



PLANNING COMMISSION

Minutes of Wednesday, February 5, 2014

Members present: Chair Christine Steel, Lorie Griffith, Nancy King, Jesse Knight, Robert Martin and Ryerson Schwark

Members absent: Vice Chair Russell Axelrod

Staff present: Chris Kerr, Community Development Director; Peter Spir, Associate Planner; and Megan Thornton, Assistant City Attorney

PREHEARING MEETING

Chair Steel convened the meeting at 6:30 p.m. in the Rosemont Room of City Hall. Mr. Spir outlined the contents of the newest documents in the record. He noted that staff had not changed the December 11, 2013 package of amendments, but added Attachment B: Proposed changes to the amendments. Attachment C contained recent submittals, including suggestions from Vice Chair Axelrod. Mr. Spir reported that he had discussed how the proposed code changes would affect their specific circumstances with ten individuals (see the February 5, 2014 Staff Memorandum: Staff Response to questions raised at the January 15 hearing). He advised that the biggest issue to be resolved was in regard to whether the hardship provisions should apply to just vacant properties or to both vacant and developed properties. The drafted approach was to apply it to just vacant properties. He read aloud an email from a Metro Title 13 program planner who advised the City could apply it to both if it decided to. He related that now staff could go either way. He advised if the provision applied to already-developed properties the question when someone wanted to further develop their property would be what would be a reasonable use. Commissioners and staff discussed the hearing procedure. The Commissioners planned to discuss Planning Commission rules at the next scheduled work session. One potential change was to move the meeting time up to 6:00 p.m.

17:23

REGULAR MEETING - CALL TO ORDER

Chair Steel called the meeting to order in the Council Chambers of City Hall at 7:05 p.m.

PUBLIC COMMENT

None.

PUBLIC HEARING

CDC-10-03, Proposed Water Resource Area Protection Code Amendments

Continued from January 15, 2014.

Staff reports and exhibits are available at: <http://westlinnoregon.gov/planning/planning-commission-meeting-6>

Chair Steel opened the public hearing and outlined the applicable procedure. Commissioner Schwark reported that his house was in a WRA and Commissioner Griffith reported her

property was on Trillium Creek. No one present challenged any Commissioner's authority to hear the matter.

Staff Update

Mr. Spir recalled the majority of individuals who had testified at the January 15 hearing had been concerned about how the proposed amendments would affect their use of their specific properties. Since the hearing staff had discussed it with each of them (see the February 5 staff report).

Mr. Spir outlined how staff had addressed each concern. Ann Miller had been concerned about the 2006 grandfather date for partitioning property. Metro staff had advised Mr. Spir that grandfathering was measured from the date Title 13 was adopted by Metro in 2005-2006 and they would not agree to establish a date in 2013-2014. Cindy Kaufmann had been concerned about density in her area of Robinwood and that homes would be built right down to the creeks. Mr. Spir reported there was a vacant lot east of her property. The owner had a legal right to develop it under the hardship provisions in the existing or proposed code. The proposed language would not significantly affect the density in her area. Scott Werner, Troy Ct., had been concerned about whether he could build a small addition. Mr. Spir and Mr. Warner had met and talked about how the hardship provision would be applied there. Ole Olsen had raised a number of issues that the Commissioners were likely to discuss at the hearing. Alice Richmond had asked about the impact of the setbacks on her property. There was already an intermittent stream that had a setback of 57' to 65'. The proposed language would make it a 65' setback. Audrey Lazar had concerns about a 24" concrete pipe on her property. Public Works was aware of conditions there and was trying to fix that problem. It was not something the Commission could solve at this hearing. Bill Perkins, Wildwood Dr., had received a variance that would have allowed him to build on vacant property some years ago. He had not proceeded with construction and the approval had lapsed. He had asked whether the new language would adversely impact his development plans. Mr. Spir said it would not. The new language would actually be more advantageous to his ambitions there. Sam Sabo and Laura Sabo had each asked how the proposal would affect development on his/her lot in the Rogerfield subdivision. There was an illustration on page 8 of the staff report that showed the area that could be developed. It was rather generous. Staff did not see anything that represented a real encumbrance or impediment to developing the property. A WRA permit would be required because of a stream. Steve Simmons, Sun Circle, was concerned about whether rain drain runoff from his house might at some point create a channel that might at some point be classified as a WRA. Mr. Spir had advised that would not be the case and Mr. Simmons was in an ideal situation in that his property backed onto a drainageway and the runoff flowed through a really healthy understory.

Mr. Spir noted that staff proposed further changes that were mostly language tweaks in Attachment B. It reflected changes staff would like to see as well as recommendations from Commissioners and private citizens. A change that was more substantive in nature had to do

with where hardship provisions applied (see pages 6 and 7). The question was whether they should be accorded to both vacant, undeveloped, parcels and already developed parcels with homes on them. Staff thought that properties that were vacant needed and deserved the hardship allowance. It would allow owners to develop up to 5,000 s.f. or 30% of the WRA area so they could build a home if their property was partially or fully encumbered by a WRA. He said another school of thought was that the provisions should apply to developed properties so someone with a modest-sized house would have the opportunity to expand it, perhaps to add another bedroom. That was a question the Commission should consider during the hearing.

16:55

Public Testimony

Mary Grace McDermott, 18976 Walling Cir., (In Opposition) said Robin Creek ran through her property. She indicated her concern was the City was overprotective of all of the pea gravel, stones, rocks, and boulders that had gouged her property for years. Several years ago she had asked the water bureau to put a storm drain in because when water came down it was wide, produced loud noises, and just tore everything out. She recommended that if the City wanted to monitor the streams it had to take care of the runoff from driveways, oil, people using detergents on their cars, roof cleaners, and trailer affluent she had seen washed down the creek. She testified there were many springs on the hill and she had about five on her property that she knew of that had caused misery. She said she recommended that they restrict building on top of the hills because they were just having more problems in regard to the things they wanted to protect, which were clean creeks, wildlife, etc. It did not do any good for the foliage and for the rest of them who had that creek running through their property to have it all messed up from the very top. She said that when she was getting pea gravel she knew that somebody's foundation was washing out. She said she had talked to the Fire Department the previous week. They said when you have those ravines and when the people are near them you have garbage, like tin cans, and the things that are dumped over the deck. She said she wanted to point out in regard to building and restrictions that they should get the houses down to where they were not gargantuan things occupying every bit of space that they had and needed.

Paul Spindel, 1465 Holly St. (Neither for nor Against), said he was hoping to be able to talk to someone and figure out what his options were in regard to his unique house, which was up on stilts and had no foundation. There was water on his property. It had beavers and other wildlife. His house featured two cantilevered decks and the cantilevers, which extended under his house, were rotting and needed to be replaced. Chair Steel said it was helpful for the Commissioners to hear different individual's situations before they considered how the proposed amendments might affect people. She noted staff had passed out correspondence regarding this matter.

26:00

Questions of Staff

Commissioner Martin asked Mr. Spir to discuss the suggestions submitted by Vice Chair Axelrod (see his February 1 email in Attachment C: Recent Submittals). Mr. Spir noted Vice Chair

Axelrod served on the WRA advisory group. He noted that Vice Chair Axelrod felt that properties that were separated from a creek/wetland by a road should not be exempted from having to get a WRA permit because the exemption could be abused. Mr. Spir reported that staff could agree to remove it or keep it because it was a benign exemption. He explained that it was benign because road right-of-ways were 50' to 60' wide and the setback or transition from the creek would only extend halfway across the road. Property on the other side of the street would not be impacted. He said staff agreed with Vice Chair Axelrod's recommendation to show the setbacks on a horizontal plane and they would make the illustration changes in the final draft. Mr. Spir related that Vice Chair Axelrod would take a different approach to the 30% allowance for disturbance on larger properties. He would not apply the 30% allowance, but would have them dealt with on a case-by-case basis. Mr. Spir said he did not see any alternative being proposed and he would just as soon leave it as currently proposed. He related that Vice Chair Axelrod suggested putting a figure back in 32.110 that had been in the previous version that clarified the priority of development was first to develop non-WRA lands, then previously disturbed areas in WRAs, and then non-previously disturbed land in WRAs. Mr. Spir advised that would be somewhat redundant because there were other provisions in that section that made the same point. Mr. Spir said Vice Chair Axelrod suggested reinserting a footnote under 32.110 Hardship Provisions that referenced bioswales. Staff had taken it out because bioswales were required with every project to satisfy Building and Engineering requirements. They thought it was not necessary to have this in the WRA chapter. Finally, Mr. Spir said staff agreed with Vice Chair Axelrod's recommendation to use the term 'soil character' in the definition Temporarily Disturbed Area. When asked, Mr. Spir confirmed the changes staff agreed with had already been incorporated into the proposed code changes. However, the isolated area language was still up in the air.

Ole Olsen submitted additional written testimony. Chair Steel advised that he would have another opportunity to offer oral testimony at the City Council hearing. She announced a ten-minute recess and thereafter reconvened the hearing.

38:25

Additional Questions of Staff

Commissioner Schwark referred to written testimony from Laura Sabo. He asked staff to talk about a possible misunderstanding that the proposed code would guarantee a developable area of 5,000 s.f. or 30% of the WRA. Mr. Spir corrected the misunderstanding by explaining that the City could not guarantee that amount of disturbance. It would be impossible, for example, on a 4,500 s.f. lot. The property had to be large enough so they could stay a minimum of 15' away from the water resource. He noted the proposed hardship provision allowed the property owner to develop much more of their property than they had been allowed to before. The 30% factor meant if they had an acre they could have 17,000 s.f. to work with. He advised this was a balancing act between private property rights and City, Metro and State Goal 5 protection requirements. He referred to Lot 32 of the Rogerfield subdivision and said he had seen nothing on that lot that would be a source of concern in regard to how much land they

could develop. If they could meet the required Floor Area Ratio they could have a 6,000 s.f. house on a 3,000 s.f. footprint with two stories. The WRA permit would cost them \$2,800.

Chair Steel asked staff how the proposed code would affect the rebuilding of the cantilevered deck. Mr. Spir recalled a similar situation on Taylor Court. The code said they could replace decks without going through any review process. He cautioned, however, that it would be another matter if they added supports that ran down to grade with footings in the WRA.

45:00

Deliberations

Chair Steel closed the public hearing and opened deliberations. She asked the Commissioners to consider each of Vice Chair Axelrod's suggestions individually, as Mr. Spir described the proposed change.

- **Isolated area language** related to properties that were on the other side of a street from the WRA.

Mr. Spir said staff could go either way on this because the impact on the properties across the street would be zero to negligible, especially if the road had a crown so the water ran off in two different directions. He said he did not see any chance of abuse. The setbacks from the WRA were 50' to 65' so that would mean they would pretty much only encompass the street right-of-way.

Commissioner Martin indicated he saw little enthusiasm for this and he did not know how strongly Vice Chair Axelrod felt about it, so he would agree to delete it. Commissioner King said if staff did not think it would make a big difference she could agree to delete it. Commissioner Schwark concurred with striking it. Chair Steel asked if someone could build a berm and then claim they were isolated from the WRA. Mr. Spir said it was possible but he had never seen that done before. If a berm was constructed it would be a rather transparent attempt to avoid the provisions so staff would not exempt it. Also, if someone felt they were subject to the provisions when they should not be the discretionary process was always available to them. It would cost them \$2,800 plus the cost of a consultant to excuse them from the provisions. Chair Steel noted the motion would be to delete Section 32.040.G.3 Isolated Areas.

Commissioner Schwark **moved to strike that paragraph** [Section 32.040.G.3]. Commissioner Griffith **seconded** the motion and it **passed** 5:1. Chair Steel voted against.

54:02

- **Depiction of the horizontal measurements associated with the WRA graphics.**

Mr. Spir said he supported this and would make that correction. Commissioner King asked what the suggested change in the diagram accomplished. Mr. Spir said originally the measurements from the stream were done following the terrain and up the slope. Vice Chair Axelrod recommended they be done in plan view, which was looking down from above to get a

more accurate measurement of the setback or transition. Commissioner Martin said he understood why Vice Chair Axelrod would want to do it that way from the perspective of administering it because the maps were that way. But the setbacks of 100' or 200' or 50' were all based on - all the science they were based on - did not really reference the slope. Making this change to horizontal would mean that if there was a 45-degree slope they had just extended the setback. They would have made a 50% increase in what the old setback would have been in terms of measuring up the slope. So he did not know if it constituted an irrationally-large setback to make the change. Mr. Spir related that in practical terms at the staff level it was almost impossible to use that approach. But from an engineering standpoint that was the proper way to measure distance (on a horizontal plane). Lacking all of the related in-field survey techniques staff did not have that capability.

Commissioner Martin said he did not want the code to refer to, for example, the cosine of the angle, and the hypotenuse being 100', and things like that. But on the other hand he was a little concerned that they were extending the setbacks by doing this. He would almost rather leave the drawings the way they were so they had the 100' setback measured on the diagonal, rather than on the horizontal. It was a question of what was really required to protect the stream. Everything he read about protecting streams was that 50' was where the drop off was. If you were below 50' you tended to get into trouble, but if you had more than 50' you were generally getting rid of most of the containments. So that would sort of imply that 100' on the diagonal would be adequate. This was an area that he almost hated to bring up because he wanted to get it right. He did not want to take too much, but he did not want to have something that could not be administered from the engineering standpoint. He asked Mr. Spir to explain to him again what the difficulty was with measuring this on the surface, rather than the way that Vice Chair Axelrod was asking for.

Mr. Spir explained that if they tried to do it on the horizontal all they had was their GIS mapping. To try to get a fix from the creek on their GIS map and tie that to a particular location in the field under the dense canopies that existed in WRAs would be a real challenge. They had radar penetrating imagery which was great, but it was not perfect. What they typically did and relied on was taking a 100' tape from the ordinary high water mark, or the two-year flood elevation, and just walking up the hillside with that tape to a particular point. They got a pretty good fix. They were not 100% correct - they could be off 3 feet here and 2 feet there - however, his measure of confidence in that process was much higher than the notion that he would sit in his office and use a GIS map to delineate the setbacks and then deal with the difficulty associated with trying to translate those GIS maps in the field to find where it was and what they were measuring from. So, implementation of this was much better left as is.

Commissioner Martin asked for clarification that if this change was not made staff would administer like they did in the past. Mr. Spir confirmed that. Commissioner Martin asked for clarification that if they made this change they were tied to the GIS and all of the related problems. Mr. Spir confirmed that. Commissioner Martin indicated he had been confused because he recalled staff had said they agreed with the change. Mr. Spir clarified that he

agreed with it in the theoretical sense but not in a practical sense. Commissioner Griffith recalled Vice Chair Axelrod had talked about this before. It was a standard procedure in map-making to have these graphics on a horizontal plane. She said she would agree with him on that. It might be difficult, but this was the way to actually do the measurements. Mr. Spir agreed with her that when someone bought a piece of land they typically had a survey done to make those determinations. However, he advised the City did not have those resources. People like himself went out with a tape measure and got the job done that way. He noted they were balancing the practical with the theoretical.

Commissioner Schwark said he understood that the way staff was going to do it was with a tape measure. He said it seemed to him that despite Vice Chair Axelrod's suggestion that the proposed change may be more theoretically correct, the purpose of the illustrations in his mind was to help people understand how this worked, so even if they were not theoretically correct the original drawings were in fact what they actually did and reflected the actual code as it was implemented.

Commissioner Schwark **moved** to keep the original drawings and not make the suggested changes to them.

Commissioner Knight said he had similar feelings. He had concerns that mathematically speaking if they did it horizontally they could potentially be adding a burden in regard to how far those setbacks actually went. He said he also completely agreed that while it might be the "correct" way of doing it, if staff could not administer that correctly, then it was not a good way for the City to actually do it. He said as someone who worked in real estate, he could see some real potential difficulties for a homeowner or a potential homeowner in even figuring out what types of building would be permissible without taking the step of getting something like an expensive survey. He said he would prefer that they leave it as it already was and how they had been measuring it for a long time. Chair Steel summarized that the motion was to not revise Figure 32.006 and leave it as it was originally presented in the January 15 documents. Commissioner Martin **seconded** the motion and it **passed** 5:1. Commissioner Griffith voted against.

1:04

- **Hardship provisions in 32.110 paragraph B which allowed the maximum disturbed area of the WRA to be 5,000 s.f. or a maximum of 30% of the total area of the WRA, whichever was greater, and consistent with 32.110(C).**

Mr. Spir said Vice Chair Axelrod was concerned about the 30% allowance for disturbance on larger lots. He had not provided a specific recommendation except to say that larger lots would be dealt with on a case-by-case basis. Staff advised that was problematic given that they had comments from Metro saying that the 30% allowance was acceptable, at least in the case of the City of Troutdale. He said he thought they could go ahead with that provision as proposed by staff.

Commissioner Schwark said he could understand there might be some concern about it but they could not write code that said they would look at it on a case-by-case basis. So they had to go with staff's recommendation as there was not a viable alternative. Commissioner Martin said they could address Vice Chair Axelrod's concerns by setting an upper limit, such as the square footage equivalent of 30% of an acre. He reasoned that there were not very many larger properties and the owners would still be able to use the alternative process, which would in essence be addressing this case-by-case. He said generally if one owned property that large the expense of the alternative process would not likely be a prohibitive problem. He said Chapter 28 had a lot of language about habitat conservation areas that forced the development into the least sensitive areas first. He asked staff if they had adequate protection here to do the same thing. Mr. Spir said the discretionary procedure was available to the property owner. The owner would have their wetland specialist come in and explain how the interest of the owner to develop the property could be accommodated while at the same time the resource could be protected. In return for a gift being given of reduced setbacks the owner would be able to mitigate either on site or elsewhere. Thus, there was an opportunity for some large lots to develop in that fashion.

Commissioner Martin suggested the Commissioners discuss putting a cap on the amount of allowed disturbance by specifying the allowance was 30% up to 30% of an acre (about 13,000 s.f.) or some maximum amount. That would require owners to go through the alternative process to have more. Mr. Spir advised that 15,000 s.f. was the benchmark. When asked, he clarified that Troutdale had no cap, but hundreds of jurisdictions did have caps. He could not recall what the higher caps were.

Commissioner Martin **moved** to have the language specify, ' 5,000 s.f. or 30% of the WRA up to a maximum of 15,000 s.f.' He explained he had made the motion so the Commissioners had something specific to discuss. **The motion failed for lack of a second.**

Commissioner Knight asked what staff's stance was on this. Did they agree with Vice Chair Axelrod's suggestion or the currently drafted provisions? Mr. Spir said he did not particularly agree with the case-by-case approach, but he felt more comfortable with the cap of 15,000 s.f. because it provided staff with an objective standard to apply and it also gave the public some measure of certainty when they considered developing. He noted that because most of the properties in West Linn were an acre or smaller few people would be significantly disadvantaged by this. Ms. Thornton asked them to consider that the goal of the drafted change was to allow a proportional amount of development on different sized lots. That would not be the case if they capped it. Also, because there were not that many large lots in the City of West Linn, they were talking about very few circumstances, but those were all individuals who would then have to hire a consultant to get higher than the 15,000 s.f. if they had two acres for example. Commissioner Schwark recalled a citizen who had a two-acre lot had come to the last meeting. She had stated it was a retirement property. The Commission would place a notable onus on her if they capped this. He indicated he supported the staff language.

1:15

- **Language regarding the priority of development.**

Mr. Spir related that Vice Chair Axelrod questioned why a chart or some statement had been deleted that said that the first priority would be to develop non-WRA lands; the second priority would be to develop previously disturbed areas; and the third priority would be to develop non-previously-disturbed areas was absent from more recent drafts. Vice Chair Axelrod had suggested it would be useful to reinsert it to better explain the proposal. The staff position was that there was a subsequent discussion that explained the priorities a little differently, so they were comfortable with the language they had in place.

Mr. Spir clarified for Chair Steel that this was not just about how the City developed its own properties; it was the priority the City wanted to see when it reviewed proposed developments on land with WRAs. It would first want to see them focus the development in the non-WRA area; then in previously disturbed WRA area. He pointed out another part of this section called for the maximum disturbed area to be located in areas that would result in the least square footage encroachment into the Water Resource Area, which accomplished the same task. Commissioner Griffith asked for clarification regarding what Vice Chair Axelrod was trying to say. Mr. Spir said Vice Chair Axelrod was citing a graphic or turn of phrase or something that had been in the code some time ago that he thought was helpful and that it would be good to reinsert. Commissioner Martin said he could see why staff thought it would be redundant. He noted there was previous language which talked about the three different categories and the order in which they were developed with the idea that you move the development as far away from the water as possible. He noted that C.2. said the proposed development was to be the maximum practical distance from the water resource. He said that sentence really accomplished everything that was there before so he was satisfied with it. He did not think there was a need to change anything here.

1:19

- **32.110.F.2 (a-c) Footnote 1 referring to bioswales**

Mr. Spir advised each of the items on the list of standards for landscaping and parking lots had referred to Footnote 1 which referred to bioswales. Staff had taken out the reference to bioswales because the water detention and treatment was already required by the Building and Engineering Departments so it was not necessary to have the reference to bioswales in this section. The Commissioners offered no comments in regard to this suggestion.

- **Change to the definition in Section 2 to refer to 'soil character.'**

Mr. Spir thought this had been an omission by staff. He said they had already made the suggested change. He advised it would ensure that when a trench was backfilled it was not too compacted to provide a suitable environment for the native plants to be planted there. Commissioner Knight agreed with making this change because it further defined what the provision was actually trying to say.

1:22

Discussion of where to apply 32:110 Hardship Provisions

In Attachment B [attached to the February 5 Staff Memorandum] staff had added provision 32.110.A.2 to the draft:

2. The right to obtain a hardship allowance is limited to lots, described in (A) (1) above, that are unoccupied by a principal structure (e.g. house).

Commissioner Schwark said he understood that this would mean that someone who had a small house on their lot could not apply for a hardship so they could extend it unless they tore the house down so the lot was unoccupied. He said he thought the Commission should strike this clause so that those people had the opportunity to extend their house. He asked Mr. Spir to discuss both sides of the issue and Metro's feedback. Mr. Spir explained staff's reasoning was that if someone had a vacant parcel with a house on it they were not eligible for the hardship provisions because they were already enjoying reasonable use of their property that was similar to the uses on abutting and nearby residential properties. He pointed out that the Metro planner had written to advise that the hardship provisions would apply to both properties that were developed and undeveloped; and, it was up to the City to determine which way they wanted to go.

Commissioner Schwark asked staff to educate him on the issue of reasonable use. He said he presumed that if you had a property of approximately equal size as the neighbor's you were not at hardship, but if you had an 800 s.f. home in a neighborhood of larger homes you might have a reasonable desire to expand your property. He asked what it would be opening the door to if the Commission deleted this provision. Mr. Spir said the code amendments defined 'reasonable use' as uses that are similar in size, intensity and types of uses allowed on other properties in the City that had the same zoning designation as the subject property. He said it was really a question of whether the house was generally consistent with the size of homes nearby. He commented that it would be interesting to find out how that played out.

Commissioner Schwark asked if it would be legally difficult to determine reasonableness. Would they have people coming in and making the argument that that their 3,300 s.f. home should be allowed to be expanded to 4,000 s.f.? Mr. Spir advised that whatever the level of difficulty would be it would not compare to the [current] difficulty of determining what the minimum economically viable use of the property was. He said he thought reasonable use as it was shown here was a lower bar and would probably be hitting closer to the mark of what should be allowed than under the current language. Ms. Thornton advised that whether or not to apply the hardship provisions to occupied lots was a policy choice. Commissioner Schwark then remarked that deleting this provision might be a can of worms and that he was now more ambivalent about doing that.

Commissioner Martin explained that it did not seem right to him that when someone had developed their property and was using, for example, 3,000 s.f. of allowed area, they would not be allowed to extend it, but when the person next door applied to build new they could go to 5,000 s.f. He agreed with Mr. Spir that how the proposed code addressed reasonable use was a

huge step forward from the current standard of minimum economic use. He said he thought one could make the case that bringing their home up to the size of other houses in the neighborhood was a reasonable use of the property. He discussed with staff exactly how the Commission could frame the motion to change the proposed language so the hardship provisions also applied to occupied property. Mr. Spir suggested replacing the drafted language for provision A.2 in Attachment B with, 'Lots described in A.1 above may include both developed and undeveloped properties.' He explained those were both properties that had structures on them and properties that did not have structures on them. Ms. Thornton suggested that could also be accomplished simply by eliminating subsection A.2.

Commissioner Schwark asked for clarification in regard to how far out they would look for reasonable use. He recalled Mr. Spir had said it would be compared to everything that was similarly zoned. The subject property might have a house that was comparable to all the houses in its neighborhood, but the owner might go find five other houses in another neighborhood in that same zone that were larger and say they wanted to be comparable to them. Mr. Spir said staff would be inclined to focus on the surrounding homes in that same zone in that same neighborhood and they would not be reaching into other neighborhoods. Commissioner Griffith asked why staff proposed to add this new provision. Mr. Spir clarified staff had proposed a provision that said the hardship provisions only applied to unoccupied properties. After he read the Metro comment that suggested it be allowed on occupied and unoccupied property he had changed his position. He commented that this subject area had been in a state of flux for quite some time. Commissioner Schwark then noted that if the Commission wanted the hardship provisions to apply to all properties they just had to strike section A.2 that limited it to unoccupied lots. Then by default it would apply to all properties.

Commissioner Schwark **moved** to adopt the [hardship provisions-related] staff amendments as proposed with the exception of the addition of provision 32.110.A.2. about unoccupied lots. Commissioner Martin **seconded** the motion and it **passed** 6:0.

Commissioner Knight **moved** to recommend CDC-10-03 to the City Council with the changes the Commissioners had voted on during deliberations. Commissioner Martin **seconded** the motion and it **passed** 6:0. Mr. Kerr announced that another notice would be sent out prior to the City Council hearing and notices would be sent to individuals who had testified.

1:48

ITEMS OF INTEREST FROM THE PLANNING COMMISSION

Commissioner Martin said he hoped people would take note of the work that had been done on the amendments the Commission had heard. He observed that the current process had been less contentious than it had been seven years ago and would serve as a model for other cities because of the good work of Mr. Spir and the fact that this process followed CCI guidelines for citizen involvement. He applauded Mr. Spir for his good work and encouraged others to do so as well. He said the amendments improved both environmental protection and property rights. He said this was the biggest win he had seen in seven years and he was

property rights. He said this was the biggest win he had seen in seven years and he was delighted about it. He hoped they could learn from it and would continue to follow the CCI process.

Commissioner Schwark **moved** that the Planning Commission give a special commendation to Associate Planner Peter Spir for his work on the WRA amendments. Commissioner Knight **seconded** the motion and it **passed** by unanimous vote.

Commissioner Martin asked that the microphones be fixed. Mr. Kerr said staff would double test them at 5:00 p.m. while the IT staff was still present.

ITEMS OF INTEREST FROM STAFF

Mr. Kerr announced the joint work session with the City Council was scheduled on April 7, 2014. He planned to schedule a work session to review Planning Commission rules and the PUD/Infill flag lot component.

ADJOURNMENT

There being no other business, Chair Steel adjourned the meeting at approximately 8:55 p.m.

APPROVED:

Christine M Steel
Christine Steel, Chair

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Date