



**PLANNING COMMISSION**  
**Meeting Notes of May 17, 2023**

**Commissioners present:** John Carr, Gary Walvatne, Charles Mathews, Joel Metlen, and Tom Watton.  
**Members of the Public:** Hillary Harris, Tracy Peterson, Michael Tomaszek, Arnold Sackett, and Shaun Harbour  
**Staff present:** Planning Manager Darren Wyss, City Attorney Ed Trompke, Associate Planner John Floyd, and Administrative Assistant Lynn Schroder

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

**0. Pre-Meeting Work Session**

Chair Carr introduced the agenda for the upcoming meeting and discussed meeting logistics. Planning Manager Wyss introduced Ed Trompke as the City Attorney and noted that the meeting had two public hearings – legislative and quasi-judicial. He said additional comments for both hearings were submitted after the staff reports were emailed to Commissioners before the meeting.

**1. Call To Order and Roll Call**

Chair Carr called the meeting to order at 6:30 pm. Wyss took the roll.

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

Kathie Halicki, President of the Willamette Neighborhood Association, testified about a WNA resolution on upcoming Volpp Street improvements, the need for pedestrian improvements on 9<sup>th</sup> Street, and concerns about pedestrian safety and congestion on roads serving Athey Creek Middle School. She requested a forum with the City to discuss the WNA concerns.

Elizabeth Rocchia, a Willamette resident, testified about the impact on Fields Bridge Park from the upcoming Willamette Falls Drive improvement project. She requested that the project be paused to allow citizen participation in the design of the road improvements.

**3. Approval of Meeting Notes: [04.19.2023](#)**

Commissioner Watton moved to approve the meeting notes for 4.19.23. Walvatne seconded. **Ayes: Watton, Mathews, Metlen, Walvatne, and Carr. Nays: None. Abstentions: None. The motion passed 5-0-0.**

**4. Public Hearing (Quasi-Judicial): [VAR-23-01, A Request for a Class II Variance to allow more than four lots to be served by a private driveway at 2622 Marylhurst Drive](#)**

Chair Carr introduced application VAR-23-01, a request for a Class 2 variance to allow more than four lots to be served by a private driveway (VAR-23-01). Carr explained the hearing procedures provided in CDC Chapter 99.170 and opened the public hearing.

City Attorney Trompke addressed legal standards and appeal rights. The substantive criteria that apply to the application are contained in Community Development Code (CDC) Chapter 11: Residential (R-10); Chapter 48: Access, Egress and Circulation; Chapter 75: Variances and Special Waivers; Chapter 99: Procedures for Decision-Making: Quasi-Judicial.

City Attorney Trompke addressed Planning Commission conflicts of interest, ex-parte communications,

jurisdiction, and bias challenges. No Commissioner declared any potential bias or ex parte contacts. Trompke asked if any audience member wished to challenge the Planning Commission's jurisdiction or the impartiality or ex parte disclosures of any members of the Planning Commission. There were none.

Associate Planner John Floyd presented the staff report. The applicant requested a Class II variance to allow more than four lots (6 total) to be served from a private accessway on Marylhurst Drive, approximately midblock between Upper and Lower Midhill Circle, in an alley configuration. The six lots were created in 1925 and can be developed as a matter of right.

Instead of providing steep driveways and substantial grading, the applicant proposed consolidating access through the block's center, where the grades are less steep. The proposed private accessway included two 7' travel lanes, a 5-foot sidewalk, and a curb. A retaining wall with a safety fence was included along the southernmost portion to maintain grade. The proposed single accessway would have removed up to six new driveways onto Midhill Circle and provide frontage improvements along Marylhurst Drive.

Tualatin Valley Fire & Rescue (TVF&R) issued Service Provider Permit that approves the proposed access. The West Linn Engineering Division did not have any comments on the proposal.

Hillary Harris, Consultant with HHPR presented on the applicant's behalf. She testified that the six lots were pre-existing, legally established lots. The consolidated access was necessary due to the steep grade and topography of the lots. The consolidated access would require less grading on the lots and provide adequate distance for intersections and driveways. She stated that the proposal meets all development standards and criteria for a Class 2 variance, as demonstrated in the application and staff report. No development was proposed with this variance request. When development is proposed, the applicant would submit all required permits, and the proposed residential development would comply with all setbacks and residential criteria. She noted that the property owner would address leaning fir tree and fence installation during site development.

Chair Carr asked for public testimony. Michael Tomaszek, Arnold Sackett, and Shaun Harbour provided oral testimony at the hearing. The primary concerns raised during testimony included:

- Number of lots that would be built on;
- Number of vehicle trips that would be generated;
- Number of trees that would be removed;
- Parking on Marylhurst;
- Hazard Tree removal;
- Traffic safety; and
- Construction traffic safety and parking.

The applicant responded that construction parking would be on the lot. She noted that the City requested the sidewalk and public improvements on Marylhurst Drive.

There were no requests for continuances.

Chair Carr closed the public hearing and opened deliberations. Commissioners discussed the width of the shared driveway versus TVF&R standards. They wanted to know how many dwelling units would be built, their relationship to Midhill Circle, and whether the request met the minimum necessary to reasonably use the property. Commissioner Mathews did not think six lots could be adequately serviced with a 14-foot driveway. Commissioner Walvatne did not believe that the Planning Commission could determine that the variance is the minimum necessary to reasonably use the property because the applicant needed to indicate how any residential units would use the driveway. He thought a determination could only be made by knowing how

the lots would be developed. Commissioner Watton was concerned about the driveway narrowing from 20 feet to 14 feet. He was curious to know if TVF&R specifically approved the driveway as proposed. Additionally, Watton wanted to understand how the residential frontage would be oriented. Commissioner Metlen agreed that more information about the development was required to determine that the variance was the minimum necessary to use the property reasonably. He needed to get a sense of what factors necessitated the variance as opposed to alternative designs.

Commissioner Mathews moved to deny the application, then withdrew to allow consideration of a motion to provide a continuance.

Commissioner Walvatne moved to deny VAR-23-01 and directed staff to prepare a Final Decision and Order based on the findings in the May 17, 2023 hearing staff report. Commissioner Mathews seconded.

**Ayes: Metlen, Mathews, Walvatne, and Watton. Nays: Carr. Abstentions: None. The motion passed 4-1-0.**

5. **Public Hearing (Legislative):** [CDC-23-01, Proposed CDC Chapter 34 Code Amendments to update Accessory Dwelling Unit standards](#)

Chair Carr opened a legislative hearing for CDC-23-01, a proposal to amend the West Linn Community Development Code Chapter 34 to update the Accessory Dwelling Unit standards. The proposed amendments update siting and design standards for accessory dwelling units and ensure the code complies with state statutes and administrative rules.

City Attorney Trompke addressed legal standards and appeal rights. He addressed Planning Commission conflicts of interest. No Planning Commissioner declared a conflict of interest. Trompke 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.

Planning Manager Wyss presented the staff report. West Linn City Council prioritized a policy review of the City's ADU regulations and requested the PC to recommend a code amendment package. The Commission held five work sessions from November 2022 to April 2023 to review 11 policy questions related to siting and design standards for ADUs. The Commission recommended removing most requirements but amending the maximum size and height of detached ADUs to provide additional flexibility for property owners. The Planning Commission reached a consensus on April 5, 2023 on a proposed ADU Code Amendment Package and directed staff to bring it forward into the legislative adoption process.

The proposed ADU code would allow:

- A. One ADU, either attached or detached on the same lot in conjunction with a primary dwelling
  1. Public services can serve both dwelling units
  2. Maximum size of an ADU shall be:
    - a. 1,000 sq. ft. when attached
    - b. 1,000 sq. ft. or 75 percent of gross square footage of primary dwelling , whichever is less, when detached
  3. ADU in conformance with setback and lot coverage of underlying zone
  4. Maximum height of detached ADU shall be greater of:
    - a. the height of the primary structure; or
    - b. 26 feet

The City received four public comments. Three of the comments were submitted by West Linn Economic Development Committee members in support of the proposed amendments. The fourth comment was sent by a member of the Metro planning team, confirming conformance with the Urban Growth Management Functional Plan and supporting the City's efforts to reduce barriers to ADU construction.

Commissioners asked clarifying questions. Watton asked if plexes could have ADUs. Planning Manager Wyss responded that plexes could not have ADUs. Commissioner Mathews asked how far set back from the primary structure an ADU could be placed on the property.

Chair Carr asked for public testimony. There was none.

Chair Carr closed the public hearing and opened deliberations.

Commissioner Walvatne moved to recommend the proposed amendments to the City Council as presented. Commissioner Watton seconded. **Ayes: Mathews, Watton, Metlen, Walvatne, and Carr. Nays: None. Abstentions: None. The motion passed 5-0-0.**

**6. Planning Commission Announcements**

None.

**7. Staff Announcements**

Planning Manager Wyss reviewed the upcoming Planning Commission schedule.

**8. Adjourn**

Chair Carr adjourned the meeting at approximately 8:30 pm.



# Planning Commission Testimony Sign In

ANY INFORMATION PROVIDED MAY BE CONSIDERED PUBLIC RECORD AND SUBJECT TO DISCLOSURE  
EACH AGENDA ITEM REQUIRES A SEPARATE TESTIMONY FORM.

I wish to provide **Public Comments for non-agenda related item** – (limited to five minutes):

Please specify topic (required): WNA Resolution

I wish to comment on **VAR-23-01, A Request for a Class II Variance to allow more than four lots to be served by a private driveway at 2622 Marylhurst Driven** (limited to five minutes).

Failure to raise an issue by written comment or at the hearing, or failure to provide sufficient specificity to respond to the issue, precludes raising the issue on appeal before the Land Use Board of Appeals. Parties with standing may appeal this decision to the West Linn City Council pursuant to the provisions of Chapter 99 of the Community Development Code and any other applicable rules and statutes. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the city or its designee to respond to the issue precludes an action for damages in circuit court.

I do not wish to speak however; I would like to **have standing on VAR-23-01.**

I wish to comment on **CDC-23-01, Proposed CDC Chapter 34 Code Amendments to update Accessory Dwelling Unit standard** (limited to five minutes).

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**REQUIRED INFORMATION TO HAVE STANDING FOR VAR-23-01 OR CDC-23-01. PLEASE PRINT:**

Name: Kathie Halicia

Name of Organization (if applicable): WNA President

Address: File

City: on State \_\_\_\_\_ Zip \_\_\_\_\_

Email (optional): \_\_\_\_\_

May 10, 2023

To: *West Linn City Council, West Linn Planning Commission:*

*River Heights, Willamette Falls Drive, 9th Street, and 19th Street are all in Willamette proper and Killarney Drive is in the uphill area of the Willamette Neighborhood Association area, but all have similar traffic concerns, and all are under consideration of change during the current year. Proposed tolling on I-205 and the new Athey Creek Middle School will affect the Willamette area dramatically. HB 2001 affects Killarney Drive.*

*The Willamette Neighborhood Association, at its May 10, 2023, monthly meeting, voted unanimously for this resolution:*

- 1. Plans for the residential side of Volpp Street should allow a maximum 20' width plus a footpath without disturbing home frontage areas. Volpp Street neighbors should be included as the city makes plans. (See the letter from Greg Smith and other Volpp neighbors in the packet).*
- 2. Divert traffic exiting the boat parking area to turn left (as it was until the 1990s) so that boats would use the existing exit to Tualatin Way.*
- 3. 9th Street needs a safe method for children to walk to school without having to contend with boat traffic, delivery trucks, and no sidewalks. Please note that the west side of 9th St. is a ditch.*
- 4. Willamette Falls Drive contends with heavy "freeway traffic" during commuter times on a daily basis now. When the Athey Creek School opens and tolling takes effect on I-205, WFD will have even more congestion during critical commuter times. Residents are concerned about the safety and usability of their local roads which will be made narrower with combined sidewalks and bike paths.*
- 5. The planned roundabout at Fields Bridge has the potential of terrible accidents as students attempt to get to or from school in as quick a way as possible, rather than using the designated walkway. Please consider signal stops instead of the roundabout.*
- 6. A sidewalk for 19th Street should be a high priority. Other streets needing sidewalks are Johnson Rd., Ostman Road (a collector street), and Dollar St., as per the Willamette Neighborhood Association Vision Statement of 2008.*

7. *19th St. is being used as a cutoff from the freeway--this needs more police enforcement.*
  8. *Our biggest concern is that these plans are set to occur without community input and participation. Livability on neighborhood streets is a top concern!*
- ***WNA requests a real discussion between City and the WNA community soon.***

Date 9/10/2025

Signed Kathie Halicki, WNA President



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Please specify topic (required):                     FIELDS BRIDGE PARK                    

I wish to comment on **VAR-23-01, A Request for a Class II Variance to allow more than four lots to be served by a private driveway at 2622 Marylhurst Driven** (limited to five minutes).

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**REQUIRED INFORMATION TO HAVE STANDING FOR VAR-23-01 OR CDC-23-01. PLEASE PRINT:**

Name: Elizabeth Rocchia

Name of Organization (if applicable): Willamette NA

Address: 957 WF DR

City: WL State OR Zip \_\_\_\_\_

Email (optional): EROCCHIA@comcast.net



Planning Commission 5/17/2003

Elizabeth Rocchia

I am here in defense of Fields Bridge Park. As you may recall the road improvements of Willamette Falls Drive call for extensive parallel parking along the highway, a sidewalk, a bike lane and a green strip and a curb.

To accommodate this expansion because there is a steep slope, is a 15' cement block retaining wall at each end of the park which intrudes significantly into the park.

The parallel parking is designed accommodate the overflow from baseball tournaments. These occur maybe 4 or 5 times in the summer and, with the middle school just uphill, there will be other parking options.

The sidewalk is redundant because a wide paved path paralleling the highway already exists in the park.

A bike path, on the other hand, is definitely needed.

When this plan was first introduced to the WNA several years ago, we had questions and comments. We were told the design was not cast in stone and that citizen input would be considered. This proved to be untrue.

At every occasion over 4 or 5 WNA meetings we were given progress reports but any ideas we had to offer were ignored. Any questions or suggestions were met with a long detailed dialogue of the existing plan.

Finally, we went to the Traffic Advisory Board to voice our concerns about this plan and some other road issues. We were listened to politely but nothing happened.

So I went the Planning Commission March 1st and asked for time on the agenda to discuss our concerns.



I was told that the planning director determined the agenda so I went to him.

I was told that the improvements were too far along to make any changes. I am hoping that is not true.

So I am here tonight to ask you as a City Council, our elected officials and decision makers to consider a brief moratorium. To pause and to look again at this plan and hopefully consider ideas from some of the many many people who use Fields Bridge Park every day.

This park is a city treasure. Please help us protect it.



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Please specify topic (required): VA

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**REQUIRED INFORMATION TO HAVE STANDING FOR VAR-23-01 OR CDC-23-01. PLEASE PRINT:**

Name: THOMAS TOMASZEK

Name of Organization (if applicable): \_\_\_\_\_

Address: 2621 Marylhurst Dr.

City: West Linn

State: OR

Zip: 97068

Email (optional): tomaszek@gmail.com



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**REQUIRED INFORMATION TO HAVE STANDING FOR VAR-23-01 OR CDC-23-01. PLEASE PRINT:**

Name: ARNOLD SACKETT

Name of Organization (if applicable): \_\_\_\_\_

Address: 18665 Midhill Cir.

City: W.L. State OR Zip 97068

Email (optional): \_\_\_\_\_



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I wish to provide **Public Comments for non-agenda related item** – (limited to five minutes);  
Please specify topic (required): Proposed law enforcement call near upper midhill/midhill circle

I wish to comment on **VAR-23-01, A Request for a Class II Variance to allow more than four lots to be served by a private driveway at 2622 Marylhurst Driven** (limited to five minutes).

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**REQUIRED INFORMATION TO HAVE STANDING FOR VAR-23-01 OR CDC-23-01. PLEASE PRINT:**

Name: Sean Harbour

Name of Organization (if applicable): \_\_\_\_\_

Address: 18645 Midhill Circle

City: West Linn State OR Zip 97068

Email (optional): SHARBOURS@GMAIL2.COM

## Schroder, Lynn

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**From:** City of West Linn <webmaster@westlinnoregon.gov>  
**Sent:** Wednesday, May 17, 2023 1:25 PM  
**To:** Schroder, Lynn  
**Subject:** City of West Linn Website submission: Meeting Request to Speak Signup

Submitted on Wednesday, May 17, 2023 - 1:24pm

Submitted by anonymous user: 172.58.43.20

Submitted values are:

Full Name **Christina Harris**

Email Address Beckerc.ashley@gmail.com

Cell Phone Number 9712078381

Home Phone Number 5036559587

Street Address 2617 Jolie Pointe Rd

City West Linn

State Oregon

Item you would like to speak on ADU

Board Planning commission

Meeting Date Wed, 05/17/2023

The results of this submission may be viewed at:

<https://westlinnoregon.gov/node/45911/submission/81520>