986, meetings as written. L. Dunstan seconded the motion. The motion passed unanimously.

A MISCELLANEOUS ITEM was inserted regarding HIDDEN SPRINGS SUMMIT TREE REMOVAL.

M. Hess said this was regarding an apparent failure to fulfill certain conditions on Hidden Springs Summit which the Commission imposed. This related to a 10-foot tree preservation or deed restriction on tree removal along a portion of the north boundary and all of the west boundary for Hidden Springs Summit. He said the applicants would be on the next agenda before the Commission regarding the apparent violation of one of the conditions of approval. There had been some fir trees taken down along that area which violated the condition; so the Commission would have a chance to determine what type of remedy they deemed appropriate for the failure to fulfill that condition.

T. Conser asked if it was possible to encourage the developer to negotiate with the property owners over the next month. He said the interests of the developer and the parties that were concerned needed to be studied to see how that related to the condition. He felt that if those interests could be served by the developer then the Commission's decision would be much more reasonable and more satisfying to all parties. He highly recommended encouraging the developer to contact these people to try to work out some kind of understanding as to what would remedy this situation.

D. Darling said the Commission could ask Staff to suggest they do that. There was no way to force them to do anything.

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M. Hess said all clearing activity had been halted. The Engineering staff was monitoring their activities as closely as they were able to. He said it was evidently a problem of communication where the conditions imposed by the Commission were not filtered to the subcontractors involved with the project.

F. Allen asked what could be done for violating the conditions imposed.

D. Darling said the approval could be revoked. They could also be prosecuted in West Linn Municipal Court and fined a thousand dollars a day for every day that they were in violation of the conditions. She said if the approval was revoked, it could be worse for the interest of the neighbors because if they chose to give up their approval they were free to do whatever they wanted with the land. It was only because of the approval that there was an ability to save the trees.

M. Hess said because it was a PUD, that gave the discretion to look at the vegetation.

T. Conser wanted the developer to be fully apprised of his condition in writing. He said he didn't want the developer to be encouraged or falsely lulled into the feeling that there would not be any action taken. He asked if any downstream damage occurred because of the excavation if the developer would be responsible.

D. Darling said they were responsible if they enhanced the off-site runoff to the point where it damaged off-site property.

3. Class II Variance Request - Gerritz Custom Homes, Inc. - Hillside Court - Public Hearing

M. Hess gave the Staff presentation. He said this was a request for a one-story variance to the maximum building height in an R-10 zone. He said Chapter 75 governed variance requests and it gave five approval standards to review the proposal against. Staff recommended approval of a half-story variance rather than the requested one-story.

Applicant, John M. Gerritz, 17701 Hillside Drive, West Linn, stated he tried to build a house that was nice and keep the values up. He said the fill was great on this site. He had to dig down 14 feet to hit solid ground. This created the extra storage space in the house. He stated he saved two large fir trees by moving the house back five feet. By doing that, he hurt himself. He said the house was completely framed from the top floor. He hired an engineer who said there was no problem as far as the structure or design. He said the recommended one-half-story variance would be satisfactory to him. He said he would rather have the original request for a one-story variance. The house would fit into the neighborhood well and it would not disturb anybody's view with the four stories. He said he already had a potential buyer for the house if he could put the fourth story on it. He said most of the homes in the neighborhood were all very large homes with the exception of one.

M. Hess said the one complaint that was received on this house was anonymous.

There was a discussion at this time.

L. Dunstan asked when the construction was actually started.

Applicant stated he had started in July. He said he was aware that there was a problem with the number of stories as early as July or shortly thereafter and he felt it would be resolved by bringing it before the Planning Commission.

M. Gosling asked if the traditional two-story-type application was a bit inappropriate for this lot.

Applicant stated that it was not. He said he based his building on what realtors felt were the best on the market today. The vast majority of people want to live with the bedroom-living area upstairs rather than downstairs.

M. Gosling asked if there was an opportunity to put less crawl space height by going down several feet below street level without causing major problems.

Applicant stated that it probably could have been taken down a few feet, but a few feet would not have made any difference in this situation. He said he would have had to go down between five and eight feet to alleviate the problem and it still would not have made a difference. Applicant said he received a stop-work order in late July or early August.

Mr. Gordan A. Williams, 2010 SW College Hill Place, West Linn, stated he was in favor of the square footage, size and design of the house. He said this type of home was what he would like to be built in this area.

Miles G. Bryant, 17725 Hillside Drive, said he had no objection to the esthetics of building the house. He said he was in favor of building the house strictly from a monetary standpoint. One of the reasons he built in this neighborhood was because of the houses he anticipated would be built there.

M. Hess said there were two reports on the requested variance. The first report, dated September 2nd, offered findings addressing the standards of Chapter 75, the Code section that dealt with variances. He said there were five criteria that a variance must be reviewed against, and in the initial analysis Staff felt that these criteria had not been satisfied. Criteria #4 asked the Commission to find that the requested variance was the minimum necessary to alleviate the hardship. In other words, it asked the Commission to say that because of slope on the site it was necessary to construct a four-story residence rather than the 2 1/2-story allowed by Code. In the past when this criteria had been applied to other homes in similar circumstances in terms of height limitation the Commission had found that if someone had explored a variety of design options, stepped the building down the hillside, or taken some approaches that showed that there were no other options available for alleviating the hardship then the criteria had been met. Staff found that in this instance this criteria had not been met. He said the garage level, for example, was slightly above street grade. There had been a whole number of design decisions made on this structure which bore no relationship to the site conditions. The original plans were submitted to the City and approved. The changes to the plan brought about by building on the fill were never resubmitted. He said Staff in their September 15th report had amended their recommendation to an approval. However, they were not recommending approval of the full variance that had been requested. Staff recommended approval of a half-story variance rather than the 1 1/2-story variance. If a half-story variance were granted it would require amending the building plan as illustrated in Exhibit H. That would mean taking off the top floor. He then compared this variance request to a variance that had been granted on Wildwood Drive.

R. Burke asked if a 1 1/2-story variance was approved if that would pose a problem in terms of setting a precedent.

M. Hess said the Planning Director was most concerned about that issue and in his view it certainly would. It would be a persuasive argument for any subsequent applications.

R. Burke asked if any variance requests like this had been granted in the past without special modifications.

M. Hess said that he was not aware of any.

There was a discussion at this time.

T. Conser asked the applicant if he would be willing to accept the proposed changes in Exhibit H as opposed to no other alternatives that had been presented.

Applicant said he did not have any choice. He said he had put no thought into Exhibit H. He felt it would be very difficult for him

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to do anything with the house in terms of redesigning it. He said he had not taken the time to design a house that would fit that particular lot. He said the square footage of the top floor was 886. He said the uniqueness of the house itself should be enough to approve it.

L. Dunstan asked how the applicant defined the bottom story or crawl space.

Applicant said it was totally a crawl space. There was no access off the upper floor. He put in a joist floor and sheeted it. There were no openings for windows. It had one-door access: outside and around the back. He said the reason he did this was for strength.

L. Dunstan felt this crawl space could effectively be used as another story.

Applicant said a house had to be designed with stairs to get down there. He did not make any access from the house to this area. He said once the home was constructed it would be very difficult to use that area for anything but a storage area.

M. Hess said regardless of the use of this particular area it was defined in the Code and the Uniform Building Code as a story.

R. Burke asked what the applicant's plans were for the crawl space if a one-half-story variance was granted.

Applicant said it would not be used for living space. It was totally crawl space, and it was sold with that idea.

R. Burke asked what he was going to do with the top floor if a half-story variance was given.

Applicant said the house would have to be redesigned. He said the house was not designed for taking the upstairs and dropping it into the basement.

M. Gosling asked if the half-story variance was approved if it would be in order to specify the use of the crawl space.

M. Hess said it was not Staff's area to design the interior of this particular structure.

There was a discussion on modifying the interior of a home.

Mr. Gerritz indicated that he was a full-time builder of homes in the West Linn area. He did not want to cause problems for the City because his predominant income was from the City of West Linn. He was trying to make a good thing for the City.

T. Conser moved to close the public hearing. F. Allen seconded the motion. The motion passed unanimously.

F. Allen had real strong feelings that this would set a precedent. He felt this had not been explored in the beginning for other possibilities of construction.

R. Burke said his only negative feeling on this was the problem of setting a precedent. He stated a positive factor was that there was potential for a three-story facility with the crawl space being converted into a livable area.

T. Conser concurred about setting a precedent. He said it came down to the question of when the extra excavation was necessary. That was when the decision of redesign should have been applied. He felt condition #4 had not been met, and he tended to support Staff.

J. Ohleman disagreed. She did share the concern about setting a precedent, but she felt this was an opportunity for a very unique home. She thought this home would be turned into an extremely mediocre and undesirable home. The fact that there was an anonymous complaint from someone that wasn't willing to come to the meeting and complain in person concerned her a great deal. She did not want to

set a precedent for four-story homes in West Linn. In this case, there was a combination of problems. She was against the recommendation of Staff and supported the 1 1/2-story variance.

L. Dunstan felt that Mr. Gerritz, with his experience in the field, understood the Code far better than the Commission and knew there were provisions precluding his building the four-story home. He felt that when problems were encountered with the fill and excavation that was the appropriate time to re-think the design and decide what was going to be done about the home and get approval rather than to take a chance. He supported the Staff's position.

M. Gosling felt Mr. Gerritz's problem was self-inflicted as far as the design and soil problems.

R. Burke agreed with J. Ohleman about the anonymous complainers. The anonymous complaint had no effect on his decision.

J. Ohleman asked what would have been done if there had been no complaint received and the house had been completed.

M. Hess said there was a variety of things that the City had available: send them through a variance process or levy a fine. He did not know which of those would have been pursued in this instance.

D. Darling said in addition to the two Mark had mentioned the City would have had the ability to require removal of the top story, even after the house had been completed. She said the house probably would not have gotten to occupancy because it required a final inspection for compliance with the plans.

T. Conser asked how many inspections had been made of the home.

M. Hess was not certain. He was fairly certain there had been an inspection of the foundation, footings and framing.

D. Darling said the foundation inspector should have caught the fact that it was down one whole story below what the original building plans said.

T. Conser moved to approve the Class II Variance request, VAR-86-12, for a half-story variance for Tax Lot 304, Assessor's Map 2-1E-14CD, based on the findings contained in the September 2nd, 1986, Staff report as amended by the September 15th Staff report, as defined in Exhibit H and I, to include the condition that building elevations be modified as indicated in Exhibits H and I; specifically, eliminating the upper fourth story.

F. Allen seconded the motion. The motion passed unanimously.

4. Design Review and Expansion of a Non-Conforming Structure - City of West Linn Public Works Department - Public Hearing

M. Hess gave the Staff presentation. He said the Planning Commission had two applications before it from the City of West Linn Public Works Department: a design review and expansion of a non-conforming structure. The request sought to add an equipment storage building at the Public Works site located between Norfolk Street and Sussex Avenue. He said included within the request was a Master Plan for the Public Works site.

There was a discussion about the notification for this request.

M. Hess said the expansion of a non-conforming structure arose from the parking standards of Chapter 46, which did apply. If the site was analyzed with the requirements, the site was non-conforming with respect to parking. He said "structure" had been interpreted from previous decisions to include site. This site did not satisfy the off-street parking requirements. While the Master Plan did plan for additional parking exceeding the Code standards, the present request was to allow the equipment building to go in without adding any additional parking spaces. He stated the justification for that request was that while they were adding some storage they were not adding new employees, which is what the parking standards were based.

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Applicant, Dennis Koellermeier, Public Works Operations Supervisor, stated the equipment storage building involved a covered storage area for sanding materials and a three-sided pole building-type structure that would be used to park two dump trucks. He said this was basically an extension of an existing building. The roofline would be the same and the footprints would almost be the same as the existing building except a little bit longer. He said the first building had been built in the 1920's. He did not think there had been a building permit or a concept of planning applied to the 300 X 300 lot. Over the course of years, if something was needed it was built. He felt the Master Plan was a very good idea.

T. Conser asked if there was a timetable on this and, if it was funded, to have the office space built in two years.

Mr. Koellermeier stated that the City budget could not fund that far in advance. That was their request. He said their facility was feeling a growth problem.

John Buckley, Traffic Safety, said that in reviewing the Master Plan a question was raised about the proposed driveway widths. Traffic Safety did not feel that the 18-foot-wide double-directional driveway would be sufficient width for traffic at that point. They requested at least a 24-foot width for the double-directional driveway. He said 15 feet for a one-way driveway seemed excessive.

There was a discussion at this time.

M. Hess said some other applicable Code sections had been overlooked which may have some effect on the Commission's decision. On the Design Review he said that was an administrative function if it was an outright permitted use. If the parking on this site had not been non-conforming, this would have been an administrative decision. It was also Staff's feeling that the Master Plan had some longer range implications that should also receive the Commission's endorsement and review. Staff concluded that the proposal had met the Design Review criteria. He said the issue of the proposed setback in the rear had been overlooked by Staff. The proposed structure is six feet from the rear property line, and there is a 7.5-foot setback in an R-10 zone. In order to approve a six-foot setback a variance would be necessary. He said the Commission could approve the plans with a 7.5-foot setback, meaning that the building would have to be pushed out a foot and a half, or if they found there was a community interest in the preservation of particular natural features on the site they could vary the 7.5-foot standard by ten percent, which would give them .75 of a foot on the site. Beyond that, a variance would have to be included.

There was a discussion at this time.

M. Hess said a sideyard setback of two feet or less would be a Class I variance, meaning it would be an administratively handled variance. He said the Commission could approve a plan with a 7.5-foot setback imposed as a condition and the applicant could then apply for a Class I variance.

D. Darling said the Commission could give Staff an advisory statement telling them what they would like them to do with it.

On the issue of the access drive, M. Hess said if the Commission was moving toward approval they should condition that upon compliance with the provisions of Chapter 48. He said the twelve-foot drive may put some of the fir trees at risk if it went to fifteen.

There was a discussion on the color scheme for the storage shed.

Mr. Koellermeier stated the only problem with the width of the drives was working around the existing trees. They would like to maintain as many of the trees as possible. On the setback issue, he said the front of the building's setback would be crucial to the point they would ask for an administrative variance or change the building depth to 28 feet instead of 30. He said the reason he wanted to maintain the plane on the front of the building was out of those buildings and

in that maneuvering area was where most of the night operation for sanding was done. He said the extra foot and a half sticking out could cause some problems. The front plane of the building was more crucial than the back.

T. Conser asked about putting some vegetation or buffering along the six-foot corridor.

Applicant stated that if buffering were needed he would recommend some kind of a planting on the existing cyclone fence. He also said the buildings were oriented around the outside to cut down on the noise.

There was a discussion at this time.

R. Burke moved to close the public hearing. F. Allen seconded the motion. The motion passed unanimously.

T. Conser moved to approve the application for Design Review for the proposed equipment storage building at the Public Works yard, File No. DR-86-24/MISC-86-20, described as Tax Lot 8100, Assessor's Map 2-1E-36AB, in accordance with the September 4th, 1986, Staff report, and the facts and findings contained therein, subject to the following conditions:

1. That a 7.5-foot setback be maintained for this structure with the required setback for an R-10 zone.
2. The driveway width on the Master Plan be increased subject to Section 48.030(A).

R. Burke seconded the motion. The motion passed unanimously.

5. Business from Planning Commission

M. Gosling asked about the Systems Development Fee Study that he and R. Burke had volunteered for. D. Darling said she would check it out and get back to the Commission.

M. Gosling felt that the Planning Commission should make some sort of motion recommending the City Council do something on the Riverfront Development Report.

T. Conser asked if Staff's direction was to approve some rezoning or some Comprehensive Plan changes.

M. Hess said it was premature to talk about rezoning at this stage. He said the report was just a bunch of ideas. If the Commission felt there were some worthwhile ideas that should be explored in greater detail, that would need to be conveyed to the Council. He indicated that before Staff could pursue the idea in terms of notifying neighbors, holding meetings, conducting studies, et cetera, they would need some Council direction.

T. Conser moved to recommend to the City Council that Staff be given the go-ahead to pursue the Riverfront Study and those avenues necessary to set this plan or similar plans in motion. He also stated that the Planning Commission supported the idea of riverfront development. J. Ohleman seconded the motion. The motion passed unanimously.

There was further discussion on the riverfront development.

J. Ohleman stated she would like to have an overview of the housing situation in West Linn. She wanted to know how many units had been approved in the last year and a half by the Planning Commission, what pressure zone was impacted by the approvals, when it was approved, how many units were under construction, and which projects did not go. The reason she wanted to know this was to see if the Commission's decisions, restrictions, and requirements were stopping development in the City. She also wanted to know by the number of units and pressure zone involved what they were continuing to do to themselves in the Rosemont Pressure Zone.

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M. Hess said that much of that information was compiled in terms of the Council's analysis of the Rosement Pressure Zone. He said he would get that information together.

F. Allen felt that the City had missed the ball when someone had gone out to inspect the footings for the house on Hillside Court. He thought there should have been some questions raised at that time.

6. Business from Staff

There was a discussion on who would attend the next workshop. M. Hess also discussed some background information on the tree preservation ordinance. There was a discussion on this.

R. Burke moved to pursue the possibility of sending out questionnaires on public support for a tree preservation ordinance in West Linn through the water bills, if approved by John Buol. He further moved to have an open public hearing on the tree preservation issue before the Planning Commission in January. T. Conser seconded the motion.

R. Burke amended his motion to encourage City offices to send out a questionnaire regarding how much public support there would be for a tree preservation ordinance and also have a public hearing in January. T. Conser seconded the amendment. The motion passed unanimously.

There was no further business and the meeting was adjourned at 11:00 p.m.

Dee Ann Mathre
Dee Ann Mathre, Hearings Reporter

October 20, 1986

1. Chairman M. Gosling called the meeting to order at 8:10 p.m. Members present were F. Allen, T. Conser, and C. Tryon. Absent were R. Burke, J. Ohleman and L. Dunstan. Also present were M. Butts, City Planner; D. Darling, City Attorney Representative; and D. Mathre, Hearings Reporter.

2. Approval of Minutes of the September 15th, 1986, Planning Commission Meeting

T. Conser moved to approve the minutes of the September 15th, 1986, Planning Commission meeting as written. F. Allen seconded the motion. The motion passed unanimously.

3. Request for Approval of Planned Unit Development for Fowler's Oak View Estates - Exeter Street - Dan Fowler & Abernathy Development - Public Hearing

M. Butts gave the Staff summary. He said in April of this year the Commission had approved a planned unit development for Fowler's Oak View Estates. At that time there was a small parcel of land to the north with a single-family home located on it which had some strange configurations in terms of access. He said subsequent to that approval the developer had gone back to that property owner to the north, identified as Tax Lot 800. He desired to partition that land and the western half of that tax lot and incorporate that into the PUD. He was before the Commission to amend his PUD development, and this would allow him to transfer densities from his PUD to these two parcels. M. Butts said the two parcels averaged about 6,000 square foot per lot. Each lot in the subdivision averaged about 6700 square feet. He said under the R-4.5 zone under which the majority of this PUD was located, a single-family home may go on a 4500-square-foot lot. This PUD would allow them to construct two rather than one home on the western half of Tax Lot 800. The public improvements had already been installed in front of the subject parcel: curbs, sidewalks and street.

Applicant, Dan Fowler of Abernathy Development, said Tax Lot 800 had been somewhat in question at the time of the development. He said everything they had indicated in their prior application in the subdivision they had followed through on and done. This had been more or less the last hurdle for them in completing their total plan for the area. They felt they had tried to address all the points in their application. They felt this was very consistent with the subdivision size.

T. Conser asked if the southeast portion of Lot 24, which was the access extension, would transfer to the existing house.

Mr. Fowler indicated that the driveway portion had already been transferred. That had been part of the sale and agreement when they had purchased the rear portion of the property. He said all but the last eleven feet of that original driveway had gone to the homeowners of Tax Lot 800. The last eleven feet went to Lot 24.

M. Butts said the improvements were already in and each lot would be about 6000 square feet. Staff recommended approval.

F. Allen moved to close the public hearing. T. Conser seconded the motion. The motion passed unanimously.

F. Allen moved to approve the request for addition of the western half of Tax Lot 800 into the planned unit development designation for Fowler's Oak View Estates, Assessor's Map 2-1E-36AC, Tax Lots 900 and 1000; Assessor's Map 2-1E-36AB, Tax Lot 10,000; and Assessor's Map 2-1E-36AC, a portion of Tax Lot 800, based on information contained in the Staff report of October 10th, 1986.

C. Tryon seconded the motion. The motion passed unanimously.

4. Westbank Subdivision Extension Approval - Ryan O'Brien - South of Hwy. 43 and East of West "A" Street

M. Butts said that back in August of 1985 Westbank Subdivision came before the Planning Commission. Due to the dissatisfaction with the access they had proposed, the Commission denied the request and that was appealed to the City Council. During the interim Staff had met with the applicants and worked out improved access. Consequently, the City Council remanded that back to the Planning Commission November 18th, 1985, at which time the Planning Commission approved that subdivision. That was a four-part approval: subdivision, PUD, variance and conditional use. The PUD and variance had a two-year time limit; the subdivision and conditional use had a one-year time limit. That time limit would be up November 18th of this year. The conditional use was moot at that point. Since that approval, the original conditional use application was to allow for single-family detached home in the R-4.5 zone. The Code had subsequently been changed which allowed that single-family home outright; so the conditional use was no longer applicable, but the subdivision would expire this year. He said there were two standards which the Commission must address in order to make a decision: number one, a change or absence of change in facts on which the approval was based and, two, a change or absence of change in the policies and ordinance provisions on which the approval was based. He said Staff believed there had been no substantial changes and recommended a one-year time extension for the Westbank Subdivision.

C. Tryon asked if Applicant's representative was associated with the original application.

Richard Carpenter, 3939 Southeast Hawthorne Blvd., said he was not. There had been a change in owners which was the reason for all of the delays.

F. Allen said that in terms of the criteria that had been established there had been no change in the facts on which the original approval was made. There had been no change in the policies and ordinance revisions except for the one that made part of the original question and approval moot. He could see no reason why it should not be extended for a year.

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T. Conser asked if the approval of an application stood by itself regardless of who had ownership.

M. Butts said that was correct. The approval would be tied to the land. All the original conditions would have to be met.

C. Tryon asked if the minutes of the original approval should be incorporated into the Staff report.

D. Darling said that that was not necessary. She said by granting them a one-year extension all previous conditions would automatically be tailed with it.

T. Conser moved to approve a one-year extension of the Westbank Subdivision based on the fact that there had been no change of the Comprehensive Plan or the Codes that affected this and on the Staff report of September 22, 1986.

F. Allen seconded the motion. The motion passed unanimously.

5. Rehearing on Willamette River Greenway Permit Request -
Richard L. Walton - Calaroga Drive - Public Hearing

M. Gosling said the original application was for a variance from the setback and the Greenway permit. He said the City Council had sent back the Willamette Greenway permit aspect only to the Planning Commission. He indicated that testimony should only be applied to the Willamette Greenway conditions of the application.

M. Butts said this application had come before the Planning Commission on August 18, 1986. The Commission recommended approval of both the variance and the Greenway. That was subsequently appealed to the City Council, and the City Council reviewed the Commission's decision on September 24th and reaffirmed the decision regarding the variance but remanded the Greenway permit back to the Commission. They were not satisfied that the Commission had properly covered all of the Greenway criteria. This was not reflected in either the Staff report or the minutes. He said the Commission could review the standards for approval in Section 28.090 in the Community Development Code. He also said that the date of October 1st in the Staff report, page 2, item 2, should be September 24.

A survey by Andy Paris & Associates dated September 11th, 1986, was marked Exhibit E.

Richard Walton, 3939 Onkrige Drive, Gladstone, said this survey had some pertinent information regarding the lot that was not available at the time of the other meeting. He said the middle of the lot was the location of the front and back foundation lines of the house. Also marked within those boundaries was the elevation above flood plain which was 42. He said that was a foot and a half above the 100-year flood plain at that point. On the property line on the left-hand side besides the 36 foot for the front and back foundation lines there was a 20-foot measurement to a 5/8's-inch iron rod. That 20-foot measurement showed the reference point for the tree survey that was done originally by him. He said his tree measurements were not accurate by him so he had hired Andy Paris & Associates to do a tree survey. A tree survey by Andy Paris, Exhibit F, showed the 150 feet from the low water line that was measured June 20th and September 20th of 1986. Mr. Walton said there were over 100 trees on the lot. He had asked only the trees within the foundation area and between the river and the house be surveyed. He said ten trees would have to be removed in order to allow him to build his 78-foot house. He said the house had a 7 1/2-foot setback on the westerly side and 11 1/2-foot setback on the easterly side. He said the 150 feet from the low water line was sixteen feet from the river side of the house, twenty feet from the actual road side of the house. The house would be 36 feet deep. He agreed with the five conditions of the Staff report.

There was further discussion on the exhibits presented by Mr. Walton.

Renee Bergman, 2211 SW 1st Avenue, Apartment 803, Portland, stated she bought the lot in 1963. She also stated that she was one of the

strong supporters of the Greenway and was assured that the rights of the homeowners would never be violated. She stated that in 1983, without her being informed, her neighbor to the north, who did not want her to build on the property being discussed, completed an extension on their house which destroyed some riparian vegetation and put a concrete support which extended the width of the house almost double along the Greenway area. After completion they went to the Legislature to see that she could not build on that lot. She introduced a photograph, which was marked Exhibit G. When she sold her property she didn't know this was in the Greenway. She wanted the trees and nature of the property protected when she sold it so in the earnest money agreement, which was marked Exhibit H, she stated that "any grading and tree removal between the road and the 150-foot setback would be done with the approval of the seller. The seller and the purchaser would agree which trees would not be removed. The purchaser would set the meeting on the site." Because of various reasons she stated that she could no longer afford to maintain this lot. Her feeling was that these purchasers would not hurt the environment and would maintain the lot.

Corinne C. Sherton, 530 Center Street N.E., Suite 240, Salem, a group representative, asked that a party status be recognized for the 23 individuals she represented and that a copy of the final decision be mailed to them. She then explained the exhibits they offered: a letter from the Planning Department to the applicant, Exhibit J; the 13 letters that were submitted to the City Council at the September 24th hearing on the Greenway permit and variance, Exhibit K; a letter to the Planning Commission from two licensed builders with many years of experience in the West Linn area, Exhibit L; Exhibit M, a letter from Jean Kerr, a licensed excavator; Exhibit N, a letter from an engineering geologist, Roger Redfern; Exhibit O, a letter from another licensed builder; and Exhibit P, a letter with regard to the variance.

Jean Kerr, 3917 S. Fairview Way, West Linn, stated that he had been in the excavating business in the West Linn area for approximately 35 years, both on the Willamette River and in the heavily forested areas in West Linn. He said the trees proposed for removal and other tagged trees were crucial to maintaining the integrity and stability of the riverbank. He felt that the trees were about all that were holding the riverbank together. Any disturbance that close to the bank would cause erosion and destabilization. He said the riverbank was composed of sandy soil which extended forty to fifty feet back from the riverbank which included a significant portion of the construction site. He felt there were at least three other building sites on this property besides the one being proposed. He said construction of the other sites would be considerably safer and less destabilizing than the riverbank.

C. Tryon asked the witness if he felt that the tree survey, Exhibit F, was accurate.

He said it was relatively accurate. He said the only reason these trees could stand in this area was because of the large root system. He said the ground had no real structural strength to it.

There was a discussion on the other lots in the area Mr. Kerr had worked on.

C. Tryon asked if there was any stable point of land on Tax Lot 1000.

Mr. Kerr indicated that there was no rock ridge underneath the strip of land where the building site was located.

Gorham Nicol, 3891 Calaroga Drive, West Linn, said the reason he had not been at the previous meeting was because he had not received a notice. He said the drawing that had been submitted was completely different from the drawing that had been approved. A lot of the trees that were tagged were not shown because they were of a smaller nature. He felt the Commission should take a look before a decision was made. He said that everything that had been submitted had been done by someone that wanted to build on the lot. If this was approached properly he felt this would add a lot of long-term value to the community. He also felt the mean low-water line should be

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looked at also.

M. Gosling stated that the mean low-water line was something that no one could agree on. He said that the City had a different idea than the State and the Corp of Engineers.

Cathy McNicol, 3830 Robin View Drive, West Linn, said the neighbors were not trying to prevent Mrs. Bergman from selling her lot and keep Mr. Walton from buying it. They just want to preserve the Greenway. She had read the conditions set by Staff and she felt it was interesting that the Greenway law was made and then the City would go full circle in making recommendations to completely erase that. If there were going to be laws, particularly ones that recognize ecology and the preservation of the city, she felt the laws should be observed.

Corinne C. Sherton asked that the petition be denied because it was not in compliance with the standards in Chapter 28 of the Code for Greenway permits. She felt that they had shown that this proposal did not maximize the retention of the open space and vegetation in the Greenway; that there were other feasible building sites on the lot that would do less harm to the Greenway and would not pose dangers of destabilization of the riverbank and increase erosion.

D. Darling asked Ms. Sherton what she meant by the Planning Commission acknowledging the party status of the 23 named individuals.

Ms. Sherton indicated that she wanted these individuals to have standing for the purposes of appeal.

D. Darling requested that Exhibit P, a letter regarding the variance, not be admitted into the record. She said the issue of the variance had not been remanded back from the City Council. The Commission was free to accept it if they chose to, but she did not know what purpose it would serve other than to give them a potential appeal issue which they did not have because the variance was not before the Commission. On Exhibits I-O she recommended that the Commission admit them as they related to the Greenway permit only, but those items that related to the variance that were not relevant to the Greenway permit issues should not be admitted. She also requested that a list of addresses be submitted of the 23 individuals who wanted to be notified of the final decision. She also said that Staff would propose under their report, Exhibit Q, a copy of the notice that was sent. Attached to this would be a list of the names and tax lots that were within the 300-foot boundary that the Code required notice to be sent to. She said the issue of notice had been addressed at the City Council level and the Council resolved it, feeling there had been no notice problems. She indicated that ownership, names and addresses had changed and were not reflected on the tax assessor's report.

C. Tryon suggested excluding anything related to the variance.

F. Allen moved to exclude from consideration and not accept any references in Exhibits I-O on the matter of the variance and to exclude Exhibit P in its entirety.

C. Tryon seconded the motion. The motion passed unanimously.

Mr. Walton, in rebuttal, read his original letter he had sent to the Planning Commission, Exhibit B. He said the iron pipe referred to in this letter happened to be a pipe the neighbors to the north had installed to show the difference between the property lines. It had no reference to the property corner. He assumed that was the northwest property corner. He only used that pipe as a reference point. He said he was trying to retain the natural topography so it would not create a slide, a drainage problem and would not allow the bank to be eroded. He also stated that where he was building was above the flood plain.

M. Gosling asked if building within the 100-year flood plain was permitted.

M. Butts indicated it was as long as the main elevation of the floor

was one foot above the 100-year flood plain.

Mr. Walton said the site as it was staked out fit the property like a glove. The back end of the excavation was right on the eight-foot bank that existed. He said there were two shelves on this. The lower one was eight feet high and the upper one was twelve feet high. He said he was a registered civil engineer practicing since 1970 and had looked at a lot of landslides and this one did not scare him at all. He stated that he designed roads, bridges, structures, sewers, water mains and storm drains.

M. Butts asked why the trees in the deck area would be removed.

Mr. Walton said it was either because they would go through the concrete patio or the root structure, based on the drip area of the tree, would go underneath the foundation.

M. Butts said the reason why the 100-year flood plain was important was because of the special criteria in the Greenway which said that everything within the 100-year flood plain must be addressed and preserved in its natural state. On the issue of whether or not there was suitable base for the structure, he said in other cases they had asked that at the time of the building permit that an engineered foundation or soil test be developed and submitted to the engineer to see whether or not the soil was adequate for the foundation for that house. He said that could be a possible condition: that they require a soil test or a soil engineer of that footprint for that house and that an engineered foundation be established as well. He then read through the findings, conclusions and recommendations that Staff had written. He also added Exhibit Q, the public notice sent to all the property owners.

D. Darling said that unless the Commission stated to the contrary, the record would include the Staff report, Exhibits 1-5 attached thereto, Exhibits A-O with the exclusion of anything referring to the variance and Exhibit P. She also suggested that as the Commission got into discussion, the members that had viewed the site should so state. She wanted to clarify that the issue was not the location of the house per se but whether or not there should be any building within the Greenway. If the Commission allowed building in the Greenway, the City Council had already approved the location that the applicant had requested. She said they did not have the liberty to move the location of the building site. She also said they needed to be familiar with the criteria in the variance. By approving the variance and allowing that to not come back to the Commission, the City Council had determined that the variance criteria had been met. She then read through the criteria.

Ms. Sherton said it appeared from the minutes of the City Council meeting that they had not taken any final action on the variance. The only motion that was approved by the Council was to remand the Greenway permit.

D. Darling disagreed and felt the Council had made the decision not to remand the variance back to the Commission. She said a notice would go out saying that the variance had been approved already. She recommended the Commission proceed as if the variance had been approved by Council.

Mr. Walton said that upon a request by Mark Hess he went out and staked and strung the foundation. This had been done several weeks prior and it had been out there for everyone to look at. He said he had done everything that he had been asked to do, including bringing in a tree survey. He would also go along with a geological report and soil test.

D. Darling said if the Commission went with approval as recommended by Staff and adopted their conditions she thought some language should be added to condition #2. At the end of the first sentence of condition #2 she recommended adding "...and the Planning Director contacted for approval prior to cutting." She also recommended that if the Commission was going to take action they should direct Staff to come back with findings that they could adopt at a later time.

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F. Allen moved to close the public hearing. T. Conser seconded the motion. The motion passed unanimously.

D. Darling said the Commission had several options: to continue this for deliberation and decision; make a decision to approve the previous action subject to any new conditions or revision of the old ones; deny; or reopen the public hearing and continue it for specific input.

T. Conser said the only reason he could see to continue the hearing would be to have the soil information.

D. Darling said in response to that that a soil test was a very expensive item. It was the type of thing a developer was not asked to do unless he was assured he was going to get some kind of approval.

There was a discussion on when to have the next meeting on this subject.

C. Tryon moved to continue the application on the Willamette River Greenway permit, File No. MISC-86-24 on Tax Lot 1000, Assessor's Map 2-1E-13CA, to November 3, 1986, at 8:00 p.m. for deliberation, discussion, and decision.

T. Conser seconded the motion. The motion passed unanimously.

6. Violation of the Conditions of Approval for Summit Subdivision

M. Butts said that when the Commission had approved the Summit Subdivision there was a requirement as a condition that trees along the northern property line for lots 2, 3, 4, 5 and a portion of lot 6 be maintained. In conjunction with that, the Commission had also approved some utility plans which had to go through the same area. He said there had been other developments in the area where the utilities had gone through areas that were covered by trees. There were various techniques to route utilities around and under those trees and could be very selective in terms of the number of trees and which trees had to be cut down in order to put a utility line through. He said they were contacted by neighbors that all the trees were being cut down. They did visit the site and a fifty-foot swath of trees had been taken down along the property line. At that point it was difficult for Staff to determine which trees were cut down. A major tree, in the forty-inch diameter caliper, had been preserved right on the northern property line which was the original location for some of the utilities. He said normally in conditions of Code violations Staff would handle them; Staff would call them in and ask for corrections. If that didn't work they were given notices of infraction which would give them a certain period of time to make the correction. If that did not succeed, they were cited into court and fined up to \$500. In the case of trees, there was no easy way for Staff to tell the developer to replace them. He said on advice of the city attorney Staff brought this before the Planning Commission.

C. Tryon asked what was within the Commission's discretion to do or not do.

D. Darling said they had three choices: do nothing, revoke the approval, or impose new conditions. She said they should look at a remedial situation. The Commission had wide open discretion as far as what they wanted to require as a condition to correct the problem. She said they were technically amending the plat approval to now add new conditions.

Jerry Palmer, a civil engineer representing the developer of Hidden Springs Summit, Inc., 700 S.W. Taylor, Suite 306, Portland, said he was before the Commission at the time the tentative plat and PUD was presented and heard by the Commission. He then reviewed the tree-maintenance deed restriction imposed by the Commission. He said it was their intention to preserve the trees along the boundary to provide for a buffer between the new homes and the existing homes. There had been consideration of tree maintenance throughout the conditions of approval of the development. Once they had approval from the Planning Commission they prepared construction plans, which included plans for a sanitary and storm sewer service for lots 2, 3,

4, 5 and 6. These preliminary designs were within the site of the tentative plans for the subdivision. The City reviewed the construction plans and they held a construction conference with the contractor, the city representatives and the developer. What they failed to do throughout this period was to follow through with the condition of maintaining those existing trees within that ten-foot strip. He said the contractor began clearing and cleared the right-of-way and slopes for the roadways within the treed area as well as the strip of land that was to be the area of construction for the sanitary and storm sewers. He said when he became aware of the problem there was one very substantial tree remaining. The tree sat approximately in the middle of lot 4 within that ten-foot area. At that time they redesigned the sanitary and storm line to preserve that tree. They moved the sanitary and storm lines an additional ten feet on to lots 3, 4, 5 and a portion of 6 to preserve the tree. He said they did not know the nature of the trees that were lost. The intent of the developer was and still is to maintain the valued trees. He said there was a lack of a procedure and follow up both in the regulations and within the City policies in the process to assure these conditions would be met. The developer was prepared to take corrective action and do whatever they could to correct the oversight.

M. Gosling asked if the developer had some proposal to rectify the situation.

Mr. Palmer indicated that he had gone out to the site and discussed with the Rileys about replacing the trees that had been lost. He said it was impossible to replace what they had lost in kind. He also said there would be a deed restriction on the lots so that whatever was planted within that area would be protected. His proposal would be to plant four or five larger trees that would be able to grow and sustain themselves within that ten-foot buffer.

T. Conser asked if the intent was to leave a buffer or as dense a vegetation as they could have within a ten-foot area and any large trees within that area.

Mr. Palmer stated that was his understanding. He said that if there had been any three- and four-inch trees within that area some of them might have been of higher quality than some of the larger trees. He said there should have been a procedure to do a survey and inventory of the trees as to value.

Mike Riley, 2055 Carriage Way, West Linn, stated that he represented several of the neighbors in the area. They felt the violation was indicative of the pattern of disregard for the spirit of the PUD. He also stated that there was not much relationship to the previous topography. The area had been leveled on the east end. He introduced some photographs he had taken during and after the clearing operation. He also had some questions about the timing of the work. They were out there at 6:30 in the morning and working until dark. The next thing he was concerned about was the width of the storm and sanitary sewer. They would like to see some action with some teeth in it to ensure that the developer replant this area to some semblance of what it was. He said there was no problem with getting fairly large trees moved. He would like to see the developer required to set up an escrow fund or hire a competent nursery or landscape contractor and set up this buffer zone and try to get it back to at least some semblance of what it was before. He said they were not looking at two-inch trees. He felt the pattern so far was just to get the work done. Any tree saving or esthetics was a secondary part, if one at all. He also felt that a tree ordinance and grading requirements ought to be looked at if this was to set the tone for future development. He said the grading was quite remarkable; a lot of dirt had been moved around to the detriment of other people in the area. He felt this would affect property values if the controls weren't clamped down on development.

M. Gosling said there were options as to the type of trees. He thought maybe the neighbors should come back with something definite because they were the ones that would have to live with it.

Mr. Riley estimated that 25 to 30 substantial trees had been removed from this buffer area.

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F. Allen said it was very easy to lose communication down the line. He said he was very upset about this type of situation. He said his background was in remedying this type of situation and he didn't feel two-inch trees would cut it.

T. Conser said the developer had shown an interest in correcting the problem, in working with the neighbors. He felt the neighbors as a group would have to decide what kind of trees they wanted in the buffer. He said the standard buffer between different types of use usually was arbovitae at six-foot minimum. If the group could not come to a decision on how to remedy the situation then the Commission could make the decision for them. He felt the tendency on the Commission was that they would go along with anything that was needed.

C. Tryon said the Commission should not decide what was best in this situation. He felt a mistake had been made and whether it was intentional or not was irrelevant. A wrong was done and he said it should be made right. He agreed that these people were in the best position to determine what was right. He did not think four or five trees would be nearly enough.

Mr. Riley said the developer had made no attempt to contact the neighbors. The only contact they had was when they were trying to dissuade them from cutting down the last fir tree. He said the developer should be compelled to sit down and come up with a plan to replace as much as possible that buffer zone. He said they were willing to meet with the developer.

M. Gosling said a month had gone by and nothing had been done. He felt the Commission would have to make the decision.

Mr. Palmer said the reason they had not done anything in the past month was because they were still under construction of the sanitary line. He said it wasn't because they didn't intend to meet with the neighbors to resolve this. He said it didn't do any good while they were still under construction. They needed to get in and meet with the neighbors to resolve and would welcome that. He said when they found out what the losses were to the trees they redesigned the storm and sewer lines to maintain the large fir tree. Their intent was to save the trees but it was just not followed through.

T. Conser said he would like to allow them another month. Whatever the Commission imposed right now these people would have to live with. He didn't think that would solve anybody's problem. He said if they were willing to work with it he would like to see a plan or sketch of what the neighbors as a group could come up with to reach an agreement that would satisfy their concerns. He thought they should work up a plan that would return this area to as natural a state as possible.

M. Gosling stated the neighbors had an opportunity to landscape the extra ten feet the way they would like to see it. He wanted the residents to come back with what they would like to see. If they did not get together with the developer and come back jointly then the Commission would have to see what the choices were. He had hoped that they would have gotten together and come up with a plan even though they could not have done anything right away.

D. Darling said the reason why they were here was because there was a condition that was to have been preserved that wasn't and it wasn't preserved by an action of the developer, not an action by the neighbors. She wondered if it was fair to put the responsibility on the neighbors to go out and pay for expert help to design this buffer zone the way it should be. She suggested the Commission require the developer to come back at the next meeting with a plan, either worked out with the neighbors or not, that would show how to restore to the maximum maturity level possible with the present landscaping efforts to the condition as it existed before. She questioned whether it was fair to make the neighbors do it. She said they couldn't do it without expert help and expert help cost money.

M. Gosling felt that it should be apparent to all builders and developers that when the Commission puts conditions on they need to

be complied with and they would fix it if the conditions were violated, no matter what the cost. He also felt that whatever was proposed should be acceptable to the neighbors. He was also concerned about the length of time this could possibly drag on.

C. Tryon felt the Commission would not forget.

M. Butts suggested that the developer be given thirty days to submit a plan to the Planning Department which would have the signatures of approval for that plan. If not, identify where there was disagreement. Then the Planning Department could schedule it before the Planning Commission and they would have to resolve the disagreement.

D. Darling said it would be a good idea to direct the plan as to what they wanted it to do.

F. Allen said they would need some four- to six-inch trees to restore this buffer.

M. Butts said it was impossible to get a fir tree much over six feet in length locally and usually weren't available until Christmas. There were some twenty-foot, four- to five-inch caliper deciduous trees available. He thought the property owners should understand what range of trees would be available.

T. Conser felt there should be a time limit on when the replanting would be completed. He would like to see everything done by the end of March.

T. Conser moved to have the developer provide a plan to the planning staff with partial, if not full, agreement from the property owners affected by November 17th at five o'clock, and that the plan should point out a plan for the ten-foot buffer along those lot lines and to include any points that are differed between the property owners so that it can be discussed from that point of view in the December meeting.

F. Allen seconded the motion.

C. Tryon asked if it should be more specific in terms of size of the trees.

T. Conser felt that should be decided by the people directly involved.

D. Darling asked that they include in the motion that they were continuing the consideration of this violation to the December 15th meeting.

T. Conser stated he did not want to limit what would be put in the ten-foot strip.

M. Butts suggested they go ahead with what had been proposed and if any problems developed in terms of what went into the ten-foot strip Staff would go ahead and make some recommendations in terms of firming it up.

M. Gosling indicated that they should have Staff working on this too as to what their suggestions might be.

M. Butts said they wanted to review the final plan but would not want to participate because of lack of time and funds.

M. Gosling asked if they could require the developer to hire a landscape architect.

M. Butts said they could. He also requested that the developer be required to pay for any staff time involved at two times the hourly rate of the employee.

T. Conser amended his motion to include that the consideration of this violation would be continued to December 15th at 8:00 p.m.; that the plan should be approved by a licensed landscape architect; and that the developer pay two times the hourly rate of the employee for

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any staff time resulting from review of the plan.

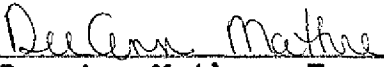
F. Allen seconded the amendment. The motion passed unanimously.

D. Darling also said that the developer could build between seven a.m. and six p.m. any day of the week. If they started outside those hours, she said the residents should call the police department and refer them to the nuisance ordinance.

7. Business from Planning Commission

M. Gosling asked J. Buckley why there was little consideration given to use of traffic circles for traffic control. J. Buckley said there were a number of traffic circles in the metropolitan area that were for many years uncontrolled. More and more today they have stop signs, lights or something added because of the volume of traffic. He also added that there would have to be quite a bit of land purchased for the right-of-way. There was a discussion as to where to hold the special meeting scheduled for November 3rd. M. Butts asked for a member of the Commission to serve on the Urban Growth Boundary Task Force. C. Tryon volunteered to do it. There was a discussion on what the members of the Planning Commission thought M. Gosling should bring up in his presentation before the City Council. T. Conser asked what had been decided on as far as getting some public input on whether or not a tree ordinance would be favorable. M. Butts said that would probably come before the Commission in December in the form of a proposed tree ordinance. That would send the condition for January adoption. There was a discussion on the Greenway issue that had been sent back by the Council. There was also discussion as to why the film crew had not been in to film.

There was no further business and the meeting was adjourned at 12:00 a.m.


Dee Ann Mathre, Hearings Reporter

November 3, 1986

Chairman M. Gosling called the meeting to order at 8:00. Members present were C. Tryon, L. Dunstan, T. Conser, F. Allen and R. Burke. J. Ohleman was absent. Also present were M. Butts, City Planner; D. Darling, City Attorney Representative; and D. Mathre, Hearings Reporter.

Deliberation and Decision on Willamette River Greenway Permit - Richard L. Walton - Calarega Drive - Continuation

L. Dunstan stated that he had read the minutes but not the material handed out at the last meeting. He said he would sit in but declined to vote.

R. Burke also declined to vote.

It was decided to approve the minutes at the next meeting as everyone had not had a chance to read them over.

M. Gosling asked if the relevant part in the Code was contained in Section 28.090 (A) and (B).

M. Butts indicated that it was.

C. Tryon felt the major issues were maintaining adequate vegetation and foliage between the site and the river, to maintain the integrity of the flood plain and the stability of the site itself to support the building.

T. Conser said tree removal seemed to be a great concern of the neighbors. Since there was no tree ordinance he said that would fall

under the stabilization of the existing soils.

M. Gosling said certain issues were raised about the fact that building on the site as opposed to another site on the lot might be more expensive for the applicant. He didn't think that was addressed in the Code.

M. Butts said that according to Chapter 7, if the building inspector suspected that there was inadequate soils or some kind of slide area, he had the right to request a soil engineer to do a foundation soil test.

C. Tryon felt that addressed the question of the instability of the soil. He thought the stability of the soil could be addressed by a condition to that effect. He said the fact that there were other possible building sites further back on the lot did not pertain to the Willamette Greenway permit.

M. Butts said if the Commission did deny any structure within the Greenway that would leave open the other sites outside of the Greenway.

T. Conser asked if they could restrict development of that into a single-family lot as long as it was structurally sound and a reasonable development.

D. Darling said that was correct. The lot was entitled to be built on if it could be built either with the Commission's approval within the Greenway or without their approval outside the Greenway.

M. Gosling said certain things were or were not applicable in regard to 28.090.

M. Butts said the Staff report was set up to go through the criteria in 28.090. He said it was not item-by-item but it did address the ones Staff felt were applicable. He said it would be helpful in terms of their findings, if there was consensus, to go through some of Staff's recommendations and discussion and either confirm, elaborate or change that. It would be helpful from Staff's point of view in putting together the order if the Commission could borrow from what language there was.

M. Gosling said the standards he would like to see addressed were Nos. 5, 6, and 10 in 28.090.

T. Conser wanted No. 1 clarified.

M. Butts said that was from more of a City-wide perspective where the Greenway was established with the hopes that the use of the Willamette River Greenway could be maximized. He said it was part of the City at large to provide access points along the river and when developments were proposed they needed opportunities to take a look at that kind of thing. It gave them a chance to provide access, view corridors, et cetera, within that development to the maximum extent possible. A single-family home would be on the other extreme.

T. Conser said Calaroga Drive had access right to the river. The lot to the north had an easement running across it which provided access. There was not a requirement to provide access on this lot necessarily.

M. Butts said they would have to look at that issue and see whether or not there was an opportunity to do that.

D. Darling said the difference was: did it mandate them to provide access or prohibit them from restricting access. They needed to develop their lot such that future public access was available as opposed to having to put in that access. She said the Commission needed to look at what the Code said and she thought it said they could not restrict future public access. They had to leave it available. She said they needed to evaluate whether this site had done so.

T. Conser said that building within seven and a half feet from one side and roughly eleven feet from the other side tended to limit the

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possibility of access.

M. Gosling said this was private property and so there was no need for public access to the river. He didn't think they should start condemning property by saying he had to give part of the access to the river.

T. Conser agreed. His comment was that there was potential public access within 400-600 feet in either direction.

M. Gosling did not think standard No. 1 was applicable. On standard No. 2 he said there had been no testimony regarding wildlife habitats. On standard No. 3 he said there had been no testimony that indicated that the significant natural scenic areas, viewpoints and vistas would be inhibited. He didn't feel that the quality of the air, water and land resource were affected. He thought standard No. 5 and 6 were possibly issues to be addressed. On No. 7 this area was not going to be a public recreational use. Standard No. 8 he felt was applicable, but he thought the applicant was probably concerned about protecting his property from vandalism and trespass. He said the applicant was not proposing the extraction of aggregate deposits. On No. 5 he said there was some conflicting evidence, but Staff had indicated that the main floor of the house would be above the 100-year flood plain.

M. Butts said that that was what Staff had estimated it to be. There was also evidence submitted in a survey indicating that it was well outside the 100-year flood plain. He said the main floor of the structure had to be one foot above the 100-year flood plain level. The basement could be below that. He stated there was no prohibition against building within the 100-year flood plain, but there was criteria that specifically addressed structures within the 100-year flood plain. By building in the flood plain the flood plain ordinance provisions had to be met. Exclusive of that, if the structure was within the flood plain, there were special criteria that had to be met in the Greenway criteria. He said Staff's conclusion was that where the structure was going to sit was not in the 100-year flood plain. Therefore, that provision did not apply.

T. Conser felt that based on Staff's recommendation No. 5 was not a concern.

C. Tryon said based on the tree survey received and the proposed condition prohibiting the cutting of trees outside the footprint of the structure that the vegetation was being maintained to the maximum extent possible. He said there were a significant number of trees between the house and river that would remain.

L. Dunstan stated that he would like to see the map that was originally submitted to get a feel for how the accuracy compared to the one that was subsequently submitted.

M. Gosling stated that the testimony of both sides was that Exhibit F was accurate.

T. Conser said he had some concerns about No. 6. If this piece of property were lifted out of the existing neighborhood he didn't think the placement of the home in that position protected the natural vegetation fringe. He said there was a break in the land and the decks would take advantage of that break to give the maximum view. He said it looked like the footings would be set on that break, possibly necessitating retaining walls or something of that nature to protect the erosion portion. In doing that he said it appeared to him that a number of trees would be jeopardized that were in the existing Greenway. If the home were set back out of the Greenway a number of trees would be saved and the view would be lost. If he looked at the property individually he felt No. 6 had not been met, but the home could be set to protect the fringe within the Greenway. He said his conflict came in looking at that in conjunction with the existing development that was there.

C. Tryon didn't feel that anyone was denying that some trees would be lost if the house was built in that location. To him, the question was: were enough trees being maintained to protect the area to the

maximum extent possible, given that a house would be built there. He thought there were. There were twelve good-sized trees that would remain between the house and the river. He said as the site was proposed and with the conditions restricting the cutting down of the other trees that the trees had been maintained to the maximum extent possible.

M. Gosling thought the intent of the Greenway was to maintain a uniform environment along the riverbank.

D. Darling said that was an interpretation that could be made. She stated they should look in the Greenway section to see what it said about the intent and purpose of the Greenway. When there was conflict in the standards other provisions of the section should be looked at to provide clarity. She said if they were still confused it was their discretion to interpret what they thought the standard meant and they should so state as part of their motion.

M. Gosling said one interpretation of No. 10 could be that the house should be built as close as possible to the front boundary to leave the maximum. He thought this was a rather distorted interpretation.

T. Conser read through 28.090(B)(2)(a)(b) on the purpose and intent of the Greenway. In regard to that reading he said that if trees were being removed between the top of the bank and the river because they were hazardous, dead or a problem then that should be acceptable. If they were being removed for esthetic reasons or a view then that was not acceptable.

D. Darling asked if a definition had been found for water dependent use.

M. Butts thought the definition for water dependent use came straight out of language in the goals which interpreted it similar to what T. Conser had said. He said water related might be a boat sales office. It did not necessarily have to be in the water. A boat building industry had to be right next to the river. They had to be more water dependent.

D. Darling said the question they were leading up to was: was a house a water-related or a water-dependent use. That was what the Commission needed to resolve.

T. Conser's opinion was that a house was neither a water-dependent use nor a water-related use. He then read 28.090(B)(2)(d).

M. Butts said one of the things that might be helpful to keep in mind was that it depended on the kind of use they would want to screen. In this situation the Greenway boundary and the setback boundary were the same. He said there were other areas of the city that allowed industrial development. It was not the intent of the Greenway to completely limit development, but design that development to still address the scenic qualities and riparian vegetation.

T. Conser said if he were to remove this property from the surrounding area and apply the Code then there would be some questions.

F. Allen asked if a single-family lot had to have a special permit for access to the water in terms of steps, a dock, boat moorage, et cetera.

M. Butts said from the city it was defined as an accessory and they could go ahead and put in a dock. There may or may not be some requirements from the Corp of Engineers to place the dock depending on what their criteria were. He said a permit for accessory use would come from the same Greenway procedure. In other words, in addition to a permit from the City they would have to get a permit from the Corp of Engineers. He said there was no proposal before the Commission with accessory storage, just the house.

D. Darling said they would have to come back in order to do that.

M. Gosling said as he read the conditions what did not require a

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permit was the development of lawns, gardens, play areas, et cetera. He interpreted that as somebody currently in the Greenway could decide to put something in and would cut the trees down to do that without a permit.

D. Darling said trees, six inch or greater above five feet, within the Greenway could not be cut.

T. Conser said that trees could be cut if someone was going to put in something listed in 28.030 such as residential accessory equipment, excluding structures. He thought (k) defined what they were talking about. He said if they looked under (k) there was the grandfather clause for existing structures. He said that removal of trees within the zone for the primary structure would be excluded under No. 6.

M. Gosling said the next-door neighbor could go ahead and cut down trees and put in a tennis court or a lawn without permit. His feeling on the logic of this was given the house was built where the applicant proposed was he meeting these criteria to the maximum extent possible.

D. Darling said it was within their discretion to decide that was how they were going to address it.

C. Tryon said the intent of the Greenway was not to prohibit development within the Greenway. He thought the intent was to allow development with certain restrictions. If this was interpreted literally saying you can't cut down a tree to build a permitted use within the Greenway then there would be no development within the Greenway. He did not think that was the intent of the Greenway.

L. Dunstan said if this particular property was allowed to be built up as proposed it would be in the same state of compliance as the properties on either side. He said the Greenway ordinances had to be reviewed to make sure that nothing was being violated.

T. Conser said that was what he was concerned about, that they read and interpret in a consistent manner so that when the next lot about five lots down comes before the Commission they could interpret it the same way. He then read 28.11. He felt that since this lot had ample developable property between the right-of-way and the Greenway that should be a consideration that the Commission should rule beyond and go with common sense. On the lot to the north it only had three or four deciduous trees within the area of the lot development and four deciduous trees down on the Greenway. The property to the north of that was in a similar state as the property being looked at. He said as long as they don't get this thrown back because they hadn't interpreted it properly his personal direction was to approve it based on the fact that the existing facilities were developed and satisfied the intent of the plan.

C. Tryon said he shied away from the fact that the surrounding houses had anything to do with it. Regardless of what the surrounding houses were like or where they're situated, he thought it was unreasonable to interpret this particular request as saying someone couldn't cut down trees within the Willamette River Greenway. He thought that was essentially what T. Conser was saying unless the tree was diseased, determined to be hazardous or was necessary to accommodate a water use of some kind. He did not think that was reasonable interpretation of what the Willamette River Greenway was about.

L. Dunstan said they already knew that once the structure was built they could do it anyway.

M. Gosling said, in effect, putting the house in the location the applicant wanted it was in fact preserving the maximum possible landscape vegetation.

C. Tryon said the site the applicant had proposed resulted in the minimum number of trees being cut down because all the other trees were being preserved. If he was cutting down the minimum number of trees he was maintaining the maximum number of trees possible. He was inclined to make a motion to approve this and then ask Staff to

draw up detailed findings for approval at a later meeting. He thought the issues were to protect the flood plain, the vegetation and the soil stability. The soil stability could be addressed in a condition. He said based on what they had seen in the record it was reasonable to assume that the structure was located above the flood plain and the vegetation was being maintained to the maximum extent possible. He wanted to ask Staff to draw up some more cohesive findings to that effect.

D. Darling said that there were certain recommended conditions in the Staff report and if they were going to move approval they needed to identify if they were going to go with any of those conditions or if they were going to add any. She recommended a condition that required a soil stability survey by a registered soils engineer and building and foundation acceptable to the City engineer. She also wanted to add some language to No. 2 regarding the need to contact the Planning Director for approval prior to any tree cutting.

C. Tryon moved to approve the request for a Willamette River Greenway Permit, File No. MISC-86-24, described as Tax Lot 1000, Assessor's Map 2-1E-13CA, located on Calaroga Driver, north of Calaroga Ct., with the following conditions:

1. All trees within the Willamette River Greenway be maintained except for those trees located within the footprint of the building and those trees which would experience detrimental root damage due to construction of foundation.

2. That prior to cutting or excavation for the foundation, the foundation perimeter will be staked and strung, and all trees proposed for removal under Condition No. 1 shall be tagged and the Planning Director contacted for approval prior to cutting. The Planning Director shall have the authority to specify which trees shall be removed.

3. That backfilling or excavation within the dripline of all trees to be preserved during and after construction shall be prohibited.

4. That colors for the structure shall be natural earthtones and surfaces shall be non-reflective.

5. Any on-site exterior lighting shall not be focused or oriented onto the surface of the river.

6. That a soil and foundation stability report by a registered civil engineer be submitted to the City engineer for approval prior to issuance of the building permit.

7. Direct the City staff to prepare findings in support thereof for the next meeting.

F. Allen seconded the motion.

T. Conser still had a problem with the structure sitting as close to the bank as it did, with the bank being defined as the breaking point. He was concerned that removal of those trees would cause erosion on the bank that would have to be dealt with.

M. Gosling said the way to deal with that was either putting concrete down or planting vegetation.

M. Butts said the soil report might tell them something about the nature of the soils and whether or not anything was going to migrate. That might help dictate what they wanted to do to shore it up.

C. Tryon asked when the soil report was submitted to the City engineer for approval if he could give approval with conditions.

D. Darling said if he did not accept it or approve it as setting forth the aggregate situation or the manner in which to deal with it,

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it would not be approved. Without approval he would not get a building permit.

T. Conser asked if the fact that erosion and the concerns would be dealt with by the City engineer would be automatically be locked into No. 6.

D. Darling said at least those that had to do with the foundation of the building. She suggested that they add a condition that that an erosion control plan had to be submitted to the City engineer's satisfaction to control erosion that might come as a result of any tree removal.

T. Conser stated that he would like to make that amendment to the motion.


C. Tryon agreed to that and F. Allen stated it was agreeable to him also.

The motion passed with C. Tryon, F. Allen and T. Conser in favor. L. Dunstan and R. Burke abstained.

There was a discussion as to when to have the meeting to approve the final order. It was decided to have it Monday, November 10, 1986, at seven o'clock at City Hall.

D. Darling said that Ms. Sherton had submitted a list of addresses of the people she wanted notified on the final ruling.

There was no further business and the meeting was adjourned at 9:00 P.M.


Dee Ann Mathre, Hearings Reporter

November 10, 1986

M. Gosling called the special meeting to order. Members present were C. Tryon, T. Conser and F. Allen. Absent were R. Burke, L. Dunstan and J. Ohleman. Also present were M. Butts, City Planner and D. Darling, City Attorney Representative.

Adoption of Final Order for the Rehearing of the Willamette River Greenway Permit - Richard Walton - Calaroga Drive

D. Darling said Nos. 12, 13 and 14 of the first batch were the ones the Commission would probably want to pay the most attention to because they talked about specific things they accepted as true and not true. Everything in the approval criteria section, 18 through 68, were merely the meat of the findings. She said some required a judgment on their part and others didn't. For instance, 18 through 22 made some statement of conditions on the lot, and she felt they would want to be very comfortable with those. The same applied with 30 through 37. She said at the last meeting the Commission had gone through and said what they thought applied and didn't apply. There was a finding that stated which ones didn't apply real affirmatively. On the ones that did apply, they took the Commission's notes, things that people had said in testimony and the exhibits and went through and found the evidence that must have been the basis for the Commission to conclude the standard had been completed and then tried to make findings. She said standards 18 through 66 kind of ran true to the standards in the book. The reason they didn't identify them by standard was they would have had a lot of duplication because certain findings applied to several standards. She said the Code treated riparian vegetation and trees separately. They were not the same thing.

M. Butts said the deck was not considered part of the structure by definition of the Building Code.

D. Darling said it was exempted from the Greenway.

T. Conser said the deck extended from the house twelve to sixteen feet from the house and removed some of the trees. He wanted to know if the deck got into the 134 feet mentioned in paragraph 44.

D. Darling said it did except a Greenway permit was not needed to put in decks and lawn.

M. Butts said it was listed as an exception to the Greenway.

D. Darling said No. 66 should be changed to read "No trees within the 134 feet would be removed to accommodate a structure." She said trees would be removed in the Greenway and some of them would be beyond the 134 feet.

M. Gosling thought the footprint of the trees that were going to be removed included the ones being removed for the deck.

T. Conser said although the house was greater than sixteen feet, only sixteen feet were within. The deck was an additional twenty feet and that put it thirty-six feet into the right-of-way. There were a couple of trees off the deck that they were concerned the dripline would cause the trees to be a problem. So they were taking trees as much as forty feet into it.

D. Darling said there would be no trees removed within 100 feet. She said they could also make a finding that no trees within 100 feet of the river would be removed.

C. Tryon asked if there was a finding stating that the deck did not fall under the definition of a structure.

D. Darling said it was in a roundabout way in the one they had just talked about. She said 46, 48 and 51 were somewhat value-judgment oriented.

There was a discussion on the deck and the trees that would be removed.

Of the 19 trees proposed for removal M. Gosling asked if it was going to be an optional thing on the trees in the deck area, if they could be saved they would be.

M. Butts said that they would be removed because they were proposed to be removed.

D. Darling said No. 60, 62 and 65 were also value-judgment oriented. She wanted the Commission members to double check the language. She also wanted them to look at No. 6 because that would be new language. She said No. 66 would state, "No trees within 134 feet of the river's mean low water mark would be removed to accommodate the structure and no trees at all would be removed within 122 feet of the mean low water mark."

C. Tryon moved to adopt and approve Final Order, MISC-86-24, with findings of facts, conclusions and conditions contained herein with the following change:

No. 66 No trees within 134 feet of the river's mean low water mark would be removed to accommodate the structure and no trees within 122 feet of the mean low water mark would be removed at all.

T. Conser seconded the motion. The motion passed unanimously.

There was no further business and the special meeting was adjourned.

Dee Ann Mathre
Dee Ann Mathre, Hearings Reporter

AAD720

December 15, 1986

1. Chairman M. Gosling called the meeting to order at 8:10 p.m. Members present were F. Allen, T. Conser, and C. Tryon. Absent were R. Burke, J. Ohleman, and L. Dunstan. Also present were M. Butts, City Planner; D. Darling, City Attorney Representative; and K. Kryger, Hearings Reporter.

2. Approval of Minutes of the October 20, 1986, November 3, 1986, and November 10, 1986 - Planning Commission Meeting

C. Tryon moved to readopt the minutes of the November 3, 1986, meeting and the November 10, 1986, meeting. F. Allen seconded the motion. The motion passed unanimously.

3. Code Violation Review - Summit Subdivision Tree Buffer Restoration Plan

M. Butts introduced Mr. Jerry Palmer to give his presentation.

J. Palmer, 700 SW Taylor #305, Portland, said he was concerned about the removal of the trees. He stated this was a plan to replant up to fifty new trees within the buffer area, as recalled in the testimony the last time the neighbors were in speaking terms of 20-25 trees that had been removed within that buffer. They are planting twice as many as were removed. The reason for that is they cannot replace, in kind, the mature trees that were there. They can replace trees of a size and maturity that will assure them of future growth over the years. This was the nature of the agreement they had to work out with the neighbors: how many and what size. The other element of that agreement is a written form which are the conditions of that restoration plan. There are nine specified. The written form is setting aside the time they should be completed, the installation, specific location, and to involve the city and neighbors as well as the installer. He said what has occurred since they have come to this agreement has been accepted by all the adjacent property owners as well as the developers of the subdivision. The plan has been agreed to as they requested. No residents were present and he thought that was an endorsement of the work that they have undertaken today. The holes for the trees will be dug tomorrow. The neighbors were involved in the process of locating the specific trees in that 10-foot buffer.

F. Allen asked how many trees there were.

J. Palmer stated that there were forty-five trees of varying types of evergreen. Sixty percent are evergreen and forty percent are deciduous. There were an additional five trees which were Vine Maples. Fifty total which is a 10 X 10 planning pattern.

C. Tryon asked when the document was signed and dated.

J. Palmer said he did not know and did not remember when he provided it to the City, but it had to be at least three to four weeks ago.

D. Darling stated that should any of the plantings not survive one year, that they will replace it, but after that they are up to nature. She also said that this was a condition imposed on the agreement between the parties.

T. Conser moved to amend tentative plat approval of Subdivision 86-08 which was Hidden Springs Summit, by adding a condition, the acceptance of Miscellaneous 86-22 be in compliance with the tree buffer restoration plan, and thereby discontinue any violation hearings at this point. F. Allen seconded the motion. The motion passed unanimously.

4. Haverhill Subdivision, Duncan Properties - Horton Road

M. Butts stated that within the last couple days new evidence has indicated that some of the houses that were thought to be south of the Rosemont Road were much closer than anticipated. This showed up in an aerial in one of the proposed stubs to that property when in fact, go right through an

existing family home. The applicant has desired to postpone his submittal and continue tonights' proceedings until January 20 which will give him time to meet with some of the property owners and work out some better options in terms of some new access given that new information.

A discussion was held whether to make a motion or to continue.

No action was taken and no motion was made. It will be discussed at the January 20, 1987, meeting.

5. Ann Estates Subdivision - 19th and Blankenship Road

M. Butts gave the Staff report. He said that the properties located at the intersection of 19th and Blankenship Road, which is the southeastern quadrant of that area, within the last year the southern piece of that the Planning Commission approved a zone change from R-10 to R-7.5 so the whole parcel in question is now R-7.5. The applicant has proposed access from 19th street to the direction of the City Engineer. He is recommending that we access that from 18th street and Nova Court. The addendum dated December 15, 1986, will outline some of the requirements in terms of spacing between street intersecitons which applies to the 19th street access, and also the maximum number of units that can come off a cul-de-sac which are 20, if it comes off of 18th and Nova Court. We have a total of thirty-one dwelling units coming off that area so if we were to change the application to come off of 18th and Nova Court, we would require the applicant to go through a public hearing for variance to that. He stated that if they do require the applicant to have access off of 19th and Nova Court, they would have to ask that the applicant go through a variance procedure because the maximum we can have off a cul-de-sac is twenty units.

Marlin DeHaas, 9450 SW Commerce Circle, representing the owner, stated that the 4.1 acre parcel would allow twenty lots. They have chosen to go with nineteen. There is an existing home on Lot 4 which presently fronts and takes access on Blankenship Road. The Staff has recommended that there be no access off an arterial street. They have asked to turn that access around and have that lot access onto the interior street, Ann Court. They have agreed to do that so that there will be no accesses on Blankenship, the arterial street. He said there was a conflict between the original tentative plan and the one provided recently. The reason is that the Assessor's Map which was used to draw up the first preliminary had quite a bit in error in the property line in the area of Blankenship. They did the final boundary survey and found that the owners property stands nearly across Blankenship to three feet from the far curb. He said they plan to cooperate with Staff. He also said they were concerned about the access off 19th versus the access off 18th street. They had several options one of which was that the code said that when practical try to get 200 feet separation between center lines of parallel streets, and then if not practical, no less than 100 feet is acceptable. In this case, they have 100-145 feet between the two streets. The other option was to turn the cul-de-sac around and bring the access in off of 18th. This option would mean that there would be thirty-one lots off a single access or thirty-one off a cul-de-sac, and this code allows twenty. He said they did not want to involve any variances in the subdivision. The people in the neighborhood would not favor bringing new traffic in through their area. He said there was problem with the conditions that the Staff had asked for in their addendum to the report dated December 15, 1986, where they want them to construct a radius curve at the end of 18th and complete the curve in that area.

M. Gosling asked if there was any significance, difference, or obstacle to accessing off 18th and Nova instead of going onto 19th street.

. DeHaas stated there was a little bit of a grade change coming off of 18th.

. Gosling asked if they would still get the same number of lots.

M. DeHaas stated that they could arrange to have the same number of lots. One of the concerns that the developer had is that they went into this not asking for any variances and if they did there would be a delay that was not anticipated. He said the lots were not real valuable and there was some construction on Blankenship. He also said it would create double-frontage lots on 19th as well.

Earl Reed, Director of City Engineer, stated that he believes that the access point that Mr. DeHaas has shown is as a result of meeting with the Staff. He suspects that possibly they go in with both proposals, the accesses he has here had also the one off of Nova Court. He believes that they would probably have more objection from the people on Nova Court if they did access on Nova Court, but from an operational standpoint the access on Nova Court is Superior to the one shown. He also states he is not convinced that thirty-one units in that configuration is an acceptable fact, but from an operational standpoint it is superior. He did go to the site and said that one can visualize fairly quickly more traffic congestion with this location than if they were to access from Nova Court.

M. Gosling asked what the purpose of the restriction on the cul-de-sac was and why it is there in the first place.

D. Darling stated she had no idea why it was there. She said legally a person is free to interpret as they wish. The interpretation used by Staff is: if there is but one opening to traffic no matter how many arms to the cul-de-sac there is, it is deemed one cul-de-sac.

M. Butts stated that traffic safety and one of their recommendations proposing is that regardless of the number of cul-de-sacs if it is a one-entrance deadend street that they call that a cul-de-sacs.

D. Darling stated that cul-de-sacs are often more narrow in width. She also said they are designed to have very few cars on them so that you do not have them all turning around in one place, and passing each other on the street. Cul-de-sacs were a way that was designed to get access to property that would not have had it otherwise, and to help small pieces of property have internal traffic flow within it, but not become a travelled street other than to access those few houses.

M. Gosling asked if it would be in order if the Commission wanted to go with the Nova Court access. He said this seemed to be the main issue. He asked if the Commission finds that there are two cul-de-sacs and neither makes either twenty, would that be an acceptable finding. He also stated that if they didn't go that route, they would have to ask them to come back for variance.

D. Darling said that if they did take that direction they would not change it for the next application, and since they had an opportunity to work on the Code Amendments they should address that issue later because they have always interpreted it one way and now they want to start interpreting it another way. She said they needed to get a definition in mind and adapt to it.

C. Tryon said that it seemed to him that there were two cul-de-sacs on either side of the street. He also stated that if the intent of the code was to reduce the traffic congestion inside a circle of a cul-de-sac then it is being met.

D. Darling said it was true if the center street is sufficient to handle all the traffic coming from both arms.

C. Tryon asked if they could look at each individual plan separately.

D. Darling stated they could not because it requires them to adopt a definition of cul-de-sac. The code gives one and it is defined as, "A short street having one end open to traffic and terminated by a vehicle turnaround." She said if this is to be determined two cul-de-sacs then they would be saying it is okay for two turnarounds to share the same opening onto traffic, and not be considered one cul-de-sac.

DeHaas stated that if there were two cul-de-sacs the intersection there would be from the two cul-de-sacs intersecting at Nova Court. He said if a person could visualize those two streets coming in it would be a typical T-intersection. T-intersections handle a great deal more traffic than these two cul-de-sacs could generate. He felt that as far as the capacity of that T-intersection being any kind of restriction to the cul-de-sac, it just was not.

C. Tryon asked what the distance would be between that intersection with the cul-de-sacs and 19th Street.

M. DeHaas said it would be 300 feet or so.

T. Conser asked what the distance between 19th and the access of 18th and Nova would be.

M. DeHaas said it would be very similar.

M. Butts said even if Nova was to extend through and 19th was the main drag, it is conceivable that those two cul-de-sacs would still empty in the same way. It really gets back to the capacity of Nova itself. He also stated that it is conceivable that they can have three, four, or five cul-de-sacs dumping onto Nova again. He felt it might be helpful to make a finding that Nova Court is adequate to handle the traffic from those two cul-de-sacs.

M. Gosling said that it fell within the 800-foot limit, and under that interpretation no variance would be required.

M. DeHaas said he does not feel like they could bring two options to the Commission because they have a public hearing on one plan.

M. Gosling asked if a public hearing would be required.

M. Butts said depending upon the interpretation. If they interpreted those two cul-de-sacs to be a cul-de-sac, and they want access from 18th, they would require the applicant to go through a public hearing process for a variance.

A discussion was then held.

F. Allen said he did not see how they could call it two cul-de-sacs when it all ends up going out through Nova Court.

C. Tryon wanted to know what time the property was posted because the Staff report was dated December 3. Therefore, the Staff recommendation on rerouting of that cul-de-sac is December 3.

M. Butts said it was posted at least ten days in advance of the decision which would be around the 3rd of December.

C. Tryon said his point is that upon posting, if someone came down to check into it, they would have more than likely found out what Staff was recommending.

A discussion was then held regarding the fact that no neighbors were present at the meeting.

M. Butts said that was correct.

M. DeHaas said they would change the configuration and the map. However, they would like to have assurance that they will not have to come back for another meeting and can proceed.

M. Gosling stated that it could be appealed.

D. Darling said if nobody was present at the meeting then they do not have standing. So the only person who could appeal to the City Council is the City Council.

M. Butts said that there were no people present to appeal unless they could convince two members of the Council to review their decision. He also said that in defense of the citizens not present, that there was a good possibility that they did come in and look at the plan and sought access from 19th, then left because they were happy with it. He said they might not have read the Staff report.

M. Gosling said he felt he was going out of his way to cover all the angles. He was bothered that none of the neighbors were present at the meeting. He felt someone should have been there if they were interested enough.

F. Allen said that the reason for changing the access to Nova Court was to cut down the distance between the intersections of Ann Court and Blankenship.

M. Butts said it was to increase the distance.

M. Gosling said that Item 5 on the recommendation should read "all electrical and telephone lines".

M. Butts said it should be "all communication lines within the project". And also Item 7 should read "Lots 1-4 and 18".

D. Darling said she wanted to reword Condition No. 6 to be "Install a maximum of two fire hydrants at a location to be determined by the Fire Chief".

I. Butts stated that Item No. B be included in either proposal. He also said that A and B in option 1, and B and C in option 2 be included, option 2 being the realignment from 19th Street to 18th Street.

T. Conser asked if anybody on Lot 4 of the existing plan verified the setback of the existing structure off of Ann Court. He said it looked pretty tight to him. He asked if there was a desire to turn that around for access onto Ann Court, but not a requirement.

D. Darling stated they would have to get a variance if they did not design Ann Court more than twenty feet away from it.

T. Conser asked if it would give offstreet parking and twenty foot setbacks if they did change access to that property.

A discussion was then held.

D. Darling said that in Condition B in the December 15 report, the words "at a width to be determined by the City Engineer" should be added after "halfstreet improvements".

C. Tryon asked if there had been any other applications where the issue of a definition of a cul-de-sac came up.

D. Darling said that in the Staff meetings when they review drawings it has come up and they have gone back and told the applicant to redesign.

T. Conser said that on page 2 of the applicant's exhibit B, paragraph 3 needs to be clarified.

D. Darling said that the developer said to ignore that and they are willing to reroute the access on Lot 4 at the present time.

T. Conser asked if they needed a condition to guarantee that or was a discussion enough.

D. Darling stated that if they adopted the No. 7 condition of the original Staff report and changed it to read, "Lots 1-4 and 18 will be required to access for Ann Court" would take care of it. She also said to make it easier, on the Staff report dated December 15, B would become Condition No. 8, C would become Condition No. 9, and their option is to decide what to do for Condition No. 1, whether to let access go as drawn thereby adopting A on the December 15th, or whether to adopt No. 1 of the December 3 report requiring access on 18th Street.

T. Conser said he thought the access off of Nova Court and 18th was superior to the access off 19th, but he did have a concern with the precedents the City had set in the past with possibly changing the definition in the particular case by redefining the cul-de-sac or creatively defining it.

E. Allen said he did not particularly like the access of Nova Court. He thought going out on 19th would be much more in accordance with the intentions.

C. Tryon said he thought that access off of Nova Court and 18th was a better option, but he was not prepared to change the definition of the way the City had always interpreted the definition of cul-de-sac.

A discussion was then held.

C. Tryon moved to approve the tentative plan for Subdivision Lot Sub-86-11 located south of Blankenship Road, east of 19th Street, north of Nova Court, Assessor's Map 2-1E-34Ea, Tax Lot 1600, based on the findings and conclusions contained in the Staff reports dated December 3, 1986, and December 15, 1986, and subject to the following conditions in Staff report dated December 3, 1986, with the following changes:

Number 5 be changed to read, "All electrical and communication lines within the project and around this perimeter should be underground."

Number 6 be changed to read, "Install a maximum of two fire hydrants at locations to be determined by the Fire Chief."

Number 7 be changed to read, "Lots 1-4 and 18 be required access from Ann Court and by a condition of."

Number 8 be changed to read, "The developer be required to construct half-street improvement at a width to be determined by the City Engineer along Blankenship and 19th Street."

Number 9 be changed to read, "The culvert under Blankenship be designed and constructed per the master plan."

Number 1 be changed to read, "Construction of a curb radius at the end of 18th Street be constructed to eliminate any notion that 18th Street would continue, proving the plan of access on 19th Street as drawn." F. Allen seconded the motion. The motion passed unanimously.

6. Code Amendments - City of West Linn - Public Hearing

M. Gosling asked if any members of the Commission had any conflicts, ex parte contacts, or any other reason why they should not hear the Proposed Code Amendments.

C. Tryon said that he did have an acquaintance who had a home in one of the general commercial areas who had complained several times regarding the first issue. He stated it would not affect his ability to make a decision.

M. Butts said he had some changes to the text which were the following:

Page 2 under Issue No. 6 Item B should read "detention shall not be allowed'.

Issue No. 7, page 2 under "fail to remove or severe", remove the e in severe.

Under APPLICABILITY, second to the last line should be "provided by not be."

Under 58.060A, 3rd line down, alleviate with an a not an e.

Last page of Issue No. 7, right above PENALTY 58.120 there is a paragraph that defines what the subject property is, that paragraph should be put under 58.020.

Under PENALTY, the wording "upon request of City Council" should come out and then add "these rights shall be in addition to any other remedies allowed by law". Also under Issue No. 7 58.080A No. 6, second to last line should read silva culture or landscape.

Under Issue No. 8 B-1 add the sentence, "This exception does not preclude design review of the applicable provisions of this code".

Under Issue No. 10 change both accept to except.

Under Issue No. 16 second to last word in left-hand column should be European.

Issue No. 18 32.02B-1 second line should be alleviate.

32.050A-5 should be shall not should.

32.050A-7 should be through not thru.

32.060 last paragraph should go under 32.010.

Last page, end of third line add "single family" to the sentence reading, "This section does not however apply to...."

D. Darling explained several options which the Commission had in determining the definition of a cul-de-sac.

M. Butts stated that one of the main things to look at would be if one entrance was blocked, would there be an alternative entrance or exit.

M. Gosling felt that it should be postponed until next time. He felt there should be some input from the Fire or Police Department.

D. Darling requested that if they did go that route to adopt option No. 1 which clarifies the policy that has continued to apply and to make it official.

M. Gosling said more input was needed. They would go with option No. 1 and clarify the current issue and bring it back.

There was a discussion held discussing procedure.

J.M. Kerr, 3917 S. Fairview, West Linn, said that he was opposed to any type of tree ordinance. He asked if the City of West Linn was willing to accept the financial, legal, and moral responsibilities that arise from such an ordinance. He believed that the ordinances amount to confiscation of property, and it is in a gray area on a constitutional basis. He also said that there were many reasons why the City should not condole in the control

of the harvesting of timber.

Richard Ponting, 2616 Hughes Drive, West Linn, stated that he has worked with several people from the City regarding this problem within the last three years. He states that his problem is that he has a neighbor that has installed a light that radiates 360 degrees into his backyard and 3 bedrooms. This light sits on a 15-foot pole about fifteen feet from his property line. He has spoke to the neighbors about this.

I. Gosling asked if he had taken legal action.

R. Ponting said he had consulted a lawyer and the first lawyer said he would write a letter. The second lawyer said to check the codes. He did find an applicable code but it had not been changed in two years and so it was out of date. Therefore, the code did not apply.

T. Conser asked if he was aware that the recommendation of Staff is to address this problem under the nuisance ordinances and not under the Planning Commission jurisdiction.

M. Butts said that he and the City Attorney looked at the entire code and it did not have a good fitting in it, but it did have a reasonable fitting in the nuisance ordinance which is administered not by the Planning Commission but through City Council. He recommended not to amend the Community Development Code but amend the nuisance ordinance.

R. Ponting asked if Staff could make a recommendation which would meet his needs.

Bill Ladders, representing Mrs. Curtis Beltchy, 2375 Rosemont Road, said he was concerned on Issue No. 6 having to do with the storm drainage requirement. He asked if the statement that "detention shall not be allowed" might be too exclusionary for some solutions to reduce the impact of drainage on the lower lying property. He stated that in some situations they do detain water to some extent so that the peak is reduced. He asked if that would deny the use of that particular approach.

. Butts said they did not have an answer. He also stated that under the existing code, detention was required and said that no additional increase in runoff will be generated from any development of this property. The City Engineer wanted to optior to take a look because in some cases it is reasonable and in others it is not. The intent of his amendment was to give him the flexibility to make that judgment.

T. Conser said that a requirement for a hotel was that they build a detention device which then would limit the flow onto the freeways. Another development that came would require that they not detain the water, that some other device be used. He asked if the City Staff was now saying that detention was not a solution.

M. Butts said that was what the City Engineer is proposing by this amendment.

M. Gosling said his feeling was to eliminate B altogether which would give people the option to either have or not because A covers the new adverse impacts. He also asked if it had to be recommended by the Commission to to City Council.

D. Darling said the amendments as proposed by Staff will go to Council and the Commission's vote will go as well.

. Gosling agreed.

. Darling said that assuming the rest of Issue No. 6 is all right, to commend that A be adopted and that they were unable to make a recommendation on B because there was not sufficient information form the City Engineer.

C. Tryon moved to close the public hearing. F. Allen seconded the motion. The motion passed unanimously.

D. Darling said they needed to hear from traffic safety before they closed the public hearing.

C. Tryon moved to reopen the public hearing. T. Conser seconded the motion. The motion passed unanimously.

John Buckley, Chairman of West Linn Traffic Safety Commission, said he wanted to know how they were going to address these because some of them relate to changes that they got in the Staff report and they are different from the Staff report.

A discussion was then held.

M. Gosling asked to take the Code Amendments of the Traffic Safety Commission of December 10 and go through each one in order. This was done as follows:

Section 42.020(B)

M. Gosling said this was reducing height limits from 3.6 feet to an even three feet to give clear vision.

The Staff concurred.

Section 48.050(A&B)

The Staff Engineer is saying they were working on some standards and they would like to postpone the recommendations at this stage.

The Staff concurred.

Section 93.030(B)

The City Engineer asked to keep this the way it was and do not set standards. This has been working.

J. Buckley said that traffic safety was not trying to address the roadway width, it was an object to address the lane widths needed for varying uses on that roadway. He also said there was nothing in the code at this point that compelled the developer to establish a minimum width for a travel lane.

M. Butts said the code did require the City Engineer to make a recommendation to the Planning Commission that the desired roadway width within which establishes some roadway lanes. He said the City Engineer is required by code to make that recommendation to the Planning Commission on each proposal.

D. Darling asked that if once the width recommendation is made would it automatically establish travel lanes and parking lanes.

M. Butts said there would be sufficient room within which to establish it.

Section 93.030(C)

C. Tryon said it didn't seem like the proposed change in the code really actually accomplishes what John's concerns are that he's outlined in the memo. He also stated that the Staff's response didn't really address those concerns either.

J. Buckley said there was no intent to delete street trees. They were trying to add anything in the public right-of-way that is landscaped, which would add the landscaped islands. He said if there was a problem with changing the wording to eliminate the requirement for street trees in the city, he was sure traffic safety would be happy to leave street trees and add a 9.

D. Darling stated that would be a good idea.

M. Butts said that this definitely applied to the island situations because it's very critical in terms of what is put out there. He said clear visionary requirements apply here.

M. Gosling asked if they should specifically mention planting and landscaping islands.

D. Darling said they should put "or islands".

J. Buckley said that the only reason street trees ended up being deleted and changed to "a planting and landscaped area" is because Mark Hess said it would be inclusive.

M. Gosling felt it would be nice to have street trees as an explicit item.

The Staff agreed with this.

Section 93.030(L)

M. Butts said there was a whole section that was changed to a perform standard, in terms of miles per hour, which addresses both vertical and horizontal curve requirements in subdivisions. This is quite specific in terms of radiuses and grades.

D. Darling said that what the traffic safety put down really addresses the definition of cul-de-sac. She thought that what it said was no matter what you define a cul-de-sac to be -- if it is 200 feet or less in length -- they want the grade not to exceed ten percent.

M. Butts said it was actually fifteen percent.

D. Darling said that was okay if the street is longer than 200 feet, but if the street is shorter than 200 feet, then they want it to have a ten percent limit. She said it looked like they were leaving in both percentage of slope and function.

M. Butts said they don't have it tied at all to the function, regardless of how long the cul-de-sac would be. He thought this would be identified as a local street in which the maximum percent would be fifteen percent. So it doesn't address their issue.

D. Darling asked John why ten percent as opposed to fifteen percent.

J. Buckley said there was a number of discussions on it, and they looked at fifteen percent grades and ten percent, and they were happier with the look of a ten percent for a short street. This one came about where you have a street that goes through and then they run cul-de-sacs to address the local houses. Whereas if you have short streets, it is hard access, especially with winter weather.

M. Gosling thought some discussion was needed on this issue. He suggested to close the public hearing and go through it later.

C. Tryon moved to close the public hearing.

F. Allen seconded the motion. The motion passed unanimously.

7. West Linn Development Code Proposed Amendments - January 1987

ISSUE NO. 1

Allow Single-Family Homes in GC and OBC Zone as Conditional Use.

M. Gosling asked if there were any problems with this. There were none.

The Staff concurred.

ISSUE NO. 2

Allow Home Occupation in General Commercial Zones.

M. Gosling asked if there were any problems with this and there were none.

The Staff concurred.

ISSUE NO. 3

Allow Wider Curb Cut

T. Conser asked if the widest driveway a person could have was thirty.

M. Butts said that was correct. He also said that thirty was narrow, depending on the development.

T. Conser said there was a desire, as on Highway 43, to limit those accesses, where they are requiring a maximum of twenty-four feet on 82nd Street.

M. Butts said what they were looking at is cutting down the number and maximizing the spacing.

T. Conser asked if what Mike was saying was not a continuous driveway but a single entrance up to thirty-six feet.

M. Butts said this was correct.

T. Conser asked if the thirty-six foot was only allowed on major arterioles.

M. Butts said it was allowed whenever they wanted a curb cut.

F. Allen asked what would be done to a house with a three-car garage.

M. Butts said they could go thirty-six foot.

The Staff concurred.

ISSUE NO. 4

Shifts Approval Authority to Planning Director for Off-site Subdivision Signs

The Staff concurred.

ISSUE NO. 5

Allows Increased Height for Entryways Signs

M. Butts said this allows a higher sign to get out of the way of vegetation.

M. Gosling asked if this conflicted with the other proposal.

M. Butts said it did not, and that in fact, it lines itself with it because you have three feet versus three and a half.

The Staff concurred.

ISSUE NO. 6

Revises Storm Drainage Requirement

M. Butts said the intent was to provide flexibility, but this does not provide it because it is clearly no detention. He also said that the word correction seemed like it should be allowed instead of "not allowed" because this gives flexibility to the engineer to determine whether it should or should not, based on A.

T. Conser agreed with this because you would not retain any water unless you built a retention.

A discussion was held.

D. Darling said that their comment should be insufficient information, but they approve the first half of all of this.

The Staff concurred.

ISSUE NO. 7

Tree Cutting Requirements

M. Gosling said one comment he had was that on the background materials that they got back in August, in Eugene and Lake Oswego, were mentioned, and although this proposed one mentions barriers, he did not see why they should not also have some comment about uncontrolled cutting increases the likelihood of erosion, flood hazards, landslides.

D. Darling stated that her recollection of the Lake Oswego ordinance is that it was written from a different point of view which said "you shall maintain the trees for the beauty of everyone to look at." She said she interpreted the other one to be that if you are going to cut trees, you have to have a permit, and you can cut more than five if you can meet these approval criteria. She said she was not clear if they had to meet all of them or just one.

M. Butts said one of the things they did when they went through the comprehensive planning process was to identify if there is any commercial timber lands and if there were some identified, they were to preserve that for that use. And there was none identified. All the forested lands in the City of West Linn are for development purposes not for commercial use.

D. Darling asked if an exception could be made for commercial timber lands as identified in the comprehensive plan or as defined by applicable ORS provisions regarding those regulations.

M. Butts said if there are commercial timber lands and if there are, so shall we preserve them. They did not identify them, and therefore, we are not preserving them.

D. Darling asked if people could come back and have the plan amended to designate their land.

M. Butts said they could.

F. Allen asked what the provision is if you have land designated as a timber growing crop. He further asked, "Would you pay the taxes when they are cut?"

D. Darling said this was correct. She also said an interesting point is how far do you intrude on the commercial tree operation?

D. Darling said that they might want to consider an exemption for those pieces of property that have specific tax classifications for commercial lots.

M. Butts asked if there was any control for anybody applying for that, by the City.

D. Darling said there was not. She also stated that you have to have a minimum two acres and so many trees. She also said it was a deferral and so long as you always stay in that classification, your tax will be deferred. But if you ever change the use of your land, you then have to pay ten year's back taxes. She said it is written that anyone cutting five trees or more a year needs a permit.

M. Butts asked if the Federal Law allowing for commercial harvesting would supersede any local codes.

D. Darling said it should.

M. Gosling felt there were too many conditions.

M. Butts said one option towards Lake Oswego is everything six-inch caliper or greater applies on every single tree. We just try to eliminate the clear-cutting. He said they were concerned about the administration.

A discussion was held.

M. Gosling felt it had a better chance to get through City Council if the conditions or the approved criteria are reduced. He asked if the penalties of \$500 per tree removed was per tree removed in excess of the five permitted ones or on all trees.

D. Darling said it would be per tree removed in violation of this section. Since the first five trees do not require a permit, there would be no fine for the first five. She added the words "of the plan or new approval" after "Each day of violation" under the penalties section.

M. Gosling felt that it is not their final decision. He said they should send a recommendation to City Council.

The Staff concurred to send it.

D. Darling asked if there was a feeling regarding having Mike and she come up with some language to a state-designated commercial land.

The Staff agreed to this.

M. Gosling read a letter from Barbara Edan as follows:

Ladies and Gentlemen: The construction of trees in West Linn over the past year or two is not just unsightly, it is unconscionable. Call the City of Lake Oswego and get a copy of their tree ordinance. It has worked beautifully for nearly twenty years.
Sincerely,

ISSUE NO. 8

Allow Enlargement to Non-Conforming Structures Without City Approval.

F. Allen asked if all of the construction of the addition was up to code.

M. Butts said it was.

The Staff concurred.

ISSUE NO. 9

Clarifies Street Improvement Requirements

M. Butts said they always required streets within subdivisions and the streets surrounding subdivisions to require full street improvements. He said this is set up in three different paragraphs which clarify what they've always been doing, but it has some soft language.

The Staff concurred.

ISSUE NO. 10

Corrects Approval Authority Reference For Land Partitions

The Staff concurred.

ISSUE NO. 11

Add Maximum Width for Cul-De-Sacs

The Staff Concurred.

ISSUE NO. 12

Clarifies Street Intersection Spacing

T. Conser said that what they determined tonight was that the minimum standard was 100 foot and recommended or desired was 200 foot and since it was between the minimum of the desired, it was acceptable. Now they are eliminating minimum, he asked?

A discussion was then held.

T. Conser said he would rather leave the 100 feet in.

The Staff denied this issue.

ISSUE NO. 13

Amends Intersection Angle Requirements

The Staff concurred.

ISSUE NO. 14

Clarifies Street Design Standards

D. Darling said to delete the brackets under "J".

M. Butts said this could be an apartment complex, in which case you would want to minimize the number of units on a cul-de-sac. This is just setting some maximums on a single access.

M. Gosling wanted to know where the actual numbers come from.

The Staff decided to leave it in.

M. Butts said that under "L" they were eliminating some of the specific standards and put it more to performance standard process. It ties it to functional classifications.

D. Darling said that the only question is whether or not they wanted to go along with traffic safety recommendation that streets of 200 feet or less...

The Staff said yes to both and "J" with the removal of the brackets. And no to the traffic safety's ten percent limit on 200 foot or less.

D. Darling said she has assigned issue numbers to all of their six proposals. Issue No. 25 goes with their suggestion that streets 200 feet or shorter be limited to ten percent grade.

The Staff denied this.

ISSUE NO. 15

Word Corrections

The Staff concurred.

ISSUE NO. 16

Establishes Street Tree Species List

M. Gosling asked if this is something saying they are restricting street trees.

D. Darling said it was not. That it was their list of recommendations.

The Staff concurred.

ISSUE NO. 17

Relocate Hillside Protection and Control Section

M. Butts said that this will be coming back in May with some additional standards and put it into a permit process.

The Staff concurred.

ISSUE NO. 18

Establishes Storm Drain Protection Section

T. Conser asked if 18 was a brother to the tree ordinance.

M. Butts said it was, but it is very specific in existing natural drainage ways.

D. Darling said it should say existing natural drainage ways as designated by the storm drain master plan. She also brought forward the fact that under the Appeal Section, the last paragraph should go under purpose and intent.

The Staff concurred.

ISSUE NO. 19

Exterior Lighting in Residential Zones

D. Darling said that she would word this by recommending approval or denial of the Staff recommendation. If you agree then you want to approve that recommendation.

The Staff agreed to this.

D. Darling said she assigned issue numbers to those for the December 10 report. Section 42.020(B) is Issue 20, 21, 22, and on through. Number 23 wanted to add lane widths to roadway widths and they said no to this. Issue 24 is going to be rewritten in their recommendation to be that you add Number 9, and they would approve that. Number 25 that grades no greater than ten percent on a 200 foot, which was denied. Issue number 26 would be the handwritten sheet regarding the definition of cul-de-sac. This would be adopted by alternative number one which would clarify our existing policy.

D. Darling said that the motion would be that they approve Staff recommendations on items numbered one to five and eight to nineteen as written with the corrections on the typo's as outlined in the beginning and that you approve number six, the first half of each of the number six's, but as to the latterpart regarding detention, your statement is that you have insufficient information on which to base your recommendation and make none at this time. Number seven, the tree ordinance, recommend approval with the addition of an exception for commercial timber lands and other tax qualified lands. They deny the Staff recommendation on numbers twelve and twenty-five. Add to the approval of twenty, twenty-one, and twenty-four. And add to the denials of twenty-two, twenty-three and twenty-six.

M. Gosling suggested that an abbreviated motion be made to this.

C. Tryon made the motion.

F. Allen seconded the motion. The motion passed unanimously.

8. Business for Staff

M. Butts said to remember the next meeting is the 20th, which is a Thursday.

9. Business for Planning Commission

M. Gosling asked about the solar access project.

M. Butts said on January 26, 1987, they are going to have a joint work session with City Council and Planning Commission for presentation by people on solar access. There will be a short slide show, model, and brief presentation.

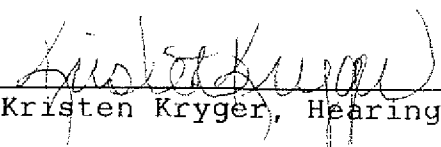
M. Butts said that the Department of Energy got a Bonneville Power grant to develop standard solar energy access ordinance and all jurisdictions in the area are participating.

D. Darling asked since there are several new faces coming on the Planning Commission and several on Council, she and Jack were going to approach the Council and Commission about whether or not to have a joint session with each other to talk about what we see our function to be with things we do. Would this be appropriate in early February, she asked?

The Staff agreed.

M. Gosling suggested a joint meeting on the task force.

There was no further business and the meeting was adjourned at 12:00 a.m.



Kristen Kryger, Hearings Reporter

January 20, 1987

1. Vice Chairman T. Conser called the meeting to order at 8:10 p.m. Members present were G. Chiodo, T. Conser, L. Dunstan, C. Tryon, and W. Wright. Absent were F. Allen and M. Gosling. Also present were M. Hess, D. Darling, City Attorney Representative; and K. Kryger, Hearings Reporter.

T. Conser introduced Greg Chiodo and Walter Wright as the new members of the Planning Commission.