



**PLANNING COMMISSION**  
**Meeting Notes of April 20, 2022**

Commissioners present: Gary Walvatne, Charles Mathews, Carrie Pellett, Scott Erwin, Joel Metlen, and Bayley Boggess.  
Commissioners absent: John Carr  
Council Liaison present: William Relyea  
Public present: Teri Cumming, Karie Oakes  
Staff present: Planning Manager Darren Wyss, Associate Planner John Floyd, City Attorney Bill Monahan, and Lynn Schroder, Administrative Assistant

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The meeting video is available on the [City website](#).

**1. Pre-Meeting Work Session on Procedural Matters**

Associate Planner John Floyd reviewed procedural matters related to CDC-22-01. Chair Walvatne asked the City Attorney about potential bias. The City Attorney said there were no bias issues in legislative matters.

**2. Call To Order and Roll Call**

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

Chair Walvatne stated that he had received a request from a Councilor to revise the Planning Commission agenda to add a discussion on citizen involvement for the design phase of the Fields Bridge roundabout.

Vice-Chair Mathews moved to revise the agenda to add a discussion on Goal 1 Citizen Involvement. Commissioner Pellett seconded. Commissioner Boggess asked for clarified the amendment. **Ayes: Erwin, Metlen, Pellett, Boggess, Mathews, and Walvatne. Nays: None. Abstentions: None. The motion passed 6-0-0.**

**3. Public Comment Related To Land Use Items Not On The Agenda**

[Teri Cummings](#) submitted materials and testified about the Transportation System Plan and process, the proposed Fields Bridge and 10<sup>th</sup> Street roundabout projects, and public participation.

[Karie Oakes](#) submitted a letter and testified about the public process related to the Willamette Falls Drive (WFD) Concept Plan and the 10th Street Interchange Project.

**4. Approval of Meeting Notes: [03.16.2022](#)**

Commissioner Mathews requested clarification of his position in the 03/16/22 meeting notes. Chair Walvatne requested that Teri Cummings public comments include additional language. He also asked that the closing time reference be removed from the applicant's testimony in Agenda Item 5: Public Hearing DR-22-11/MISC-22-12. Commissioner Boggess disagreed with removing the closing time reference in the meeting notes because the applicant did provide that detail at the hearing. Commissioners agreed on modified language related to the closing time of the food carts. Commissioner Pellett moved to approve the meeting notes as corrected. Commissioner Mathews seconded. **Ayes: Mathews, Pellett, Erwin, Carr, Metlen, Boggess, and Walvatne. Nays: None. Abstentions: The motion passed 7-0-0.**

**5. Legislative Public Hearing: [CDC-22-01 Historic Review Board Proposed Amendments to Community Development Code Chapters 2, 25, 58, and 99](#)**

Chair Walvatne opened a legislative hearing for CDC-22-01, a proposal to amend Chapters 2, 25, 58, and 99 of the West Linn Community Development Code. The purpose of the amendments is to clarify existing standards and review procedures and update design standards to better align with the sidewalk improvements constructed as part of the Willamette Falls Drive Streetscape Project.

City Attorney Monahan addressed legal standards and appeal rights. He addressed Planning Commission conflicts of interest and bias challenges. No Planning Commissioner declared a conflict of interest. Monahan asked if any member of the audience wished to challenge the Planning Commission's jurisdiction or impartiality of any member of the Planning Commission. There were none.

Associate Planner John Floyd presented the staff report. Starting in 2019, under Council Direction, the Historic Review Board (HRB) worked on updates to Chapters 2, 25, 58, and 99 to correct known issues such as ambiguous standards and changing realities of streetscape enhancements along Willamette Falls Drive. The goals of the CDC update were to:

- Increase clarity for all users (processes and standards),
- Increased flexibility for exceptional projects and new technologies,
- Reflect changing realities on the ground, and
- Stronger consistency with Federal guidelines.

On January 18, 2022, the HRB voted 6-0 to forward a package of recommended text amendments to the Planning Commission for review and consideration. The Planning Commission met with HRB and planning staff members in a work session on February 16, 2022, to discuss the proposed text amendments

To provide clear expectations to property owners and guidance to decision-makers, the HRB recommended prioritizing preservation over emulation, making existing standards clearer and more objective, strengthening language prohibiting "demolition by neglect," and enhancing enforcement authority.

The HRB also addressed conflicting language, unclear expectations, burdensome reviews, and no provision for non-period structures by clarifying that CDC 58 prevails in case of conflict with CDC 55 (Design Review). They also recommended updated awning standards due to conflicts with the new streetscape, exempting ordinary maintenance and repair, creating a path for HRB to approve alterations to out-of-period buildings, and removing reference to minor alteration process.

Floyd concluded his staff report.

Commissioners Mathews asked why the section on flags and banners was proposed to be removed in Chapter 58. Floyd responded that those items were regulated in Chapter 52 Sign Code.

Jody Carson, representing Historic Willamette Mainstreet, testified supporting the proposed Chapter 58 amendments. Historic Mainstreet strongly supported the new language providing a review path for out-of-period structures. Commissioner Mathews asked about Historic Willamette's perspective on eliminating the prohibitions on signs and banners under Chapter 58. Carson responded that Historic Willamette has had many discussions on signs in the district. They supported taking the sign regulation out of Chapter 58 and moving it to Chapter 52.

Chair Walvatne closed the public hearing and open deliberations. The Commission discussed details of the

proposed code changes.

Chair Metlen recommended that the definition of Demolition by Neglect in CDC Chapter 02 replace the word "Vagrant" with a less offensive term. City Attorney Monahan recommended replacing the term with "unauthorized person or persons without the right to legal access."

Metlen asked if the phrase "to avoid creating a false sense of history" in Section 25.68.5 was clear and objective. Floyd responded that historic resources regulation is not subject to clear and objective standards like other code sections. He noted that the term "false sense of history" comes from the Secretary of the Interior's historic preservation standards.

Metlen asked about the level of awareness of the proposed amendments with those who they would impact. Floyd noted that the HRB is made up of historic homeowners and architects. Additionally, Historic Willamette has been engaged in the code update process.

Chair Walvatne recommended that staff include a definition for "Design Exception" in Chapter 2 as proposed in CDC Chapter 58. The definition's purpose is to clarify that the procedure is limited to projects subject to Chapter 58 and is not generally applicable across the city.

Commissioner Boggess supported the proposed code changes with the "design exception" language included, and the "vagrant" language changed.

Commissioner Pellett moved to recommend the proposed code changes to the City Council with the change of the "vagrant" definition. Commissioner Erwin seconded. **Ayes: Metlen, Pellett, Erwin, Carr, Boggess, Mathews, and Walvatne. Nays: None. Abstentions: None. The motion passed 7-0-0.**

Chair Walvatne moved to recommend the staff develop a "Design Exception" definition to be crafted with input from the City Attorney that is limited to Chapter 58 application. The definition should be included in the recommendation to the City Council. Commissioner Mathews seconded. **Ayes: Metlen, Pellett, Erwin, Carr, Boggess, Mathews, and Walvatne. Nays: None. Abstentions: None. The motion passed 7-0-0.**

## **6. Discussion: Citizen Involvement in Design Phase of Fields Bridge Roundabout**

Chair Walvatne opened a discussion on citizen involvement in the design phase of the Fields Bridge Roundabout. He summarized the Planning Commission review of the Willamette Falls Drive Concept Plan in 2021. At that time, the Planning Commission understood that the concept plan was preliminary and the subsequent design would include further review and citizen involvement.

Planning Manager Wyss clarified that the City Council did not request that this item be added to the agenda. Chair Walvatne clarified that Councilor Baumgardner reached out to him about adding this item to the Planning Commission agenda to determine if further public participation for the Fields Bridge roundabout project was recommended. Wyss noted that, although the City Council and Planning Commission discussed it, the City Council did not add this item to the PC docket for the joint work session on April 4, 2022.

Commissioner Boggess stated that since she was not present in the Chambers to receive Teri Cummings packet, she requested that the item be tabled to a future agenda when the materials could be provided to all Commissioners for review.

Vice Chair Mathews asked the City Attorney for clarification on Planning Commission initiated hearings on the matter. Monahan responded that the Planning Commission could request the City Council to add the issue to the docket.

Commissioner Boggess commented that she would like the PC to focus on the existing docket items. She felt that individuals were creating the PC agenda rather than the PC as a body making the agenda.

Commissioner Erwin agreed with Commissioner Boggess. He stated that the May PC agendas are full with HB 2001 work sessions and hearings. House Bill 2001 is very important to the future of West Linn. He suggested that the TAB could consider the matter.

Commissioner Boggess agreed that a more robust conversation around the Fields Bridge roundabout design and public outreach is necessary. Still, she did not agree with the method by which the item was added to the PC agenda. She agreed with Commissioner Erwin that the TAB should consider the matter.

Chair Walvatne tabled the discussion.

## **7. Planning Commission Announcements**

Commissioner Pellett requested an opportunity to discuss Chapter 80 and how it should be used to establish code for food carts instead of code amendments.

Planning Manager explained that this Agenda Item intends to announce items that may interest Commissioners. It is not intended to be an open discussion on a specific topic. Discussions on particular issues should be added to the agenda so staff and Commissioners can be prepared and the matter can be appropriately publicized so that the public is aware of the agenda topic and has a chance to participate.

Commissioner Boggess agreed that the public should be aware of discussion topics in advance.

Commissioner Pellett discussed Chapter 80 and DR-21-11/MISC-21-14 decision.

Commissioner Boggess reiterated that she did not think this agenda item was an appropriate venue to discuss topics such as Chapter 80 applications. She reiterated that she was not informed on the matter and did not have any material or background to contribute to the discussion. She did not think it was a fair process for Commission or the public to allow this agenda item to be a platform for a Commissioner to advocate individual issues. She also noted that the food cart issue was brought up in the joint work session with the City Council, and there was no capacity to add it to the docket.

Commissioner Erwin agreed with Commissioner Boggess that this matter is not appropriately discussed under this agenda item. He disagreed with Commissioner Pellett's analysis of the DR-21-11/MISC-21-14 decision. He agreed that food carts should be added to a future agenda once more pressing projects are completed.

Councilor Relyea noted that CAGs are encouraged to establish annual goals and action items that reflect any specific duties, projects, or goals the Council has assigned or established. Community advisory groups are expected to suggest, support, and advance Council goals and are encouraged to look for ways within the scope of the group's responsibilities. Several years ago, the Council set a goal of greater community involvement. He said the language does allow the PC to place an item on the agenda that is a Council goal.

**8. Staff Announcements**

Planning Manager Wyss noted that the City had trouble sending emails.

Wyss announced that May 4, 2022, Planning Commission meeting would be a work session on the HB2001 code amendment proposal. The legislative hearing is scheduled for May 18, 2022.

**9. Adjourn**

Chair Walvatne adjourned the meeting at approximately 8:52 pm.