



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

2022 CDC Amendments Working Group
Meeting 6 Agenda

Wednesday, June 22, 2022
3:00 – 5:00 pm Virtual Meeting

1. Welcome and Introductions (3:00pm)
2. Role of the Working Group (3:10pm)
 - a. Purpose/Goal (Staff)
 - b. Meeting Guidelines (Staff)
3. Meeting 5 Review (3:15pm)
 - a. Summary Notes (Group Discussion/Agreement)
4. CDC Chapter 96 Discussion #2 (Staff/Group Discussion) (3:20pm)
 - a. Purpose of CDC Chapter 96
 - b. Meeting 5 Recap and Agreement
 - c. Fee-in-Lieu Implementation Options
 - d. Proposed Code Language
5. Meeting 7 Agenda/Logistics (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: June 15, 2022

To: 2022 CDC Amendments Working Group

From: Darren Wyss, Planning Manager

Subject: Meeting #6

The June 22nd Working Group meeting will be the second and last on Community Development Code (CDC) Chapter 96 amendments. This means the Working Group will need to make its final recommendation at this meeting. 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.

On a side note, staff would also like to once again thank the Working Group for getting through the HB2001 task and recommending a well-thought out HB2001 Code Amendment Package. The Planning Commission had recommended some amendments to the Working Group package, but at the City Council public hearing on Monday, June 13th, the Council approved the first reading of the ordinance with the full Working Group recommendations included. The second reading of the ordinance is scheduled for June 21st. Congratulations on your efforts being recognized by City Council.

The rest of this memo is intended to provide background information on the Meeting 6 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 5 Review (Agenda Item 3)

The following items are included in the packet:

1. Meeting 5 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 5 Summary Notes and bring recommended additions/deletions to the meeting for discussion and consensus.

CDC Chapter 96 Discussion #2 (Agenda Item 4)

The following items are included in the packet:

1. Memo from Chris Myers
2. Proposed Chapter 96 Code Language (Option 1)
3. Proposed Chapter 96 Code Language (Option 2)
4. Residential Construction Table
5. Commercial Construction Table

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

1. Confirmation of where agreement was found at the last meeting
2. If fee-in-lieu is allowed, how does the City determine when to accept this alternative (Option 1 or Option 2)?
3. Final recommendation on Proposed CDC Chapter 96 Code Amendment Package

If you have questions about Meeting 6 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 22nd.

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 May 25, 2022**

Members: 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

Members absent: Member-at-large JJ Portlock, Council President Rory Bialostosky, Planning Commissioner Carrie Pellett (Alternate), Councilor Mary Baumgardner (Alternate), and CCI Member Dan Tedrow

Staff present: Darren Wyss, Planning Manager, Chris Myers, and Lynn Schroder, Administrative Assistant

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 May and June meetings is to develop recommendations on CDC Chapter 96. Chapter 96 outlines when street improvements are required for a single lot or parcel development.

3. Meeting 4 – April 26, 2022 Review - Summary Notes

The Working Group approved the April 26, 2022 Meeting Notes as drafted.

Wyss noted that the Planning Commission reviewed the Working Group recommended HB2001 Code Amendment Package at an initial legislative public hearing on May 18, 2022. The PC amended the recommendation to allow 40% max lot coverage, a maximum 60% FAR in the R-5/R4.5 zones, and a maximum 55% FAR in R-10/R7 zones. City Council is scheduled to have a work session and legislative hearing on the Planning Commission recommendation.

4. CDC Chapter 96 Discussion

Chapter 96 governs when street improvements (curb, gutter, sidewalk, drainage, pavement, etc.) are required for development. The Working Group review aims to create clear and objective standards to clarify which type of development requires street improvements, at what point those improvements must happen, and whether we should allow a fee-in-lieu for 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.

Questions for Working Group:

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

Myers compared nearby jurisdictions' residential and commercial requirements to street improvements. Staff is proposing changes to street improvement requirements for some residential development.

Greg DiLoreto noted that the Transportation Advisory discussed street improvements at its previous meeting. He stated that the TAB did support the proposed changes. The TAB questioned the legality of using fee-in-lieu money at a location other than the property that paid the fee. Staff will provide a legal analysis of fee-in-lieu for the next meeting.

Myers clarified that the recommendation is to push street improvements to the development phase of the project rather than the partition phase.

Shannen Knight asked how street improvements would be applied to plexes. Wyss noted that street improvements would be required for plexes but not ADUs.

Charlie Mathews supported fee-in-lieu in neighborhoods that do not currently have sidewalks. He did not think ADUs should require street improvements.

Shannon Ilas agreed that ADUs should not require street improvements. She was concerned about parking. Myers stated that ADUs required one parking spot.

Scott Erwin supported fee-in-lieu in neighborhoods that do not currently have sidewalks. He asked about safe routes to schools. He thought the City should consider street improvements for safe routes to transportation centers and parks.

Kim Bria noted that there is \$11 million in identified street improvement projects and \$1 million in available funding. The TAB has discussed the prioritization of these projects. She also discussed using fee-in-lieu funds as soon as possible because of steep increases in construction costs. She noted that street improvement projects should strive for an economy of scale.

Chris Myers noted that tying fee-in-lieu to specific addresses results in lots of small pots of money that the City cannot use until a larger street improvement is undertaken. He also noted that developing accurate cost estimates for future road construction is problematic.

Darren Gusdorf noted that the fixed fee-in-lieu should be analyzed and adjusted every few years. Alternatively, constructing road improvements on a lot-by-lot basis is not economical and creates choppy, disconnected street improvements that may not be connected for years. Larger street improvement projects are more cost-effective but need to be timely to maximize the value of the fee-in-lieu funds. He supported using fee-in-lieu funds to address master plan projects. He noted that the developers would choose the least expensive alternative.

Wyss noted that ADU must pay System Development Fees that fund transportation and other City infrastructure. Darren Gusdorf pointed out that the SDC fees are substantial and are a limiting factor for the development of ADUs. He noted that some cities are reducing or waiving SDC fees for ADUs.

Scott Erwin noted that street improvement fee-in-lieu and SDC fees should be considered together.

Jim Farrell supported facilitating ADUs by lowering fees for this type of housing.

Chris Myers noted significant interest in ADUs in West Linn, but the street improvement and SDC fees are cost-prohibitive. Consequently, determined homeowners find workarounds. He said there is a question of proportionality for impact on the system.

Shannon Ilas noted that there is a significant need for ADUs.

The Working Group supported the concept of:

- a fee-in-lieu for street improvements for single lot commercial construction,
- a fee-in-lieu for street improvements for commercial remodel, and
- Eliminating the street improvement requirements for attached and detached ADUs.

The Working Group discussed whether new residential construction should have the option of a waiver of street improvements and a fee-in-lieu.

Mathews supported fee-in-lieu in neighborhoods that do not have sidewalks. Neighborhoods with sidewalks should require street improvements for lots. Charlie Mathews disagreed with eliminating street improvements for ADUs He thought that ADUs should pay a percentage of what the primary structure would pay for street improvements.

Greg Diloreto preferred that the City decide where sidewalks will be constructed and require street improvements for new construction in those locations instead of fee-in-lieu.

The Working Group asked for two different draft options for fee-in-lieu. The first version has specific criteria for when a fee-in-lieu would be allowed. The second version has draft language for a fee-in-lieu to be connected to an approved fee-in-lieu map. They are essentially designating certain geographic areas of the City that could apply for a fee-in-lieu for constructing street improvements. All other non-designated areas of the City would not be allowed to utilize a fee-in-lieu of construction street improvements.

5. Meeting 6 Agenda/Tasks

The next meeting is on June 22, 2022. The Working Group will consider the proposed Chapter 96 Street Improvement options. Staff will provide a legal opinion on using fee-in-lieu funds and an analysis of how much an ADU would pay in system development charges (SDCs).

6. Public Comment

None.

7. Adjourn

Chair Farrell adjourned the meeting at 5:00 pm.

Agenda Item #4 Materials



CITY OF West Linn

Date: June 15, 2022
To: 2022 CDC Amendments Working Group
From: Chris Myers, Associate Planner
Subject: Chapter 96 Code Amendments

During the May 25, 2022 working group meeting it was discussed and agreed upon, by working group members, that a fee-in-lieu of street improvement construction should be an option allowed by City code. The working group asked for two different draft options for fee-in-lieu.

The first version has specific criteria for when a fee-in-lieu would be allowed. The second version has draft language for a fee-in-lieu that would be linked to a City Council approved fee-in-lieu map, thus designating specific geographic areas of the city that could apply for a fee-in-lieu of constructing street improvements. Areas not designated on the map would not be allowed to utilize a fee-in-lieu of constructing street improvements.

Within the draft code language (attached as part of the meeting packet) are references to 1320 feet. These references reflect one-quarter mile, which is the most commonly used measurement to express a walkable distance, also referred to as a *walk-shed*.

Planning and Engineering staff request a recommendation from the Working Group to the Planning Commission.

Residential Construction: Working group members agreed that construction of an Accessory Dwelling Unit (ADU) should not require street improvements. Members also agreed that new residential construction should have the option of a waiver of street improvements and a fee-in-lieu.

Commercial Construction: Working group members discussed street improvements for commercial construction. The only recommended change to the current code is to allow, under certain circumstances, for a waiver of street improvements and a fee-in-lieu for new commercial construction and a remodel of an existing commercial building.

Question to Resolve: As discussed and requested by the working group, staff have written two versions of proposed new code language in the meeting packet. The first version (Option #1) has language expressing a specific set of criteria that must be met to allow a fee-in-lieu of construction. The second version (Option #2) has language expressing that a fee-in-lieu be linked to a map, which shows designated areas within the City that allow a fee-in-lieu.

Question: Do we utilize a specific set of code criteria for a fee-in-lieu or do we utilize a map to determine when a fee-in-lieu will be allowed?

For reference attached are two tables reviewed during the first meeting:

Table 1 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 2 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.

Chapter 96
STREET IMPROVEMENT CONSTRUCTION

Option #1

Sections:

96.010 Construction Required

96.020 Fee-in-Lieu

96.030 Standards

96.010 CONSTRUCTION REQUIRED

- A. Street improvements for residential construction are required when:
 - 1. Construction of a new single-family attached or detached structure (Replacement of an existing structure is exempt); or
 - 2. Construction of a new multi-family structure; or
 - 3. Increase in dwelling unit density on-site (Accessory Dwelling Units are exempt).

- B. Street improvements for commercial construction are required when:
 - 1. Construction of a new commercial structure; or
 - 2. Remodel of an existing commercial structure with an increase in floor area that requires additional parking; or
 - 3. Change in use that requires additional parking; or
 - 4. Construction that increases the dwelling unit density on-site; or
 - 5. Construction which requires a change in type, number, or location of accessways; or
 - 6. Replacement of an existing structure that requires additional parking.

96.020 FEE-IN-LIEU

- A. An applicant may apply for a waiver of street improvements and the option to pay a fee-in-lieu (in accordance with the city's adopted fee structure) of constructing street improvements if one of the following are met:
 - 1. Located on a cul-de-sac with no existing street improvements (curb, gutter, sidewalk); or
 - 2. Located on a street less than 1,320 linear feet and not planned as a through street; or
 - 3. Located more than 1,320 feet from nearest street improvements (curb, gutter, sidewalk).

96.030 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.

Chapter 96 STREET IMPROVEMENT CONSTRUCTION

Option #2

Sections:

96.010 Construction Required

96.020 Fee-in-Lieu

96.030 Standards

96.010 CONSTRUCTION REQUIRED

- A. Street improvements for residential construction are required when:
 - 1. Construction of a new single-family attached or detached structure (Replacement of an existing structure is exempt); or
 - 2. Construction of a new multi-family structure; or
 - 3. Increase in dwelling unit density on-site (Accessory Dwelling Units are exempt).

- B. Street improvements for commercial construction are required when:
 - 1. Construction of a new commercial structure; or
 - 2. Remodel of an existing commercial structure with an increase in floor area that requires additional parking; or
 - 3. Change in use that requires additional parking; or
 - 4. Construction that increases the dwelling unit density on-site; or
 - 5. Construction which requires a change in type, number, or location of accessways; or
 - 6. Replacement of an existing structure that requires additional parking.

96.020 FEE-IN-LIEU

An applicant may apply for a waiver of street improvements and the option to pay a fee-in-lieu (in accordance with the city's adopted fee structure) of constructing street improvements if the property is located on the city's adopted street improvement fee-in-lieu map.

96.030 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.

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)

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)