



CITY OF  
**West Linn**

PLANNING COMMISSION

WORK SESSION

Minutes of April 30, 2014

Members present: Chair Christine Steel, Lorie Griffith, Nancy King, Robert Martin and Ryerson Schwark

Members absent: Vice Chair Russell Axelrod and Jesse Knight

Staff present: Chris Kerr, Community Development Director; John Boyd, Planning Manager; and Sara Javoronok, Associate Planner

**CALL TO ORDER**

Chair Steel called the meeting to order in the Council Chambers of City Hall at 6:30 p.m. Mr. Kerr introduced John Boyd, the new Planning Manager.

**PUBLIC COMMENT**

Alice Richmond, 3939 Parker Rd., announced the annual Fourth of July event.

**APPROVAL OF MINUTES**

Commissioner King **moved** to approve the Minutes of February 19, 2014 as corrected by Chair Steel. Commissioner Schwark **seconded** the motion and it passed 5:0.

**WORK SESSION**

**Continued discussion of CDC-10-02 draft code amendments related to Flag lots; Cluster housing; Cottage housing; and Zero-lot-line developments**

The staff report and written testimony is available online at: <http://westlinnoregon.gov/planning/planning-commission-work-session-28>

Ms. Javoronok provided the staff memorandum with Discussion Draft, Part 1 (April 2014) and comparison tables for discussion. The following summary highlights items they focused on during their discussion.

**FLAG LOTS**

**Front yard measurement.** Staff agreed to provide a graphic illustration for the public hearing.

**Setbacks for balconies and patios/ Setbacks for structures.** Commissioner Schwark was concerned about the language that gave the flag lot developer an exemption from these requirements if there was no dwelling within 50' of the shared property line. He noted it would give the first party to build an advantage over those who could build later on the adjacent lot. He suggested if the adjacent lot was partition-able and buildable there should be no exemption. Staff agreed to come back with language to that effect.

**Overall height on new flag lot structures.** Staff provided two options to consider:

- Option 1: Maximum height was to be 28' or the average height of adjacent structures, whichever was taller
- Option 2: Maintain the existing 35' height limit, which, under the height measurement method adopted in 2010 (measured to the peak of the roof), was in actuality lower than it had been prior to 2010, when it was measured from the grade to the mid-point of the roof.

The Commissioners discussed reasons for keeping height lower, which were that little could be done with the extra seven feet when ceilings were typically eight feet high; that the 35' limit would allow developers to continue to build "cookie-cutter style" that did not fit older neighborhoods; and that the lower limit would make new flag lot infill more compatible with older neighborhoods with ranch style houses. In regard to allowing 35' comments were that 28' made it harder to have a full second story and attic; they should not create a brand new class of roof restrictions for flag lots; why should they cut 7' off the height on flag lots when the default everywhere else was a full, normal, house of 35'; and compatibility could be addressed some other way than a blanket height limit. In a show of hands vote the Commissioners agreed to leave both options in the draft for the public to comment on.

**SENSITIVE AREA / CLUSTER DEVELOPMENT**

**Terminology.** The majority of Commissioners indicated they preferred to use the term 'Cluster Development' instead of 'Sensitive Area Land Division'. Reasons included that it was easy to understand and talk about the concept; it was industry standard terminology; it sounded a lot more positive than Sensitive Area Land Division; and developers knew the purpose of clustering was to address the natural environment. The one dissenting opinion was that the task force had talked about using 'Sensitive Area Land Division' to group different types of sensitive areas; and that clustered development was not necessarily just for dealing with natural areas – it could be for keeping a development compact enough for an older age group of residents to walk around.

**Location of Cluster Development provisions.** The Commissioners opted by show of hands to have staff draft a new chapter 17 for them to see rather than have the provisions in Chapter 85.

**Historic Districts/Other natural, cultural or hazardous areas.** Staff questioned the need for a provision like this in historic districts. The existing Historic District had its own set of different, strict, separate requirements. Commission consensus was not to exclude the historic districts and other areas for reasons that included that there was no downside to it and there might be a potential upside if clustered development was an option there; historic code requirements and clustered developments could be layered on top of each other so the developer could not do something totally outside of the strict district standards; and, it might give the developer a little more opportunity.

**Density transfer.** Staff presented Options 1 and 2 which both allowed up to 50% density transfer but differed in regard to other aspects. Commissioner Schwark suggested creating Option 1.5, which included aspects of allowing a developer to at least be able to make a pitch to

the Commission if the developer had natural, cultural, or hazardous area they wanted to preserve; and, allowed 100% density transfer from heritage/significant tree areas and steep slopes so it would be much more likely that the developer would make the effort to preserve the trees and not build on dangerous slopes. Staff clarified there was no minimum lot size for cluster development. It allowed maximizing existing density when setting aside sensitive areas. It would never result in an increase in density. The Commission agreed to Option 1.5 in a unanimous, show of hands vote.

**Calculation of density transfer.** The Commission agreed that the code should provide additional language detailing the density calculation and provide an example.

**Reduction in dimensional standards.** The draft offered two options and Table 3 showed what could happen if the following reductions were applied to clustered development.

- Option 1: To provide for clustering the development, allow up to a 30% reduction in lot size, lot dimension, and yard/setback standards from the underlying zone, with a minimum of three feet.
- Option 2: To provide for clustering the development, allow up to a 20% reduction in lot size, lot dimension, and setback standards from the underlying zone.

Staff related that recent PUDs had used 30% reductions. Cluster development provisions would have allowed developments such as Sunbreak and Chinook Terrace to be clustered developments instead of PUDs. They clarified that cluster development would be single-family houses; total allowed density was transferred to the buildable area of the parcel but it could not be increased; and lot size could be reduced there, but it might be so small that they might not be able to accommodate as many units as total density said they could have. It might end up being one or two more units squeezed into the buildable portion of the lot. Cluster development was a way to avoid requiring a small subdivision to go through the PUD process.

Staff addressed a concern that developers wanted to build the largest houses they could in a very small buildable portion and those houses would not fit the rest of the community. They advised that the .45 FAR limit meant developers could not build as large a house on a 7,000 s.f. lot as they could on a 10,000 s.f. lot.

The Commissioners discussed that 3' minimum setback was very small, resulting in 6' separation between houses; and, a developer who was allowed to do that might not do it for marketability reasons. Staff recommended not increasing the 3' setback to any greater than 5'. Commission comments included that the reason they were considering allowing 30% reduction for clustered housing was because PUDs allowed it; now that they were considering applying a 3-acre threshold on PUDs the cluster route was a way to have density transfer on smaller parcels; and with the 3-acre minimum for a PUD 30% might make sense for cluster housing. Staff clarified that current PUD code did not specify 30% but left the percentage of reduction up to the developer/staff/Commission to determine. They clarified that clustered housing was not limited to certain zones. It could be done in all residential zones, but it would be unlikely in the smallest and the largest zones. The Commission asked the staff to provide them with examples of clustered housing so they could get a better sense of it.

**Existing platted lots.** Ms. Javoronok used the example of tax lots in Willamette, which were not necessarily the underlying platted lots. The proposed amendments would allow the platted lots to be reconfigured to accommodate cluster development on a group of parcels so the resulting development was on areas that were less sensitive. Chair Steel observed the Commissioners were all in agreement with this.

**Dedication and restricted use of land.** The options were to either set restricted use resource areas aside in a tract or in a conservation easement. In each case the city could decide if it wanted the ownership of the land or the benefit of the easement. The City Council was about to discuss this policy question in connection with WRA code. The Commission agreed to wait until then. Points offered during the discussions were in regard to the city 'taking' land; and enforcement of use restrictions and maintenance requirements.

### **COTTAGE HOUSING**

Staff had drafted the proposed code based on good examples of existing cottage housing developments. It established a range of 4 to 12 units and set limits on size and height of homes. The development of smaller homes would be more dense than the underlying zoning district. The Commission did not recommend any changes to this section. During their discussion they talked about whether cottage housing developments should or should not be proximate to each other. Staff offered to look at the proximity question. Observations were made that this type of development of houses with smaller footprints could fit areas with challenging topography and natural constraints; it was a place for seniors wanting to downsize; it could be a place for a younger generation who were more concerned about lifestyle than large houses; this might change city demographics; and the economically disadvantaged population would be more likely to move to apartments with access to a bus line to work instead of clustered homes in West Linn. Staff advised these communities were typically subject to design requirements and West Linn could look at adding design requirements so they looked like well-designed homes that would fit West Linn.

### **ZERO LOT LINE DEVELOPMENT**

This type of development was configured so each house was right at one lot line and had a double size side setback on the other side to provide a little bit more useable yard space for each property owner. The proposed code was basically similar to Portland's. It called for a maintenance agreement and imposed requirements related to privacy considerations. At the end of this discussion there was a 3:2 show of hands vote regarding whether the Commissioners felt good about having this type of development. Chair Steel and Commissioner Martin expressed concerns, but the consensus was to move forward. Chair Steel had concerns about neighbors who did not get along with each other; who disagreed about plantings that grew over the property line; misplaced foundations; and situations such as when one neighbor bounced balls off another's wall. Commissioner Martin commented that West Linn was a suburb with suburban values that included being separated from other houses. Other Commissioners anticipated a zero lot line development made sense in the context of developing a whole neighborhood that way and in that context it would not stand out. Mr. Kerr

advised they were fairly common outside of West Linn. He offered to provide an example from Lake Oswego for the Commissioners to look at.

**Update on CDC and Comprehensive Plan docket**

Mr. Kerr distributed an updated docket for CDC and Comprehensive Plan amendments. He confirmed it reflected City Council priorities. In regard to Economic Development streamlining (2) Commissioner Martin indicated it was critical to learn from last year and have an inclusive process with sufficient outreach.

**ITEMS OF INTEREST FROM THE PLANNING COMMISSION**

Commissioner Martin asked for and received confirmation that all of the Commissioners had submitted their ethics letters by the 15<sup>th</sup>.

**ITEMS OF INTEREST FROM STAFF**

Mr. Kerr announced the next joint City Council/Planning Commission meeting was on July 7. He reported that staff was now distributing completeness letters to neighborhood associations.

**ADJOURNMENT**

There being no other business, Chair Steel adjourned the meeting at approximately 9:20 p.m.

APPROVED:

*Christine M Steel*

Christine Steel, Chair

*6-25-14*

Date