



**PLANNING COMMISSION
Meeting Notes of May 18, 2022**

Commissioners present: Gary Walvatne, John Carr, Carrie Pellett, Scott Erwin, Joel Metlen, and Bayley Boggess.
Commissioners absent: Charles Mathews
Consultant Present: Alex Dupey, MIG Consultants
Public: Kim Bria and Shannen Knight
Staff present: Planning Manager Darren Wyss, City Attorney Bill Monahan, and Lynn Schroder, Administrative Assistant

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

1. Pre-Meeting Work Session on Procedural Matters

Planning Manager Wyss reviewed the timeline and process leading up to the legislative hearing for CDC-22-02. City Attorney reviewed procedural matters for the legislative hearing. Walvatne asked the City Attorney about the legislative script.

Chair Walvatne asked questions about the process related to a proposal submitted by Commissioner Pellett to add a section to the CDC to require neighborhood associations to review overlay zones every three years.

2. Call To Order and Roll Call

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

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

None.

4. Public Hearing – [CDC-22-02 HB2001 Code Amendments](#)

Chair Walvatne opened a legislative hearing for CDC-22-02, a proposal to amend Chapters 2, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 21, 24, 43, 46, 55, 59, and 60. The purpose of the amendments is to comply with Oregon House Bill 2001 and associated rules found in Oregon Administrative Rules Chapter 660 Division 46. The amendments address provisions for middle-housing types (duplex, triplex, quadplex, townhouse, and cottage cluster development) in areas currently allowing single-family detached homes.

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.

Planning Manager Wyss presented the staff report.

In 2019 the Oregon Legislature enacted Oregon House Bill 2001 (HB2001), which required large cities to allow “middle-housing” within zones that allow for the development of single-family detached dwellings. The City was required to either adopt development code standards by June 30, 2022 to meet the HB2001

administrative rules or implement the HB2001 Model Code. Middle-housing types include duplex, triplex, quadplex, townhouse, and cottage cluster development. The City approached the project in two phases.

In Phase 1, the City Council appointed a Working Group to develop a draft code package. The Phase 1 Working Group drafted a “de minimus” code package to meet HB2001 minimum requirements and a series of policy questions to ask the community in Phase 2.

From October to December 2021, City staff completed a public engagement process to receive public input on nine policy questions. The policy questions focused on actions the City could take to go above the minimum requirements and help promote middle-housing development. The community identified three support areas above the “de minimus” package: allowing detached plexes, increasing maximum lot coverage standards, and increasing maximum floor area ratios.

The City Council appointed a Phase 2 Working Group to develop a recommended HB2001 code amendment proposal to bring through the legislative process. The working group met four times and recommended the “de minimus” package with three adjustments:

- Allowing detached plexes,
- Increasing FAR for plexes in R-10 and R-7 zones from 45 percent to 60 percent, and
- Eliminating FAR and Lot Coverage for all middle-housing types in R-5, R-4.5, R-3, and R 2.1 zones

The Planning Commission reviewed the Phase 2 Working Group’s recommended HB2001 Code Amendment Package at its May 4, 2022 work session.

Wyss concluded his staff report. Commissioners asked clarifying questions about setbacks, detached plexes, accessory dwelling units, required street improvements, system development charges, lot coverage, FAR, and building massing.

Chair Walvatne asked for public testimony.

Kim Bria, a Phase 2 Working Group member, testified in support of the proposed code amendment package. She noted that an immense amount of work went into the proposed code amendments.

Shannen Knight, a Phase 2 Working Group member, testified in support of the proposed code amendment package. She commented that the FAR recommendations limit the size of plexes to be compatible with other buildings in the neighborhood.

Chair Walvatne noted that written testimony was received from Karie Oakes, Shannen Knight, Ed and Roberta Schwarz, and Steve Kelly.

Chair Walvatne closed the public hearing and open deliberations.

Commissioner Boggess moved to recommend City Council approves CDC-22-02 by adopting Ordinance 1736 with the amendment to remove the FAR requirements for all middle housing types in all zoning districts. Commissioner Pellet seconded.

Commissioners clarified the various code package options reviewed by the Phase 2 Working Group, the resulting recommendation, and the proposed motion.

By removing the FAR, Commissioner Boggess supported providing more habitable space without changing

the existing lot setbacks.

Commissioner Erwin did not support the proposed motion. He supported the Working Group's recommendation, including the proposed FAR as the best compromise to allow larger units while addressing the concern about building mass.

Commissioner Pellet objected to removing the FAR because it would result in buildings that loom large on a lot. She stated that large infill buildings would not be compatible with existing houses. She did not support densifying already dense lots.

Chair Walvatne noted that neighborhoods have CC&R and covenants that prohibit plexes. He was concerned that some neighborhoods could prohibit plexes while others allow them. He wanted to exercise caution on the neighborhood impact.

Commissioner Boggess called the question.

Ayes: Boggess. Nays: Metlen, Pellett, Erwin, Carr, and Walvatne. Abstentions: None. The motion failed 1-5-0.

Commissioner Pellett moved to review each of the proposed amendments in the Working Group's recommendation separately. There was no second, and the motion died.

Commissioner Erwin move to recommend the Working Group's proposed amendment package as presented to the City Council. Commissioner Carr seconded.

Commissioner Metlen stated that the proposed amendments' outcome is difficult to predict. He noted that the code could be adjusted once it becomes clear how middle housing develops. He supported the Working Group's proposed amendment package as a compromise.

Commission Carr noted that while the legislation is not perfect, the intended purpose of HB2001 to provide middle housing is very much needed. He shares the perspective of Commissioner Metlen in that there is much unknown about how middle housing will occur. He strongly supported the compromise of the Working Group.

Commissioner Pellett was concerned about the lack of involvement of residents in the proposed code amendments. She noted that the Code package does not include anything to compel middle housing development.

Chair Walvatne was concerned about FAR and building massing.

Ayes: Erwin, Carr, Metlen. Nays: Pellett, Boggess, Walvatne. Abstentions: None. The motion failed 3-3-0.

Chair Walvatne suggested that each of the proposed amendments in the Working Group's recommendation be decided separately. He moved to recommend the "de minimus" package to the City Council. Commissioner Metlen seconded.

Chair Walvatne did not support removing the FAR for middle housing because he did not want to provide differential treatment for housing types. He was concerned about building massing on infill lots. He stated that applicants could seek a variance to increase the FAR.

Commissioner Erwin did not think increasing the FAR through a variance process was practical.

Ayes: Pellett, Metlen, and Walvatne. Nays: Erwin, Carr, and Boggess. Abstentions: None. The motion failed 3-3-0.

City Attorney Monahan clarified that voting on each package element could have unintended consequences.

Commissioner Erwin moved to recommend the Working Group's proposed code changes to the City Council with two amendments. The Planning Commission recommended the "de minimus" package with the following adjustments:

- Allowing detached plexes,
- Increasing FAR for plexes in R-10 and R-7 zones from 45 percent to 55 percent,
- Increasing FAR for all middle-housing types in R-5 and R-4.5 zones from 45 percent to 60 percent, and
- Eliminating FAR and Lot Coverage for all middle-housing types in R-3 and R 2.1 zones.

Commissioner Pellett seconded. **Ayes: Metlen, Pellett, Erwin, Carr, Boggess, and Walvatne. Nays: None. Abstentions: None. The motion passed 6-0-0.**

5. Planning Commission Announcements

None.

6. Staff Announcements

Wyss proposed canceling the next meeting. Commissioners agreed.

7. Adjourn

Chair Walvatne adjourned the meeting at approximately 9:48 pm.