



**PLANNING COMMISSION**  
**Meeting Notes of August 5, 2020**

Commissioners present: Gary Walvatne, Charles Mathews, Jim Farrell, Carrie Pellett, Lamont King, and Margot Kelly  
Commissioners absent: Joel Metlen  
Council Liaison present: William Relyea  
Public: Andrew Tull, West Linn Wilsonville SD representative, Remo Douglas, West Linn Wilsonville SD,  
Staff present: Darren Wyss, Acting Planning Manager, Chris Myers, Associate Planner, Lynn Schroder, Administrative Assistant, Tim Ramis, City Attorney

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**1. Call To Order (timestamp 00:00:01)**

Chair Walvatne call the meeting to order at 6:30 pm. Acting Planning Manager Wyss called the role.

**2. Public Comment Related To Land Use Items Not On The Agenda (timestamp 00:00:11)**

No members of the public asked to speak during the meeting. Acting Planning Manager Wyss noted that the City received emails from Ed Schwarz and Roberta Schwarz requesting that the Planning Commission revise the Tree Code to ensure better tree protection.

**3. Approval of Meeting Notes: November 6, 2019, December 4, 2019, February 5, 2020, February 19, 2020, April 15, 2020, May 6, 2020, and June 3, 2020 (timestamp 00:01:22)**

Commissioner Mathews requested that Section 3 of the June 3, 2020 meeting notes clarify that he disagreed that stormwater facilities should be classified as minor utilities.

Commissioner Farrell asked if the letter to the City Council about ADU SDCs described in the December 6, 2019 meeting notes was sent. Acting Planning Manager Wyss stated he would look into the matter.

Commissioner Pellett requested to strike the comment about her wishing to expedite the 28-foot street width standards in the June 3, 2020 meeting notes.

Commissioner Mathews moved to approve the meeting notes of November 6, 2019, December 4, 2019, February 5, 2020, February 19, 2020, April 15, 2020, May 6, 2020, and June 3, 2020, as revised.

Commissioner Pellett seconded. **Ayes: Commissioners Pellett, Mathews, Farrell, King, Kelly, and Walvatne. Nays: None. Abstentions: None. The motion passed 6-0-0.**

**4. Public Hearing: MISC-20-06, a request for a one-year Temporary Use Permit at Cedaroak Primary School for a temporary portable classroom to meet new state-mandated COVID-19 social distancing regulations for school (timestamp 00:07:44)**

Chair Walvatne called the public hearing for MISC-20-06, a request for a one-year Temporary Use Permit at Cedaroak Primary School for a temporary portable classroom to order.

City Attorney Ramis reviewed the legal matters related to quasi-judicial hearings and the criteria for consideration of MISC-20-06. Responding to conflict of interest, no Commissioners declared a conflict of interest. Commissioner Farrell noted that he has two grandchildren that attend Cedaroak Primary School. Responding to site visits and ex parte contacts, no Commissioners declared any ex parte contacts or site visits. There were no challenges to the jurisdiction, impartiality or disclosures of the Planning Commission.

Planner Chris Myers presented a staff report. The applicant requested a one-year temporary use permit at Cedaroak Primary School to site a temporary classroom to provide additional space to meet new state-mandated Covid-19 social distancing regulations for schools. The structure is 28 x 64 feet and will be served by a small ramp and sidewalk. The structure will be placed on a newly installed gravel pad and be connected to electrical and communication services. No plumbing will be needed for the temporary structure. Placement of the structure will be on the east side of the campus near the soccer fields. All setbacks within the Community Development Code will be met. Access to the site will not be altered, and parking will not be disrupted or changed with the portable classroom placement and no additional staff will be needed.

Staff recommends approval of application MISC-20-06, based on the applicant's findings, supplementary staff findings, and the addition of conditions of approval.

Remo Douglas of the West Linn Wilsonville School District presented the request. He stated that the temporary building is needed to provide additional space to meet new state-mandated Covid-19 social distancing regulations for schools. The District proposes to place the structure on site for a single year. If extra time is needed, the District will apply for a renewal of this application. Andrew Tull of 3J Consulting stated that a condition of approval to start the clock on temporary use once the building was occupied would provide flexibility to respond to the COVID mandates. The site would be fully restored back to original conditions when it is removed.

There was no public comment on this application. Chair Walvatne closed the public hearing.

Vice Chair Mathews moved to approve MISC-20-06 with a condition of approval that the start date for the temporary use does not begin until the facility is occupied. Commissioner Pellett seconded. **Ayes: Commissioners Pellett, Mathews, Farrell, King, Kelly, and Walvatne. Nays: None. Abstentions: None. The motion passed 6-0-0.**

**5. Public Hearing: CDC-20-01, to consider adopting text amendments to the 2016 West Linn Transportation System Plan and to West Linn Community Development Code Chapters 2 and 85. (timestamp 00:46:20)**

Chair Walvatne called the public hearing for CDC-20-01 to consider adopting text amendments to the 2016 West Linn Transportation System Plan and to West Linn Community Development Code Chapters 2 and 85 to order. He stated that the Planning Commission's role is make a recommendation to the City Council.

City Attorney Ramis stated that the Commission's decision must be based on consideration of:

- 1) the statewide planning goals and administrative rules adopted under ORS Chapter 197,
- 2) applicable federal or state statutes or rules,
- 3) applicable plans and rules adopted by Metro, and
- 4) on the City's comprehensive plan and development code.

The Commission may consider any relevant testimony it receives. Additionally, he stated that failure to raise an issue during the City's hearing on this matter precludes an appeal to the Land Use Board of

Appeals based on that issue. Any party with standing may appeal the decision to the State Land Use Board of Appeals

Any party with standing may appeal the decision of the City Council to the State Land Use Board of Appeals. Persons with standing include those who submit written comments or present oral arguments. None of the Commissioners declared a conflict of interest or any ex parte contacts or site visits. There were no challenges to the jurisdiction, impartiality, or disclosures of the Planning Commission.

Acting Planning Manager Darren Wyss presented the proposed changes to the CDC. The proposal includes amendments to the 2016 West Linn Transportation System Plan, and to the West Linn Community Development Code (CDC) Chapters 2 and 85. The proposal responded to community concerns over the width of streets in new subdivisions and a Planning Commission request to clarify and codify whether stormwater “ponds” were a minor utility. The amendments to the Comprehensive Plan and Community Development Code clarifies that 28-foot local streets is the default in new subdivisions but allows the PC to reduce the width upon consideration of conditions. Additionally, the amendments change major and minor utilities' definition to clarify that stormwater facilities are minor utilities and are permitted outright with new development. The City did not receive written comments on the proposed amendments.

There was no public comment on this application. Chair Walvatne closed the public hearing.

Vice Chair Mathews requested that the street width and major/minor utility amendments be voted on separately. He stated that he considers stormwater ponds should be major utilities. He did not support the proposed amendment to change the definition. He instead wanted to pursue a Chapter 80 hearing on the matter.

Commissioner Pellett supported Vice Chair Mathews's position on stormwater facilities. She requested to vote separately on the amendments.

Commissioner Farrell stated his concern about allowing 24-foot wide streets.

Commissioner King moved to recommend City Council adoption of the proposed amendments as presented for implementing the 28-foot pavement width as the default for local streets in new subdivisions and direct the Chair to sign the transmittal letter. Commissioner Mathews seconded. **Ayes: Commissioners Pellett, Mathews, Farrell, King, Kelly, and Walvatne. Nays: None. Abstentions: None. The motion passed 6-0-0.**

The Commission deliberated but did not vote on the proposed amendments to the major and minor utility definitions. Instead, the Commission opted to create a subcommittee to analyze the stormwater facility issue further and recommend the City Council place the issue on the docket and prioritize the issue.

**6. Discussion: HB2001/HB2003 Rulemaking Comment Period Commission (timestamp 02:15:43)**

Acting Planning Manager Wyss provided an update on the state rule-making process. He stated that the City Council plans to submit comments to the state on the rule-making process. The Council requested input from the Planning Commission.

**7. Items Of Interest From the Planning Commission (timestamp 02:28:15)**

Commissioner Pellet requested that the tree code be placed on the docket for the PC to review. Chair Walvatne stated that the PC would send a letter to the CC stating that the tree code needs to be updated

to provide more protection for trees on land to be developed and request that the issue be placed on the PC docket.

Chair Walvatne requested that the public comment on the ODOT I205 tolling proposal on the ODOT website.

**8. Items Of Interest From Staff (timestamp 02:37:57)**

Acting Planning Manager Wyss recapped the meeting and provided an update on the upcoming PC schedule.

**9. Adjourn (timestamp 02:43:12)**

Chair Walvatne adjourned the meeting at approximately 9:19 pm.