



**PLANNING COMMISSION
Meeting Notes of March 15, 2023**

Commissioners present: John Carr, Joel Metlen, Bayley Boggess, Gary Walvatne, Charles Mathews, Scott Erwin, and Tom Watton
Consultants: Cathy Corliss, MIG and Kate Rogers, MIG
Staff present: Planning Manager Darren Wyss, Associate Planner John Floyd, and Administrative Assistant Lynn Schroder

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

1. Call To Order and Roll Call

Chair Carr called the meeting to order at 6:00 pm.

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

Written comments were received about the Accessory Dwelling Unit Code Amendments from Shannon Ilas, Heather Jones, and Shannen Knight.

3. Approval of Meeting Notes: 02.15.23

Commissioner Walvatne requested changes to the 02/15/23 draft meeting minutes. Commissioner Walvatne moved to approve the meeting notes for 02/15/23. Erwin seconded. **Ayes: Mathews, Erwin, Metlen, Watton, Boggess, Walvatne, and Carr. Nays: None. Abstentions: None. The motion passed 7-0-0.**

4. Work Session: Clear and Objective Standards Compliance Project

Associate Planner John Floyd presented draft CDC amendments to convert existing discretionary standards to more precise and objective language. This meeting is the third work session on the proposed CDC amendments. A fourth work session to respond to the Planning Commission feedback is scheduled for 04/19/23.

The primary objective of the code amendments is to make it easier for all parties to understand the rules and requirements for housing and objectively show compliance with the approval authority. The goal is a content-neutral update. Additionally, staff proposed to roll other mandatory legislation related to housing, including land division procedures, manufactured dwellings, and the definition of families, into the Compliance Code Amendments Project.

Floyd addressed improvement guarantees and public improvements related to land divisions and confirmed the list of questions and followed up on items requested by Planning Commissioners. Proposed changes include the following:

- CDC Chapter 91: Improvement Guarantee
Minor text changes and insertions to comply with HB 2306 requiring cities and counties to allow issuance of building permits prior to the recordation of the final plat, subject to certain conditions of approval. These conditions include substantial completion of specified infrastructure, a financial guarantee, and final plat recordation before final occupancy is granted.
- CDC Chapter 92: Public Improvements for Land Divisions

Text amendments to clarify unclear and discretionary language and provide for exceptions through discretionary review. Text changes that more clearly link submittal requirements and approval criteria to the TSP and Public Works Design Standards. Removal of language referencing outdated street classifications.

Commissioners wanted more guidance and discussion with the City Attorney regarding reference document versioning in the CDC.

Commissioner Mathews wanted the CDC to have provisions for requiring traffic impact analyses if it appears one is necessary.

Commissioner Watton had editing recommendations to facilitate readability and understanding. He asked for clarifications about building height on steep lots.

5. Work Session: Accessory Dwelling Unit Code Amendment Project

Planning Manager Wyss reviewed the progress on the policy analysis and recommendations for the City's ADU code. The City's current code requirements have made constructing an ADU within West Linn difficult for several reasons. One of the primary reasons was the requirement to install half-street improvements with the construction of an ADU. This requirement was eliminated as part of the CDC Chapter 96 Street Improvement Construction Code Amendments. The Clear and Objective Standards Compliance Project proposes amendments to align the ADU code with new state rules and legislation. City staff has identified additional code requirements in CDC Chapter 34 that hinder the development of ADUs.

The Commission discussed if ADUs should have a maximum size in relation to the primary dwelling and whether detached ADUs should have a maximum height separate from the standard already in place for the applicable zone.

Commissioner Erwin followed up on a discussion from the previous meeting about the maximum size for ADUs. He supported restricting ADUs to 75% of the primary structure or 800 square feet, which is less. He wanted to walk the line between allowing ADUs and maintaining property owners' right to enjoy their property. He wanted ADUs to be secondary to the primary structure. He was concerned that property owners would build ADUs and use them to live in a while, allowing primary structure to fall into disrepair because it is too costly to maintain.

Commissioner Walvatne did not want to compare the allowable square footage for ADUs with the allowable square footage for workshops and garages.

Commissioner Watton commented that the 800 square feet limit is similar to other Portland metro cities' size limits, but the difference between 800 and 1000 square feet is small. He noted that the cumulative proposed changes to the ADU Code would make building them in West Linn much easier.

Commissioner Boggess questioned the basis of the proposed limit of 800 square feet and 75% of the primary structure. She asked that the PC consider using more data-driven policy decisions. She noted that the 2022 West Linn Housing Needs Analysis should be considered during policy discussions. She prioritized increasing housing supply in West Linn to provide opportunities for diverse housing options.

Commissioner Metlen did not support reducing the current CDC limit of 1,000 square feet to 800 square feet for ADUs. He thought a percentage of the primary structure was optional. He encouraged a less restrictive limit on the size of ADUs. If a portion of the primary structure is included, he stated that it would need to be significantly more than 25% to be useful.

Commissioner Mathews stated his support for a limit of 1,000 square feet or 50% of the primary structure. He wanted to ensure the expectation of homeowners who have already purchased homes in West Linn that radical changes would not happen in their neighborhood.

Commissioner Boggess responded that the proposed limits on ADU size are not data-driven. She challenged the concept of ensuring the expectation of homeowners and maintaining the status quo in neighborhoods. She noted racist and exclusionary policies have historically kept people of color out of communities.

Commissioner Watton noted that ADUs are accessories to the primary structure and cannot be separated. ADUs increase the property's value, some by as much as \$250,000.

Chair Carr sought to balance the perspective by suggesting a maximum size for detached ADUs of 75% of the primary structure or 1000 square feet, whichever is less. Commissioners Erwin, Metlen, Watton, Mathews, and Walvatne agreed to retain the 1,000 sq. ft. maximum size and increase the cap for detached accessory structures to 75 percent of gross square footage.

Commissioners discussed if detached ADUs should have a maximum height separate from the standard already in place for the applicable zone. Commissioners agreed that the maximum height of a detached ADU is the height of the primary structure or 26 feet, whichever is greater.

6. Planning Commission Announcements

Commissioner Erwin announced his election to the City Council, pending election certification. He will resign from the Planning Commission before being sworn into the City Council.

Commissioner Walvatne reminded Commissioners to submit their state-required Statement of Economic Interest.

7. Staff Announcements

Planning Manager Wyss reviewed the upcoming Planning Commission schedule.

8. Adjourn

Chair Carr adjourned the meeting at approximately 8:00 pm.

Dear Planning Commission:

I'm writing as a member of EDC (Economic Development Committee) but I'm not testifying on behalf of the EDC (we did not have a quorum at the last meeting for us to vote on this testimony).

For the past several years, EDC has identified ADU code updates as an opportunity for economic development in West Linn. West Linn has no hotels. ADU's offer a way for West Linn to offer accommodations for tourists. Tourism brings needed out of the area dollars into our restaurants and retail shops.

Our short term rental (STR) regulations only allow "airbnb" in owner occupied residences. Thus, ADU's are a great way to create more STR's. Owners live in the main house and rent out the ADU with AirBNB. We don't think we will see a hotel built any time in the near future. ADU's are the fastest way to increase out of the area tourism in West Linn.

ADU's also create affordable housing units for the community, and likewise, more community members means more potential customers for our local businesses.

Our current ADU code makes building an ADU cost prohibitive by requiring sidewalks and other infrastructure be built. By reducing these barriers, we hope that more ADU's will be built, and that in turn will bring more customers to our local businesses. Please vote in favor of these ADU code amendments.

Sincerely,

Shannen Knight

Schroder, Lynn

From: Shannon Ilas <shannon@shannonilashomes.com>
Sent: Monday, March 13, 2023 10:40 AM
To: Schroder, Lynn
Subject: Written testimony for Planning Commission meeting on ADU's

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Dear Planning Commission:

I'm writing as a member of EDC (Economic Development Committee) but I'm not testifying on behalf of the EDC (we did not have a quorum at the last meeting for us to vote on this testimony). I am also a realtor and have talked to several home owners in West Linn about ADUs.

For the past several years, EDC has identified ADU code updates as an opportunity for economic development in West Linn. West Linn has no hotels. ADU's offer a way for West Linn to offer accommodations for tourists. Tourism brings needed out of the area dollars into our restaurants and retail shops. When I talk to potential buyers of homes in the West Linn area, they express disappointment that there isn't a place to stay while visiting our area to see if they want to live here. Likewise, many home buyers need a place to stay for a few weeks if the home they're buying isn't available right away. We experienced this ourselves when we moved to West Linn and had to stay in Portland until our home was ready and on our several visits to the area before purchasing. Our dollars were spent on food and housing in other cities rather than the one we wanted to live in.

Our short term rental (STR) regulations are currently only allowed in owner occupied residences. Thus, ADU's are a great way to create more STR's. Owners can live in the main house and rent out the ADU. We don't think we will see a hotel built any time in the near future. ADU's are the fastest way to increase out of the area tourism in West Linn.

ADU's also meet the needs of community members who are having extended family members come live with them. I have had several conversations with potential community members who need a place for their aging parent(s) to come live with them and have to move out of our community for lack of ADU's. ADU's also create affordable housing units for the community, and likewise, more community members means more potential customers for our local businesses.

Our current ADU code makes building an ADU cost prohibitive by requiring sidewalks and other infrastructure be built. By reducing these barriers, we hope that more ADU's will be built, and that in turn will bring more customers to our local businesses. Please vote in favor of these ADU code amendments.

Sincerely,

Shannon Ilas

she/her/hers

Principal Broker Licensed in OR

Schroder, Lynn

From: Heather Jones <heatherjones@robbinsrealtygroup.com>
Sent: Monday, March 13, 2023 8:55 PM
To: Planning Commission (Public)
Subject: ADU's

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

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Heather Jones

Licensed Oregon Real Estate Broker

Mobile: 503.989.3442

Email: heatherjones@robbinsrealtygroup.com

Web: robbinsrealtygroup.com

