



PLANNING COMMISSION
Draft Meeting Notes January 15, 2025

Commissioners present: Joel Metlen, Gary Walvatne, David D. Jones, Kathryn Schulte-Hillen, Tom Watton and Jason Evans
Staff present: Planning Manager Darren Wyss, Associate Planner Chris Myers, City Attorney Josh Soper, and Management Analyst Lynn Schroder
Public present: Clement Walsh and Danielle Astrid, applicants' consultants, Megan Kemp, applicant, Steven Miller, and Elaina Cuichini

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

Pre-Meeting Work Session

Chair Metlen opened the pre-meeting work session. Chris Myers gave brief overview of the upcoming quasi-judicial hearing and answered quasi-judicial process questions.

- 1. Call To Order and Roll Call**
Vice Chair Metlen called the meeting to order at 6:04 pm. Planning Manager Wyss called the roll.
- 2. Public Comment related to Items not on the Agenda**
None.
- 3. Approval of Meeting Notes: 12.04.24**
Commissioner Jones moved to approve the meeting notes for 12.04.24 with a minor date clarification. Evans seconded. **Ayes: Walvatne, Jones, Schulte-Hillen, Evans, Watton, and Metlen. Nays: None. Abstentions: None. The motion passed 6-0-0.**
- 4. Public Hearing (Quasi-Judicial): [VAR-24-18 Proposal for a Class II Variance to reduce the rear-yard setback for installation of a new swimming pool at 1490 Skye Parkway](#)**

Vice Chair Metlen introduced application VAR-24-18, a Class II Variance to reduce the rear-yard setback for installation of a new swimming pool at 1490 Skye Parkway. Metlen provided an overview of the hearing process and opened the public hearing.

City Attorney Soper addressed legal standards and appeal rights. The substantive criteria for the application are Community Development Code (CDC) Chapters 11 Residential, R-10, Chapter 34 Accessory Structures, Accessory Dwelling Units, and Accessory Uses, Chapter 75: Variances and Special Waivers. Soper addressed the Planning Commissioners' conflicts of interest, bias, ex-parte contacts, and site visits. Commissioner Watton expressed that he had a working relationship with the applicant's consultant but didn't feel that it would affect his ability to make an unbiased decision on this application. Soper then invited audience members to raise any objections regarding the Planning Commission's jurisdiction or any potential biases or ex-parte disclosures by the Commissioners. There was none.

Associate Planner Chris Myers delivered the staff report. The applicants propose to install a 741 square foot swimming pool in the rear yard. The subject property is in the R-10 zone and meets the minimum

lot size of 10,000 square feet. The West Linn Community Development Code Chapter 34.060 allows for accessory structures to reduce the required rear-yard setback from 20 feet to 3 feet as long as the accessory structure is 500 square feet or less. As the proposed swimming pool is larger than 500 square feet and not eligible for the reduced rear-yard setback, the applicants are requesting a Class II Variance to reduce the required 20-foot rear-yard setback for the pool to be approximately 8 feet from the rear property line. He discussed the four variance criteria and how the application meets the criteria. He noted that there are at least 5 nearby swimming pools that average more than 900 square feet each. Only one of those pools is under the 741 square foot proposed pool. Additionally, Myers noted comments submitted by Margaret Keonjian that expressed concern about the engineering design and noise level.

Questions from commissioners focused on noise control, drainage, and the proximity of the pool to neighboring properties. Concerns regarding the stability of the slope have been addressed with plans for an appropriate retaining wall.

Clement Walsh, representing the property owner, testified on behalf of the applicant. He emphasized the necessity of the variance to preserve an existing mature tree and accommodate a larger structure, slope topography, and grading. Danielle Astrid provided design features of the proposed pool design. She stated that the swimming pool is slightly smaller than the standard size of 20 by 40 ft, which reflects the intention to preserve the mature tree on the property. The design addressed the sloped terrain with retaining walls and implementing effective drainage solutions. The pool equipment will be concealed from view on the northern side of the house.

Two community members testified. Steve Miller testified about his concern about grading and noise from the pool. He requested a commitment that the applicant not play music after 11:00 PM. Elaina Cuichini testified in support of the application. Property owner Megan Kemp responded that the backyard will be landscaped to mitigate noise concerns.

Clement Walsh rebutted that the design includes an engineered 4-foot retaining wall to address slope stability.

Commissioner Jones made a motion to continue the hearing to a date certain to allow further evidence into the record, the motion did not receive a second.

Vice Chair Metlen Carr closed the public hearing and open deliberations. Commissioners deliberated.

Commissioner Evans moved to approve VAR-24-18 as presented and directed staff to prepare a Final Decision and Order based on the findings in the staff report and the record. Commissioner Watton seconded. **Ayes: Watton, Jones, Evans, Schulte-Hillen, Walvatne, and Metlen. Nays: None. Abstentions: None. The motion passed 6-0-0.**

5. Election of Chair and Vice-Chair

Commissioner Walvatne nominated Joel Metlen to serve as Chair for one year. Commissioner Watton seconded. **Ayes: Watton, Jones, Evans, Schulte-Hillen, and Walvatne. Nays: None. Abstentions: Metlen. The motion passed 5-0-1.**

Commissioner Jones nominated Gary Walvatne to serve as Vice-Chair for one year. Commissioner Evans seconded. **Ayes: Watton, Jones, Evans, Schulte-Hillen, and Metlen. Nays: None. Abstentions: Walvatne. The motion passed 5-0-1.**

6. Planning Commission Announcements

Commissioner Walvatne noted that the West Linn-Wilsonville School District is considering combining some primary schools in West Linn. Schulte-Hillen added that the school district will have a meeting on the issue on January 27, 2025 at West Linn High School.

7. Staff Announcements

Planning Manager Wyss announced that a new Planning Commissioner will join the Commission in February. He also reviewed the upcoming Planning Commission schedule and mentioned that the City will conduct a quasi-judicial training session for Commissioners in February. He updated the PC on the Waterfront Project and VISION43.

8. Adjourn

Chair Metlen adjourned the meeting at 7:48pm.