



**PLANNING COMMISSION
Meeting Notes of August 17, 2022**

Commissioners present: Charles Mathews, Scott Erwin, John Carr, Joel Metlen, Gary Walvatne, and Carrie Pellett
Commissioner Absent: Bayley Boggess
Public present: John McCabe and Karie Oakes
Staff present: Planning Manager Darren Wyss, City Attorney Bill Monahan, Associate Planner Chris Myers, Assistant Planner Ben Gardner, and Lynn Schroder, Administrative Assistant

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

1. Pre-Meeting Work Session

Commissioners discussed the meeting procedural matters and technical issues. Vice-Chair Mathews will chair the meeting.

2. Call To Order and Roll Call

Vice-Chair Mathews called the meeting to order at 6:30 pm.

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

John McCabe commented about the Fields Bridge, traffic safety, and Athey Creek Middle School Landscaping. He submitted written comments.

4. Approval of Meeting Notes: [07.06.2022](#) and [07.20.2022](#)

Vice-Chair Mathews requested that the 07.06.2022 meeting notes be amended to correct the misidentification of Commissioner Pellett as the Chair. Commissioner Carr moved to approve the meeting notes for 07.06.2022 and 07.20.22, as amended. Chair Walvatne seconded. **Ayes: Mathews, Pellett, Erwin, Carr, Metlen, and Walvatne. Nays: None. Abstentions: None. The motion passed 6-0-0.**

Wyss introduced Ben Gardner who has joined the City as an Assistant Planner.

5. Public Hearing: [CDC-22-03 Chapter 96 Code Amendment Package](#) as Recommended by City Council Appointed Working Group

Vice-Chair Mathews opened a legislative hearing for CDC-22-03, a proposal to amend the West Linn Community Development Code Chapters 2 and 96. The purpose of the proposed amendments is to clarify which types of single-lot development require street improvements and at what point the improvements must be made.

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

Associate Planner Chris Myers presented the staff report. CDC Chapter 96 governs when street improvements are required for development. The proposed amendments seek to clarify which types of

development require street improvements, at what point those improvements must happen, whether the City should allow a fee-in-lieu for constructing street improvements, and, if yes, in what circumstances. Clarifying these requirements will remove uncertainty for property owners and create clear and objective standards by which Planning and Engineering can evaluate development applications.

Myers reviewed the code adoption process and the 2022 CDC Working Group recommendations. The proposed amendments would codify the 2018 City Council decision regarding the replacement of single-family homes with single-family homes, exempt accessory dwelling units from street improvements, implement fee-in-lieu of construction of street improvements for certain conditions, and implement a set of clear and objective criteria for fee-in-lieu. Properties that do not require PC approval, single-family homes, remodels, or accessory dwelling units would not require street improvements. He clarified that the proposed changes would not apply to subdivisions, conditional use permits, industrial developments, or class II design reviews.

Commissioners asked clarifying questions about applicability to middle housing, tracking fee-in-lieu funds, fee-in-lieu criteria, and commercial development remodels. Wyss explained that middle housing units would be required to build street improvements.

Vice Chair Mathews asked for public testimony. Karie Oakes testified against the proposed code amendment package because neighborhoods may not want street improvements. She stated that neighborhood associations should get to plan how street improvements are implemented in their neighborhood.

Vice Chair Mathews closed the public hearing and opened deliberations. The Commission discussed the fee-in-lieu of construction option, how fee-in-lieu funds would be spent, and how the Chapter 96 code amendments work with the middle housing bill.

Commissioner Metlen stated that he preferred a policy fix that would allow flexibility for neighborhoods on street improvement requirements. However, he stated the proposed amendments would address the issue where requiring street improvements is onerous.

Commissioner Pellett did not support the amendments because they did not address situations where street improvement would be desirable on only one side of the street. She thought that detached ADUs should require street improvements. She did not support the fee-in-lieu option.

Chair Walvatne stated that amendments do not provide an opportunity for neighborhoods to implement neighborhood-specific street improvement requirements, but they do allow flexibility for property owners. Overall he supported the amendments.

Commissioner Carr supported the amendments because they would allow flexibility for property owners to install street improvements or pay a fee-in-lieu if they did not want street improvements. He did not support shifting the jurisdiction of the Planning Commission and City Council over street improvements to neighborhood associations.

Commissioner Erwin supported the proposed amendments because they would create clear and objective standards that apply throughout the City. He stated that allowing neighborhoods to decide how street improvements would be implemented would be inconsistent over time and ambiguous.

Commissioner Erwin moved to recommend the proposed amendments to the City Council as presented. Commissioner Carr seconded. **Ayes: Metlen, Erwin, Carr, and Walvatne. Nays: Mathews and Pellett. Abstentions: None. The motion passed 4-2-0.**

6. Discussion: Potential Future Projects to Recommend Adding to the Planning Docket

Commissioner Erwin suggested that Planning Commission add code amendments for food cart code to the docket.

Commissioner Pellett suggested that Planning Commission add code amendments that compel density to the docket.

Commissioner Carr suggested that Planning Commission add code amendments for roundabouts to the docket.

Chair Walvatne supported adding food carts, density requirements, and roundabouts to the docket.

Wyss will prepare a summary document of the above issues for the Planning Commission to consider. He noted that House Bill 2003 implementation that the City will begin next year is an opportunity to address density.

7. Planning Commission Announcements

Commissioner Carr asked about the process to improve the crosswalk on Salamo and Bland Circle. Wyss responded that the Transportation Advisory Board addresses traffic safety requests.

Commissioner Erwin asked when the citizen survey was going to be published.

Commissioner Pellett requested a Chapter 80 hearing for food carts and a review of the Willamette Garage approval.

8. Staff Announcements

Wyss updated the Planning Commission on the Athey Creek Middle School Brandon Place Condition of Approval. Commissioners discussed whether the condition has been met. Vice-Chair Mathews requested that a representative from Public Works come to the PC to discuss how the approval condition is met.

He recommended canceling the September 7, 2022 PC meeting because he will be on vacation and Commissioner Boggess cannot attend. Commissioners agreed.

Administrative Assistant Schroder invited Planning Commissioners to the National Register ceremony for Historic City Hall on September 8, 2022 at 3:00 pm. Refreshments will be provided.

9. Adjourn

Vice-Chair Mathews adjourned the meeting at 8:03 pm.