



22500 Salamo Road
West Linn, Oregon 97068
<http://westlinnoregon.gov>

2022 CDC Amendments Working Group
Meeting 5 Agenda

Wednesday, May 25, 2022
3:00 – 5:00 pm Virtual Meeting

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1. Welcome and Introductions (3:00pm)
 2. Role of the Working Group (3:10pm)
 - a. Purpose/Goal (Staff)
 - b. Meeting Guidelines (Staff)
 3. Meeting 4 Review (3:15pm)
 - a. Summary Notes (Group Discussion/Agreement)
 - b. HB2001 Recommendation Update (Staff)
 4. CDC Chapter 96 Discussion (Staff/Group Discussion) (3:30pm)
 - a. Purpose of CDC Chapter 96
 - b. Policy Questions to Answer
 - c. Existing Code Language
 - d. Proposed Code Language
 5. Meeting 6 Tasks (Staff/Group Discussion) (4:40pm)
 6. Public Comment (4:50pm)
 7. Adjourn (5:00pm)

Meeting Notes:

The 2022 CDC Amendments Working Group meeting will be conducted virtually via WebEx. The public can watch the meeting online at:

Submit written comments to dwyss@westlinnoregon.gov before 12:00 pm on the meeting day. To participate remotely during the meeting, please complete the form at: <https://westlinnoregon.gov/citycouncil/meeting-request-speak-signup> by 12:00 pm on the meeting day. Staff will email a Webex invitation before the meeting. If you do not have email access, please call 503-742-6061 for assistance 24 hours before the meeting. If you require special assistance under the Americans with Disabilities Act, please call City Hall 48 hours before the meeting date, 503-657-0331.

Memorandum

Date: May 19, 2022

To: 2022 CDC Amendments Working Group

From: Darren Wyss, Planning Manager

Subject: Meeting #5

Thanks to the Working Group for getting through Task 1 and recommending the HB2001 Code Amendment Package at the last meeting in April. The focus of the next two meetings (May and June) will shift to Task 2 and making a recommendation on Community Development Code (CDC) Chapter 96 amendments. CDC Chapter 96 outlines when street improvements are required for development on a single lot or parcel. Associate Planner Chris Myers is managing this project and will help lead the discussion/answer questions. Chris can be reached at cmyers@westlinnoregon.gov or 503-742-6062.

This memo is intended to provide background information on the Meeting 5 Agenda topics and help to frame topics for the group discussion. The agenda topics have been addressed individually below and we encourage you to become familiar with the subject matter in advance of the meeting. We also encourage you to ask clarifying questions in advance. Both will help the meetings be more efficient and effective at getting to group consensus and a final recommendation. Feel free to email Chris or myself dwyss@westlinnoregon.gov or call 503-742-6064 at any time with questions or to get clarification on the materials.

Role of the Working Group (Agenda Item 2)

The following items are included in the packet:

1. Working Group Purpose, Goals, and Membership
2. Approved Meeting Guidelines

Meeting 4 Review (Agenda Item 3)

The following items are included in the packet:

1. Meeting 4 Summary Notes

The working group meetings are being recorded and posted to the [City's meetings page](#). Staff will also produce a general summary of each meeting, with the goal to capture major points of discussion and consensus. Please review the attached Meeting 4 Summary Notes and bring recommended additions/deletions to the meeting for discussion and consensus.

The Working Group recommended HB2001 Code Amendment Package was reviewed by the West Linn Planning Commission at the initial legislative public hearing on May 18th and some minor changes were made as part of its recommendation to City Council. City Council is scheduled to have a work session on the proposal on June 6th and a public hearing on June 13th for final adoption of the HB2001 Code Amendment Package. Here are the changes recommended by the Planning Commission:

Topics Above “De Minimus” Package	Working Group Recommendation	Planning Commission Recommendation
Allow Detached Plexes	Yes	Yes
R-10/R-7 FAR Increases	45% to 60%	45% to 55%
R-5/R-4.5 FAR & Lot Coverage Increases	Remove Maximum Lot Coverage Remove Maximum FAR	Max Lot Coverage remains 40% Maximum FAR 45% to 60%
R-3/R-2.1 FAR & Lot Coverage Increases	Remove Maximum Lot Coverage Remove Maximum FAR	Remove Maximum Lot Coverage Remove Maximum FAR

CDC Chapter 96 Discussion (Agenda Item 4)

The following items are included in the packet:

1. Memo from Chris Myers
2. Jurisdictional Comparison Table
3. Commercial Construction Table
4. Residential Construction Table
5. Existing CDC Chapter 96 Code Language

The goal of this agenda item will be to work towards consensus on three questions:

1. Which types of commercial and residential development shall require street improvement?
2. Should the City allow fee-in-lieu of construction street improvements?
3. If fee-in-lieu is allowed, how does the City determine when to accept this alternative?

If you have questions about Meeting 5 or materials, please feel free to email or call me at dwyss@westlinnoregon.gov or 503-742-6064. As always, please submit questions before the meeting to increase the efficiency and effectiveness of the discussion as it allows staff to prepare materials and distribute them for your consideration. Thank you and hope to see everyone on the 25th.

Agenda Item #2 Materials

The West Linn City Council appointed a limited-duration Working Group, as outlined in West Linn Community Development Code Chapter 98.035, to review and make recommendations on three code amendment projects currently underway. As part of the appointment process, a purpose and goal statement was also created.

Goal

The 2022 Working Group will recommend a code amendment package for each of the three projects:

1. *HB2001 Implementation*
2. *Clear and Objective Standards for Housing*
3. *Chapter 96: Street Improvement Construction*

Purpose

The 2022 Working Group will provide input on the three projects by reviewing, discussing, and revising the draft code amendment packages. The 2022 Working Group will meet monthly addressing HB2001 Implementation first, Chapter 96 second, and the Clear and Objective Standards last.

The City has a consultant team (MIG, Inc.) working on HB2001 Implementation and another consultant team (Angelo Planning Group) working on the Clear and Objective Standards for Housing project. Both consultant teams will be part of the 2022 Working Group process.

The working group is scheduled to meet monthly beginning in January 2022. West Linn Planning staff anticipates a minimum of eight meetings will be required to review and recommend code amendment packages for all three projects.

Membership

Rory Bialostosky Mary Baumgardner (Alternate)	City Council
Charlie Mathews Scott Erwin Carrie Pellett (Alternate)	Planning Commission
Shannen Knight Dan Tedrow Vicki Olson (Alternate)	Committee for Citizen Involvement
Tom Watton	Historic Review Board
Shannon Ilas Shannen Knight (Alternate)	Economic Development Committee
Greg DiLoreto	Transportation Advisory Board
Kim Bria	Sustainability Advisory Board
Darren Gusdorf	Development Community
JJ Portlock	Development Community
Jim Farrell	Community-at-Large

2022 Working Group Meeting Guidelines

Updated January 27, 2022

1. Meetings will generally be held on 4th Wednesday of Month. They will begin at 3:00 PM and end by 5:00 PM. **Meetings will start and end on time.** Changes to the meeting day or time must be approved by a majority of the committee.
2. Staff will provide agendas and all supplemental meeting materials to the members by the Wednesday immediately preceding the next meeting.
3. Staff will record the meetings.
4. Members accept the responsibility to come to the meetings prepared for the discussions.
5. To promote efficient and effective meetings, members should make a reasonable attempt to provide questions to staff in advance of meetings to allow time for research and distribution of answers/materials to the group before the meeting.
6. The Chair will manage meetings by keeping discussions focused, ensuring all points of view are heard, maintaining civility, and adhering to the agenda.
7. Members will fully explore the issues and search for creative solutions before forming conclusions. When members have divergent perspectives on topics under discussion, members should identify where they disagree as well as where they agree and identify the rationale for their position.
8. Each member is an equal participant in the process and will have an equal opportunity to voice opinions and contribute ideas.
9. Members shall make a concerted effort to focus on the topics under discussion.
10. The Working Group will strive to achieve consensus on recommended CDC amendments. If consensus cannot be achieved, a vote of members present will be taken. Alternate members will only vote if the regular member is not present. The majority recommendation and dissenting opinions will be forwarded as appropriate.
11. Requests for information from staff will be limited to items that can reasonably be provided.
12. Members may not present themselves as speaking for the Working Group unless authorized to do so by a majority vote of the Working Group. Members are welcome to participate in any public meetings and discussions as private citizens.
13. Time shall be allotted at the end of each meeting to allow members of the public to comment.
14. Any written comments received from the public by staff will be provided to all members.

Agenda Item #3 Materials



**2022 CDC AMENDMENTS WORKING GROUP MEETING
Draft Meeting Notes of April 27, 2022**

<u>Members:</u>	Planning Commissioner Charlie Mathews, Planning Commissioner Scott Erwin, CCI Member Shannen Knight, EDC Member Shannon Ilas, SAB Member Kim Bria, Member-at-large Darren Gusdorf, Member-at-large Jim Farrell, CCI Member Vicki Olson (Alternate), HRB Member Tom Watton, TAB Member Greg DiLoreto
<u>Members absent:</u>	Member-at-large JJ Portlock, Council President Rory Bialostosky, Planning Commissioner Carrie Pellett (Alternate), Councilor Mary Baumgardner (Alternate), CCI Member Dan Tedrow
<u>Staff present:</u>	Darren Wyss, Planning Manager and Lynn Schroder, Administrative Assistant
<u>Consultants present:</u>	Sou Garner and Alex Dupey, MIG Consultants

The meeting video is available [here](#).

1. Welcome and Introductions

Chair Farrell opened the meeting and took the roll.

2. Role of the Working Group - Purpose/Goal/Meeting Guidelines

Planning Manager Wyss reviewed the goal and purpose of the Working Group. The West Linn City Council appointed a limited-duration Working Group to review and recommend three Code amendment projects currently underway. The 2022 Working Group will comment on the Code projects by reviewing, discussing, and revising the draft Code amendments. The purpose of the 4/27/22 meeting was to find consensus on the recommendations on HB2001 amendments to the Planning Commission. Wyss reviewed the voting guidelines.

3. Meeting 3 – March 23, 2022 Review - Summary Notes and Meeting 3 Discussion Recap

The Working Group approved the March 23, 2022 Meeting Notes as drafted.

Wyss summarized the March 23, 2022 meeting. He noted that a number of updates were made to the proposed code amendments package based on comments from earlier meetings. Members discussed going above the di minimus code amendment package to decrease the FAR on middle housing in some zones and to allow an increase in lot coverage for middle housing in some zones. The Working Group requested a draft of the di-minimus choice and two more middle housing forward packets for consideration by the Working Group at this meeting.

4. HB2001 Code Package Discussion #3

The Working Group discussed existing Community Development Code standards, options for plexes, and options for townhomes.

Charlie Mathews supported the di minimus package because he felt that current homeowners expect empty lots to be infilled with single-family homes. He was not happy with the concept of middle housing on infill lots. He did not support any changes to the floor area ratio for middle housing because the reasons

it was put in the CDC are relevant.

Greg DiLoreto supported increasing the FAR to allow larger middle housing units because it makes better sense to build and sell the units.

Shannen Knight did not like the zoning mandated requirements for HB 2001. She said the reason for more dense zones near major arterials is to access public transportation and the road are better able to handle the increased traffic flows. She said it makes sense to remove FAR requirements in denser zones to create better size homes. She did not support increasing the FAR in less dense zones because the infrastructure could not handle the increased density. A less dense zone would allow reasonable size middle housing without changing the FAR.

Scott Erwin noted that most residential land in West Linn is of lower density. He said a 60% increase in FAR across the board would allow larger, family-friendly middle housing units. He supported option 2.

Wyss noted that FAR increases for R-7, R-5, R-4.5, R-3 and R-2.1 are proposed. No FAR changes are proposed for R-15, R-20, or R-40 zones.

Shannon Ilas noted that people are concerned that the single-family home next to them will be razed, and a duplex or triplex would be put in its place. However, she recognized the need for middle housing options in the City. She supported keeping the FAR as it is currently for R-10.

Alex Dupey clarified that the FAR question is really about the design of the units and how they might fit within each zone. The questions are about site design for middle housing, specifically bulk and mass. The site design for townhomes is under consideration.

Jim Farrell noted that most people would not like to live in a 400 to 700-square foot house. He supported removing the FARs for higher density zones to allow larger units. He was concerned about centralizing middle housing in certain areas of the City. Owner-occupied units is important. He supported Option 2.

Knight was against increasing lot coverage in R-10; however, she would consider it for higher density zones. She supported lot coverage of 50% for townhomes.

Darren Gusdorf supported removing lot coverage requirements in higher density zones and sticking with setback requirements. He supports Option 3 for R-2.1 to R-5 because otherwise, plexes would not be built in these zones. He suggested a fourth option that combined some of the points made by the group. He suggested Option 2 for R7 and R10 and Option 3 for R-5 to R-2.1. Setbacks would dictate the square footage on denser lots.

Erwin did not want to spend too much time discussing R-2.1 to R-5 because those lands make up only 9% of residential lots. He wanted to focus on R-7 and R-10 to facilitate the intent of HB2001 to provide options for middle housing for families. He did support the fourth hybrid option presented by Gusdorf.

Kim Bria advocated for allowing for middle housing where people can raise a family inside the City limits.

Ilas noted that it is not just families seeking middle housing; it is also retirees and single people looking to get into homeownership. She stated that smaller units were ok, but they needed to be quality homes where people aren't squished together. Although she supported 45% FAR, she could support Option 2 for R-7 and R-10 and Option 3 for R-5 to R-2.1.

Mathews suggested moving all three options to the Planning Commission to allow community members to weigh in on them.

Erwin disagreed with Mathews. He thought the Working Group should recommend one option to clarify what the Working Group, whose members represent broad community interests, reached a consensus. Bria concurred. She noted that the Working Group will have spent much more time flushing out the consequences of these changes than most public members, so a firm consensus from the group is important. She noted that the broader public would have input on the proposed amendments regardless of the Working Group's recommendation.

Gusdorf, DiLoreto, Watton, Bria, Erwin, Knight, and Ilas supported the Option 4 hybrid proposed by Gusdorf. Overall there was strong support for increasing the FAR to 60% on R-7 and R-10 and removing FAR on R-5 to R2.1 zones and town houses.

Olson and Farrell were less supportive of a hybrid Option 4. Mathews did not support a hybrid Option 4. Farrell supported Mathews proposal of moving the 3 options forward to the Planning Commission.

Knight responded that the Council directed the Working Group to present a recommendation to the Planning Commission.

Dupey discussed the outcome of potential size of townhome under Option 4. The Working Group added the caveat that townhomes in R-7 and larger zones have the same design standards as single-family homes. The average minimum lot sizes for townhouses is 1,500 sq. ft.

5. Meeting 5 Agenda/Tasks

The next meeting is on May 25, 2022. The Working Group will begin consideration of Chapter 96 Street Improvement amendments.

6. Public Comment

None.

7. Adjourn

Chair Farrell adjourned the meeting at 5:00 pm.

Agenda Item #4 Materials



CITY OF West Linn

Date: May 18, 2022
To: Code Amendment Working Group
From: Chris Myers, Associate Planner
Subject: Chapter 96 Code Amendments

The Chapter 96 Code Amendment project is a policy analysis aimed at determining which types of single-lot development require street improvements and the associated code clean up.

Chapter 96 of the Community Development Code (CDC) governs when street improvements are required for development. It is the intention of the Planning and Engineering Departments to clarify which types of development require street improvements, at what point those improvements must happen, and whether we should allow a fee-in-lieu of constructing street improvements. Clarifying these requirements will remove uncertainty for property owners and create clear and objective standards by which Planning and Engineering can evaluate development applications.

Street improvements: Also known as half-street improvements are commonly required during single-lot development. The City requires a property owner to build a curb, gutter, sidewalk, planter strip, drainage, and pavement improvements as needed. The required improvements extend to the mid-point of the right-of-way. Half-street improvement requirements are how streets and sidewalks are connected and completed when previous development was not part of a subdivision or planned unit development (PUD).

Fee-in-lieu: In the past, the City of West Linn has allowed some development to forgo building half-street improvements and instead pay the estimated cost of the half-street improvements called a fee-in-lieu. This process has been loosely defined in the CDC. There are several challenges to a fee-in-lieu program. First, the estimates for half-street improvements are typically much lower than the actual cost. Construction companies giving the estimate realize they are not going to be hired and thus submit a very low estimate. Second, construction costs fluctuate depending on labor, product costs, permitting fees, etc... Lastly, it has been difficult, without clear and objective standards, to figure out when a fee-in-lieu is allowed.

Accessory Dwelling Units (ADU): Accessory Dwelling Units are small secondary structures typically found in a backyard or as an attached but separate unit of a single-family home. Current CDC standards require the construction of half-street improvements when an ADU is built. ADUs must meet all zoning requirements including setbacks, lot coverage, and Floor to Area Ratio. The Planning and Engineering Departments feel the requirement of half-street improvements for the construction of an ADU is a barrier to entry for property owners and isn't proportional to the size and impact of such projects. Accessory Dwelling Units can be helpful to community members for numerous reasons such as aging in place, caregiver living quarters, multigenerational living space, downsizing, additional monthly income, and many more.

Questions for Working Group:

1. Which types of development shall require half-street improvements?
2. Do we allow a fee-in-lieu of constructing half-street improvements?
3. If we allow a fee-in-lieu do we designate areas within the City where that is allowed? Or do we utilize a set of criteria, which if met, would allow fee-in-lieu?

Attached you will find three tables:

Table 1 shows a comparison of West Linn and four local jurisdictions. This table includes different types of development and whether street improvements are required for each of the listed jurisdictions.

Table 2 shows the *existing* code requirements for different types of residential development in West Linn and the *proposed* code requirements for those same types of residential development.

Table 3 shows the *existing* code requirements for different types of commercial development in West Linn and the *proposed* code requirements for those same types of commercial development.

JURISDICTIONAL COMPARISON	CONSTRUCTING AN ADU	PRIOR TO PARTITION	CONSTRUCTING A NEW HOME	PAY A FEE-IN-LIEU	REMODEL/ADDITION TO EXISTING HOME
West Linn	Yes	Yes	Yes	No	No
Lake Oswego	No	No	Yes	No	No
Oregon City	No	No	Yes	Yes	No
Tualatin	No	No	Yes	Yes	No
Wilsonville	No	No	Yes	Yes	No

COMMERCIAL CONSTRUCTION	EXISTING	PROPOSED
New Commercial Construction 96.010(A.1)	Yes	Yes (No Change Proposed)
New Commercial Construction/Remodel Existing Building (Waiver of street improvements/Fee-in-lieu) 96.010(A.3)	No	Yes
Remodel Existing Building 96.010(B) – See Below	—	—
Increase in floor area/increase in need for parking 96.010(B.2.a)	Yes	Yes (No Change Proposed)
Change in use/increase in need for parking 96.010(B.2.b)	Yes	Yes (No Change Proposed)
Increase in dwelling unit density on site 96.010(B.2.c)	Yes	Yes (No Change Proposed)
Change in type, number, location of accessways/off-site traffic affected 96.010(B.2.d)	Yes	Yes (No Change Proposed)
Replacement of Existing Building (Increase in Size) 96.010(C.1)	Yes	Yes (No Change Proposed)
Replacement of Existing Building (No Increase in Size) 96.010(C.1)	No	No (No Change Proposed)

RESIDENTIAL CONSTRUCTION	EXISTING	PROPOSED
New Residential Construction (Single-family home) 96.010(A.1)	Yes	Yes (No Change Proposed)
New Residential Construction (Detached ADUs) 96.010(A.1)	Yes	No
New Residential Construction (Waiver of street improvements/Fee-in-lieu) 96.010(A.3)	No	Yes
Addition to Existing House (Increase in size) 96.010(B.1)	No	No (No Change Proposed)
Remodel to Existing House (Internal) 96.010(B.1)	No	No (No Change Proposed)
Remodel Existing House (Increase in dwelling unit density on-site) 96.010(B.2.c)	Yes	Yes (No Change Proposed)
Remodel Existing House (Attached ADU) 96.010(B.2.c)	Yes	No
Replacement of Existing Single- Family Home 96.010(C.1)	No (Per City Council policy direction, 2018)	No (No Change Proposed)

Chapter 96

STREET IMPROVEMENT CONSTRUCTION

Sections:

- 96.010 CONSTRUCTION REQUIRED
- 96.020 STANDARDS

96.010 CONSTRUCTION REQUIRED

A. New construction.

1. Building permits shall not be issued for the construction of any new building or structure, or for the remodeling of any existing building or structure, which results in an increase in size or includes a change in use, including building permits for single-family dwellings but excepting building permits for alteration or addition to an existing single-family dwelling, unless the applicant for said building permit agrees to construct street improvements as required by the land use decision authorizing the construction activity. The placement of new curbs and the drainage facilities required shall be determined by the City Manager or the Manager's designee.
2. If the building permit did not require a prior land use decision, the applicant shall construct street improvements which shall include curbs, sidewalks, drainage facilities, and pavement widening to meet new curbs, along all City streets which abut the property described in the building permits.
3. An applicant for a building permit may apply for a waiver of street improvements and the option to make a payment in lieu of construction. The option is available if the City Manager or the Manager's designee determines the transportation system plan does not include the street improvement for which the waiver is requested.
4. When an applicant applies for and is granted a waiver of street improvements under subsection (A)(3) of this section, the applicant shall pay an in-lieu fee equal to the estimated cost, accepted by the City Engineer, of the otherwise required street improvements. As a basis for this determination, the City Engineer shall consider the cost of similar improvements in recent development projects and may require up to three estimates from the applicant. The in-lieu fee shall be used for in kind or related improvements.

B. Remodeling of an existing building.

1. Building permits shall not be issued for the remodeling and conversion of any existing building or structure which results in an increase in size or includes a change of use excepting building permits for the alteration or addition to an existing single-family dwelling, unless:
 - a. The applicant for said building permit agrees to construct street improvements; and
 - b. The City Manager or the Manager's designee determines that the remodeling of a structure or change of use is sufficient to cause construction of street improvements.

2. The determination of whether the remodeling of an existing building or structure is sufficient to cause the property owner to construct street improvements, shall be made by the City Manager or the Manager's designee. This determination shall be based upon finding that the increase in building size or change of use results in either:

- a. An increase in floor area which creates the need for additional on-site parking in accordance with the Community Development Code; or
- b. A change in use that results in a need for additional on-site parking; or
- c. An increase in the dwelling unit density on the site; or
- d. A change in the type, number, or location of accessways where off-site traffic will be affected.

3. An applicant for a remodeling of an existing building or structure change may apply for a waiver of street improvements and the option to make a payment in lieu of construction utilizing the process described in subsection (A)(3) of this section.

C. Replacement of an existing building.

1. Building permits shall not be issued for the replacement of any existing building or structure which results in an increase in size unless:

- a. The applicant for said building permit agrees to construct street improvements; and
- b. The City Manager or the Manager's designee determines the the replacement is sufficiently increased in size to cause construction of street improvements.

D. Notwithstanding any other provisions of this chapter, in cases where the issuance of the building permit pertains to the construction or reconstruction of a building or structure within a large development owned by the same owner or owners, the City Council may, in its sole discretion, authorize the installation of street improvements of equivalent cost on another portion of the total development area. (Ord. 1314, 1992; Ord. 1442, 1999; Ord. 1544, 2007; Ord. 1547, 2007; Ord. 1590 § 1, 2009; Ord. 1613 § 21, 2013)

96.020 STANDARDS

Street improvements shall be installed according to the City standards and shall be completed prior to the issuance of any occupancy permit for the new or remodeled structure or building. In unimproved areas of the City, the City Engineer may grant a time extension of the provisions of this section; provided, that the applicant provides sufficient security in amount and quantity satisfactory to the City Attorney to assure payment of such improvement costs.