



CITY OF  
**West Linn**

PLANNING COMMISSION

Minutes of August 3, 2011

Members present: Chair Robert Martin, Gail Holmes, Holly Miller and Christine Steel  
Members absent: Vice Chair Michael Babbitt, Laura Horsey and Dean Wood  
Staff present: John Sonnen, Planning Director; Chris Kerr, Senior Planner;  
and Damien Hall, City Attorney

**PREHEARING MEETING**

At 6:45 p.m., the Planning Commission convened a prehearing meeting and discussed procedural information pertaining to the upcoming hearing and briefings. Staff also provided an update regarding the Highway 43/Willamette Falls Drive project.

**CALL TO ORDER**

Chair Martin called the Planning Commission meeting to order in the Council Chambers of City Hall at 7:30 p.m.

**PUBLIC COMMENTS (None)**

**APPROVAL OF MINUTES**

Commissioner Steel **moved** to approve the Minutes of June 22, 2011 with the title corrected. Commissioner Miller **seconded** the motion and it **passed** 4:0.

**PUBLIC HEARING**

(Note: The staff reports and all related documents for the hearings are available through the Planning Department.)

**CDC-09-05, CDC amendments – Regulatory improvement proposal**

Chair Martin opened the public hearing and outlined the applicable criteria and procedure. He asked the Commissioners to declare any conflicts of interest. None were declared. When invited by the chair no one in the audience challenged the authority of the Planning Commission or the ability of any individual Commissioner to hear the matter.

*Staff Report*

**Senior Planner Chris Kerr** presented the August 3, 2011 staff report. The proposed changes were minor housekeeping changes that were intended to clarify and better organize the code;

fix legal and Scribner's errors; and reconcile definitions. None of the changes were intended to change the code or raise policy issues. He pointed out an email that had been submitted by Karrie Oakes just before the meeting reported she could not find the proposed amendments on the website. Kerr had checked and found the link to the amendments on the meeting's agenda site.

Kerr went through the list of proposed amendments to highlight and explain them. When he researched Chapter 37 Home Occupation amendments from the past, he advised that several years ago the Council had directed staff to combine the two classifications of home occupations into one. He reported the kinds of complaints the staff typically heard were related to outdoor storage, parking and traffic – particularly when a number of persons and vehicles converged at an address all at once at 7:00 a.m. The current standard limited trips to no more than five total trips per day. But some home occupations that might be considered acceptable to the public could generate more than five trips per day. The staff suggested two alternatives to address the issue. The standard could be changed to allow up to 10 total vehicle trips per day; or, the standard could limit the number of vehicle trips to 5 trips per peak hour.

During the questioning period, Kerr clarified that when an entire Chapter is removed from the code, the entire code was not renumbered, it just skipped that chapter. Steel recalled different sections of code called for a different radius of notification. She asked if that was addressed in the proposed amendments. Sonnen and Kerr advised that was too substantive an issue for the current process, but the change could be considered in an upcoming package of substantive code changes the staff would propose.

#### *Proponents*

Johann Olivier, 3844 Fairhaven Dr., advocated the home occupation standard change to five trips per peak hour. The last minor changes in the code had adversely affected his daughter's violin teacher's ability to teach and make a living. She had worked for five years without a complaint. But then someone complained. The complaint had come from someone who had inherited a home in which a relative had taught piano for 30 years. During the questioning period, Olivier estimated the teacher taught 15 to 20 students per day at her home. Each lesson was at least a half hour.

There was no further oral testimony. All the others who had submitted testimony forms indicated support of the amendments:

Jim Van Winkle, 2165 Alpine Dr.

Leah Van Winkle, 2165 Alpine Dr.

Janelle Richards, 3467 Cascade Terr.

Laurie Casella, 5250 Linn Ln.

Holmes asked if the home occupation code could make a distinction between general business use and educational business use. Hall advised that would be a change in policy and beyond

the scope of the current notice. Kerr explained that staff was trying to address and mitigate traffic on the street, no matter what variety of use generated the trips. Chair Martin did not want to damage home daycare businesses. If a daycare had ten children that could add up to 20 drop-offs and pick-ups a day. He recalled a case where a contracting business that was run out of a home was clearly in violation of the limit on trips. But he asked the staff to think of ways that would allow music lessons and home daycare to exist. Steel cautioned that there were people who wanted to enjoy their property without being impacted by a lot of cars going by or school yard type sounds coming from next door. She observed that working remotely from a computer was very different than having a daycare business. She indicated she preferred to keep some kind of cap on trips, but it might be higher than ten.

Chair Martin referred to the definitions related to river level marks and asked the staff not to strike a reference to a state statute. He wanted to ensure the City's definition would be consistent with other agencies' definition. Kerr agreed to check that it was a correct reference and keep it there. Chair Martin asked the staff to correct Figure 28.1, which showed the Preference Right area starting at the Ordinary Low Water Mark. He advised it started at the Ordinary High Water Mark. He advised the definitions did not offer a clear enough distinction between Major and Minor Utilities. A reader would have no way of really telling what the criterion was. He suggested it could be cost related. He recalled the Commissioners had talked about requiring Class 2 design review for any trail, even one less than 200 feet long. The staff offered to include that in the upcoming package of proposed policy related amendments.

Hall explained to the Commissioners that it was preferable for the City adopt its own definitions and not just use Webster's Dictionary. Webster's often offered so much leeway a potential opponent could have an easier time challenging the code. Sonnen agreed to address the notice change issue and trails review issue in the upcoming package of proposed policy changes. He anticipated the package would be ready to distribute in October. Chair Martin agreed and asked the staff to also address home occupations standards in that package.

Chair Martin recalled the Commissioners had agreed during the prehearing meeting to leave the record open for written testimony for another week until August 10. Then there would be another opportunity for public testimony.

#### ITEMS OF INTEREST FROM THE CCI

Chair Martin asked the staff to make the second meeting date in September a CCI meeting. They agreed to invite those who had participated in the trails plan to come and tell the Commissioners how the process could be improved and how the City could reach out and do a better job of involving people at an earlier stage in the process. Steel and Holmes suggested reaching people with an informational postcard or in utility bills. Sonnen related his experience was that a mailing was a very effective way to reach property owners. He had already arranged to put information about the Highway 43 project in water bills. A public workshop regarding that project was scheduled on September 29. He advised the Commissioners to consider who

might be affected when they first looked at a work program for a new project. Then the staff would try to reach them. Associate Planner Sara Javoronok was scheduled to brief the CCI about the strategy the City would use to reach people who would be affected by proposed historic code amendments.

ITEMS OF INTEREST FROM STAFF

The Commissioners agreed to schedule a joint PUD/Infill Task Force – Planning Commission meeting to discuss the task force’s proposal.

ITEMS OF INTEREST FROM THE PLANNING COMMISSION (None)

ADJOURNMENT

There being no other business, Chair Martin adjourned the Planning Commission meeting at approximately 9:30 p.m.

APPROVED:

  
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Robert Martin, Chair

9/7/2011  
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Date