



# CITY OF West Linn

## PLANNING COMMISSION

Minutes of Wednesday, April 2, 2014

**Members present:** Chair Christine Steel, Vice Chair Russell Axelrod, Lorie Griffith, Nancy King, Jesse Knight, Robert Martin and Ryerson Schwark

**Members absent:** None

**Staff present:** Chris Kerr, Community Development Director; Tom Soppe, Associate Planner; Sara Javoronok, Associate Planner; Khoi Le, Engineering Department; and Megan Thornton, Assistant City Attorney

### PREHEARING MEETING

Chair Steel convened the meeting at 6:30 p.m. in the Rosemont Room of City Hall. Staff noted one new comment in the hearing record and discussed the plan for transitioning from the hearing to the work session setting. In regard to Planning Commission Rules there was some concern that the rules did not allow *ad hoc* subcommittees. The Commissioners talked about discussing that with the Council at the upcoming joint work session. They planned to meet with the Arch Bridge consultant on April 16. Mr. Kerr advised that meetings needed to end by 10:00 p.m. because that was when the City's computer system rebooted.

### REGULAR MEETING - CALL TO ORDER

Chair Steel called the meeting to order in the Council Chambers of City Hall at 7:00 p.m.

**PUBLIC COMMENT** (None)

### APPROVAL OF MINUTES

Commissioner Martin **moved** to approve the Minutes of January 15, 2014. Commissioner Griffith **seconded** the motion and it **passed** 7:0. Commissioner Griffith moved to approve the Minutes of December 18, 2013. Commissioner King **seconded** the motion and it **passed** 5:0:2. Commissioners Knight and Schwark abstained. Commissioner Martin **moved** to approve the Minutes of February 5, 2014 as corrected by Commissioner Martin and Chair Steel. Commissioner Schwark **seconded** the motion and it **passed** 6:0:1. Vice Chair Axelrod abstained.

### PUBLIC HEARING

#### **SUB-14-01/VAR-14-01/VAR-14-03/VAR-14-04/VAR-14-05/MISC-14-02, 4-LOT SUBDIVISION**

The staff report and written testimony is available online at: <http://westlinnoregon.gov/planning/1770-ostman-road-4-lot-subdivision-class-ii-variances-driveway-spacing>

Chair Steel opened the hearing. Commissioners King, Griffith, Martin, Knight, Vice Chair Axelrod and Chair Steel each reported a site visit. No one present challenged the ability of the Commission or any Commissioner to hear the matter.

## **Staff Report**

Mr. Soppe discussed the site plan. Each of the four lots had its own driveway. The applicant would dedicate right-of-way on both Ostman Road and Willamette Falls Drive. The requested variances were related to driveway spacing. Staff found the variance related to the distance between the driveway of the existing, non-conforming, structure and a driveway to the north of the site met applicable criteria because the proposal would decrease the amount of existing non-conformity. In regard to the other variances they noted that most homes in the area had individual driveways. However, the proposed spacing of the driveways of the four subdivision lots was 46' and 47' and well short of the 150' the TSP called for. Staff recommended a different scenario of shared driveways. They would be 128' apart so the minimum variance necessary criterion would be met; there would be the fewest curb cuts and access points; and they would be spaced as far apart from each other and from the intersection as possible. Staff recommended approval with conditions that included Condition 5, which called for the shared driveways scenario.

## **Questions of Staff**

Mr. Soppe acknowledged that there were some shared driveways across the street, which Commissioner Martin had seen during his site visit, but he said the neighborhood as a whole had more individual driveways. He clarified that to make the shared driveways scenario work each paired driveway would have to be at least 20' wide (two 10' drives) and without a separating green strip. Mr. Le clarified TVF&R required the fire flow test and if it failed the agency might require some kind of sprinkler system. Mr. Soppe explained the rationale for not taking access from Willamette Falls Drive was that the code strongly discouraged access off arterials.

## **Applicant**

Chris Goodell and Monty Hurley, AKS Engineering, 13910 SW Galbraith Dr., Ste. 100, Sherwood, Oregon, 97140, represented Renaissance Homes. They anticipated the homes would have two- or three-car garages. They indicated they proposed an individual driveway for each home. They explained why they thought the shared driveway plan would not work very well. There would be awkward turning movements that they could manage, but it would mean pushing the homes back; it would reduce curb appeal and the size of backyards; they had to deal with the grade; the 20' throat two homes would have to use was not as wide as the City standard calling for a 30' driveway throat; individual driveways were more in keeping with what was in West Linn on sloping streets; the product would be less appealing; and neighbors at the neighborhood meeting indicated they should have individual driveways. They showed photographs of examples of how owners had modified and expanded shared driveways over time, which was something they wanted to avoid. They indicated they thought the code allowed them to look farther out than just across the street, which were flag lots. They had found the vast majority of homes on Ostman had individual driveways. The requested variance

was the minimum necessary for individual driveways and satisfied the criteria. They agreed with staff about not accessing from Willamette Falls Drive.

### **Questions of Applicant**

Commissioner Martin clarified of the three existing shared driveways he had seen across the street only one was a flag lot driveway. Mr. Goodell responded the vast majority of homes on Ostman Road between Willamette Falls Drive and Dollar Street had individual driveways. The representatives confirmed a shared driveway design did not work well for the type and price range of homes the applicant built. They explained there would be stormwater overflow to the City sewer system to avoid creating drainage problems for people on the slope below. They were asked and confirmed they could put a bench at the bus stop if it was within reason and if TriMet did not tell them not to do it.

### **Public Testimony**

Alice Richmond, 3939 Parker Rd., indicated she was concerned about neighbors thinking they owned the whole shared driveway and the safety of kids when cars were backing out of shared driveways on both sides of the street.

1:00

### **Rebuttal**

The applicant asked for approval with individual driveways.

### **Staff Comments / Questions of Staff**

Mr. Le advised that even through Ostman was a collector street, having individual driveways was not bad because the speed limit was 25 mph. They had received a lot of feedback that homeowners had issues going into two and three car garages when a driveway was small. Another issue related to shared driveways/shared easements was which owner did the City send enforcement notices to when they had to be repaired. Mr. Soppe clarified in the shared driveway scenario, each 10' component of each 20' paired driveway was on a separate property and there was no easement. There was also no required setback. Chair Steel closed the public hearing.

### **Deliberations**

Commissioner Martin recalled that in regard to whether not allowing individual driveways would deny the applicant a property right that others had, he had noted there were shared driveways right across the street. In regard to the minimum variance necessary, the applicant proposed to space the driveways 45' while the staff scenario spaced them at 128' which was much closer to the 150' code requirement. Commissioner Knight recalled hearing valid concerns about the shared driveway setup. He said he could see how winding back out could be a safety issue. It might be a 25 mph street but it was a very busy street that came off one of the busiest streets in the City. The neighborhood association preferred single driveways because it was more in keeping with the rest of the vicinity. Shared driveways solved one



problem, while causing others. They could hurt property values and add delays to selling homes.

Vice Chair Axelrod observed the overwhelming condition in the neighborhood was single driveways. Some of them, such as in Arbor Cove, were narrower distance than the TSP required. Since neither individual driveways nor the shared driveway scenario met code variances would be needed for both. From a safety perspective the distance from the first driveway to the corner was critical. That setback was about the same distance in either scenario. He indicated from a safety stand point the single driveway concept fit best. The dual driveway design was kind of tacky and worse from a safety standpoint. It created liability concerns that people pulling out might run over kids on tricycles. He recalled hearing that the shared driveway design presented complications for builders. The only comments they had received from the neighborhood was that they did not like the dual driveway approach. He noted variances were necessary under either scenario. The neighborhood was very eclectic. There were a couple of flag home entrances across the street. Flag homes were very different than what the applicant was proposing. Commissioner King recalled when two driveways were very close neighbors could be pulling out at the same time. Sometimes neighbors had differences. She indicated that whatever the Commission decided should factor real world conditions.

Commissioner Griffith indicated she favored single driveways for safety reasons. Commissioner Schwark indicated he thought single driveways were the standard for the neighborhood and there was an expectation that someone there ought to be able to develop with a single driveway. If they agreed that the applicant was requesting the minimum variance necessary to do that and met the related criterion the Commission did not have to go a second step and require shared driveways. He thought they did not have to go that second step because the preponderance of houses in the neighborhood had single driveways.

Vice Chair Axelrod suggested the reference to the site plan in Condition 1 should be changed to refer to the 'site plat.' Staff agreed. He suggested the applicant could work in a wooden bench at the bus stop at the corner as a nice neighborhood amenity. He noted the staff report said the code listed features to have at a bus stop, including benches, and that TriMet had to approve the final configuration. In regard to whether that exaction would be proportional to the impact on the transportation system generated by the four homes he reasoned that if there was nexus to require the applicant to install the wider sidewalk that was associated with the bus stop then there was nexus to require them to put in a bench and the code required certain features at a bus stop. Staff explained that they had not recommended requiring the bus stop amenities because the bus stop was already there. Vice Chair Axelrod recalled the applicant had indicated they were willing to incorporate a bench. Chair Steel indicated she felt that was asking too much.

Vice Chair Axelrod **moved** to add language to Condition 2 to incorporate a bench into the bus stop/ sidewalk design provided it was agreeable to TriMet. Commissioner Schwark **seconded** the motion and it **passed** 6:1. Chair Steel voted against.

Commissioner Schwark was asked which variance criterion related to the expectation of the neighborhood. He referred to the staff slide that explained that the criterion was that the variance was necessary for the preservation of a property right of an applicant which was substantially the same as a right possessed by owners of other property in the same zone or vicinity. Based on that and that almost everyone in the neighborhood had a single driveway he believed that having the right to have a single driveway was a reasonable expectation in that neighborhood. Asking for a variance to achieve that objective was reasonable and the applicant had in fact given the Commission the minimum variance necessary to achieve it. Commissioner Knight referred to the same slide and noted that it indicated staff found most houses in the area had individual driveways and the criterion was met. Staff clarified that besides the variance to distance between driveways there was also a request for a variance to the required distance between the driveways and the corner. Vice Chair Axelrod indicated he agreed with the applicant and staff that driveways should not come off Willamette Falls Drive.

Commissioner Schwark **moved** to approve SUB-14-01/VAR-14-01/VAR-14-03/VAR-14-04/VAR-14-05/MISC-14-02, but eliminate Condition 5, so there could be single driveways; and add language to Condition 2 to require the applicant to add a bench to the bus stop if TriMet allowed it. Commissioner King **seconded** the motion and it **passed** 6:1. Commissioner Martin voted against.

1:42

## **WORK SESSIONS**

### Continue PUD/Infill draft code amendments discussion (CDC-10-02)

The staff report, attachments, and draft code can be read online at:

<http://westlinnoregon.gov/planning/planning-commission-meeting-38>

Ms. Javoronok provided a comparison chart of dimensional requirements, density transfer and bonuses under different versions of the proposed code and maps showing buildable land inventory and residential lots of 3 acres or more. In regard to the difference between infill and subdivision types of flag lots, the Commissioners discussed that they were less concerned about the impacts on owners of the parent parcel or those who had bought into the area knowing the flag lot was there and more concerned about code requirements to protect the other owners on adjacent properties who were impacted but got no benefit from it. **Action:** Staff agreed to put language in the next draft that applied setback and step back requirements and clarified height requirements in order to protect them. **Action:** The Commissioners agreed with the staff's suggestion to hold another work session to finalize proposed code in regard to flag lots; cluster/sensitive area development; zero lot lines; and cottage housing because those were closer to finalization than PUD amendments.

Continue discussion of Planning Commission Rules

This discussion was postponed to a future date.

2:39

**ITEMS OF INTEREST FROM THE PLANNING COMMISSION**

Commissioner Schwark asked the Commission to add a future agenda item to discuss a process wherein staff would review a subdivision application if no one had concerns about it. However, if someone cared about it the review would be elevated to the Planning Commission. There was concern that the Commission might not be able to initiate things anymore. The Commissioners discussed items to put on the joint City Council/Planning Commission agenda.

END OF VIDEO RECORDING

**ITEMS OF INTEREST FROM STAFF**

**ADJOURNMENT**

There being no other business, Chair Steel adjourned the meeting at approximately 10:10 p.m.

APPROVED:

Christine M Steel  
Christine Steel, Chair

6-18-14  
Date