PLANNING COMMISSION/RESIDENTIAL INFILL-PUD TASK FORCE
JOINT WORK SESSION
Minutes of October 11, 2010

Planning Commission Members present:	Chair Robert Martin and Commissioners Michael Babbitt, Laura Horsey, Christine Steel and Dean Wood
Planning Commission Members absent:	None
Residential Infill/PUD Task Force Members present:	Thomas Bose, Chris Sherland, Christine Steel and Michael Babbitt
Staff present:	Chris Kerr, Senior Planner

CALL TO ORDER

Chair Martin called the meeting to order at 7:00 p.m. in the Willamette Room of City Hall, 22500 Salamo Road, West Linn, Oregon.

JOINT WORK SESSION

Update: Residential Infill/PUD Task Force

The Commissioners and Task Force members continued the discussion they had begun at the October 6th meeting. The purpose of the meetings was to give the Planning Commission an opportunity to give the Task Force feedback about its strategic approach and action plan. Kerr had distributed his memorandum dated September 24, 2010 with an Action List attached to guide the discussion. Topic #3 on the List was Alternative housing types. Kerr distributed materials from other jurisdictions. They described how those cities utilized the alternative housing type, Cottage Housing. They described how the City of Portland employed the prototype housing concept. Kerr suggested West Linn could determine in which zoning districts it wanted to see clustered housing and fashion specific standards for it that would control bulk and buffering and make it compatible with the surrounding neighborhood.

Topic #4 was Environmentally constrained lands. The group questioned whether allowing small houses to be squeezed together in clustered housing would resolve the current problem that PUDs did not fit the lower density neighborhoods they were in. They noted that the density transfer table focused on the lot "yield" on a parcel, but neighbors were concerned about the intrusive nature of PUDs. That was caused by loss of vegetative buffers and the perception of increased density, mass and scale. Chair Martin asked if the City could prohibit PUDs on parcels of three acres or less and stop there, so the owners could only develop what the underlying zone allowed, without any density transfer or alternative housing option. Kerr cautioned if that took away all the owner's development rights on a constrained property it

could be considered a legal "taking" of property. Horsey suggested that allowing density transfer for a PUD actually inflated the value of constrained land. Kerr observed that over time the City had reduced the amount that could be transferred. Babbitt observed that allowing cottage housing would not resolve PUD issues. PUDs could have smaller lots than the R-10 around them and neighbors could not see exactly where the houses would be located and what they would look like during the application review process. Wood questioned whether there had been consensus that PUDs should not be allowed on parcels of three acres or less. The Task Force members explained to Kerr that they wanted to elect a chair and they wanted to have more time for round table discussions about whether clustered housing was the direction they wanted to go or if they wanted to "fix" the PUD code. The underlying consideration was compatibility with the existing neighborhood. Kerr offered to help them work on the PUD code first and then flag lots. But he observed that the work program objectives called for consideration of alternative housing and the Comprehensive Plan and Sustainability Plans also talked about that.

Chair Martin observed that the group was concerned that allowing clustered housing might create more problems than it solved. They wanted the Task Force to focus on the original problem of the undesirable effects of requiring a PUD. The group agreed to Kerr's suggestion to have the Task Force address a few components at a time, starting with PUDs and flag lots. The staff would present the Task Force's recommendations regarding each of those aspects to the Planning Commission.

The group then considered the Topic 5. Design flexibility. Kerr recalled the City Council wanted the code to offer more flexibility. Currently the only ways the code allowed more flexibility were via a PUD or a variance. He advised the City could adopt other methods. One example of another method was to allow a property owner to have similar lot width as adjacent lots. Chair Martin suggested the neighbors should be offered an opportunity to weigh in, too.

Topic 6 was Flag Lots. The Task Force had learned about how other jurisdictions put restrictions (such as height, setbacks, orientation) on flag lots to make them more compatible. They understood that a builder's easiest route to a reasonable profit was to create some flag lots behind an existing house. The new houses were often the largest the code allowed and too close to the existing low-rise ranch neighbors. The question was whether the City should allow cottage housing outright so a builder would find it just as easy to build a cluster of four smaller cottages as three massive houses on flag lots. Chair Martin suggested the City should do both. The group considered the concept of "compatibility." Was it infill that completed the existing physical neighborhood or infill that offered someone who could no longer live in his/her larger home an opportunity to live in a smaller home in the same neighborhood? Or, was it actually more about the spacing between the buildings? Bryck recalled the Task Force had discussed a few ways to achieve better compatibility on flag lots. One was to eliminate the front setback requirement that forced a house back 20 feet from a private lane and tended to push the house farther back on the lot and closer to the rear neighbor. Another idea was to allow flag lot houses to be oriented so the front of the house was compatible with the existing neighborhood. A third idea was to require the driveway pole to be located where it was

anticipated it would serve as a shared private lane when the adjacent parcel was partitioned into flag lots. Kerr anticipated the Task Force would consider additional requirements for flag lots (such as setbacks, building orientation, landscaping) at their next meeting.

The group then discussed Topic 7. Steep Slopes. The Task Force had talked about not requiring the 20-foot front setback if that would require the developer to excavate further into a slope in order to set the house back. They had talked about allowing a parallel parking scheme using curb cuts or islands to create a safety zone so people would not have to back out directly onto a public street. Steel suggested applying a formula for cutting into hills that would prevent extremely deep excavating. Kerr confirmed that the code required a development to be a PUD when the lot had more than 25% steep slopes. It allowed a little bit of flexibility of height on a steep slope, but nothing else. The Task Force had talked about allowing the garage to be closer to the street right-of-way than the house. When asked, Kerr advised the City could not prohibit development on a legal lot of record, even on a steep slope. He recalled that the City Council had specified the Task Force could not call for single family design review. However, the group suggested addressing development on steep slopes by requiring design review was justified because development could destabilize a slope. They recalled instances where a failing slope had destroyed houses. They suggested the applicant be required to submit a geotechnical or hydrology study. They noted the review would offer the neighbors an opportunity to participate in the process. Chair Martin suggested the City apply the 5,000 sq. ft. encroachment limit on a lot constrained by steep slopes just as it applied the limit to encroachment on a WRA-constrained lot. Kerr agreed to research whether the code allowed an owner to subdivide parcels constrained by steep slopes. He suggested allowing a “wedding cake” building form might reduce the need to cut into the slope.

Topic 8 was Clear and objective standards. The Action List suggested the Task Force consider a dual approval track process. Applicants could either chose to meet clear and objective standards and enjoy an expedited process or propose some other design that had to go through a discretionary review. The group suggested the discretionary review process might be required for developments on steep slopes or flag lots. Chair Martin indicated he could agree to the dual-track approach as long as the objective standards were strict enough. Horsey suggested looking at best practices by other, similar jurisdictions. Kerr agreed to provide those. He suggested the Task Force consider adding special requirements to development on steep slopes rather than requiring design review.

Kerr clarified that addressing mixed use development along the primary corridors was a “parking lot” issue that was too big to be addressed in the current process. Chair Martin observed the residents needed to decide if West Linn was a “suburb,” or a “city” that was going to need to accommodate higher density and mass transit. The group anticipated that Highway 43 was going to change to a place with a lot more commercial use. Chair Martin thanked the Task Force members for their efforts and promised Planning Commission support.

Chair Martin adjourned the work session at approximately 9:19 PM.

APPROVED:

Robert Martin, Chair

Date