



CITY OF
West Linn

PLANNING COMMISSION

Minutes of July 2, 2014

Members present: Chair Christine Steel, Vice Chair Russell Axelrod, Lorie Griffith, Nancy King, Jesse Knight, Robert Martin and Ryerson Schwark
Mayor John Kovash attended the prehearing work session.

Members absent: None.

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

PREHEARING WORK SESSION

Chair Steel convened the session at 6:00 p.m. in the Rosemont Room of City Hall. Staff reported receiving no additional written comments. A number of people had asked how the proposed amendments would affect them. Staff and the Commissioners discussed hearing procedure; potential continuation to August 6; what the supplementary staff memo contained; and that all of the documents were available to the public on the web and would be emailed to those who had signed up for emailed information. Mayor Kovash thanked the Commission for bringing forward an issue of staff-Commission cooperation. He talked about how to resolve it. The session was adjourned at approximately 6:26 p.m.

REGULAR MEETING - CALL TO ORDER

Chair Steel called the meeting to order in the Council Chambers of City Hall at 6:30 p.m.

[Note: Meeting video begins as Mr. Olsen comes forward to comment.]

PUBLIC COMMENT

➤ **Ole Olsen, 3993 Kenthorpe Way – on the difficulty of following the process.**

Mr. Olsen explained that he wanted to be kept better informed in regard to CDC-10-03, Ordinance 1623 as that legislation would impact his property rights. His experience was that he prepared for meetings and they were changed or canceled; he found he did not have the latest revision; and he could not find information on the website. The Commissioners suggested that Mr. Olsen could get answers from staff; he could take his concerns to the Commission for Citizen Involvement; and he could watch the City website for scheduled meetings.

➤ **Miquel and Lidia Salinas, 20765 Willamette Drive - on keeping Highway 43 safety and impacts in mind when considering land use matters.**

Mr. Salinas indicated he supported CDC-10-02. He indicated they should be constantly concerned about safety and impacts on businesses and residences during all land use and development-related matters. He listed his concerns as making maximum use of one's property and recognizing that even though the City did not own Highway 43 it impacted them. He suggested giving more consideration for left turns at strategic points and erecting courtesy signs such as 'Slow down and follow the speed limit.' Vice Chair Axelrod suggested Mr.

Salinas consider participating in the Arch Bridge master planning process, which would look at the Highway 43 corridor.

20:00

PUBLIC HEARING

CDC-10-02, PUD/Infill draft code amendments

The staff reports and written testimony are available online at: <http://westlinnoregon.gov/planning/planning-commission-meeting-39>

Chair Steel opened the public hearing and outlined the affected CDC chapters, the procedure, and the applicable criteria. No conflicts of interest were declared. No one challenged the authority of the Planning Commission or any individual Commissioner to hear the matter.

Staff Report

Ms. Javoronok outlined the history of the project and the goal to no longer require a PUD for natural resource/constrained areas. Measure 56 notice had been sent to over 1,000 households; around 50 persons had attended the open house; and over the past few weeks over 80 persons had contacted staff to ask how the proposal would affect their property. She noted the June 20 supplementary staff memorandum reported on potential modifications to the amendments the Commissioners had discussed. She provided an overview of the three main components of the package: Planned Unit Developments, Flag Lots, and Alternative development standards (Cluster Development, Cottage Housing, and Zero Lot Line Development).

Ms. Javoronok clarified that the hearing draft did not include a 3-acre limit on PUDs that the Commissioners had discussed. The idea was to have smaller properties go through one of the alternative development types. Staff preferred that too, but they would not prohibit smaller properties from going the PUD route if they could use it to have a better design or make better use of the site. She clarified that the Commissioners had discussed additional Flag Lot provisions which were not in the hearing draft. They would address the impact on adjacent residential properties by requiring greater setbacks for upper balconies/patios; greater setbacks for structures over 18' high; and set the height limit at 28'. Staff's rationale for maintaining the current residential zone height limit of 35' was that a 2010 change in the way the City measured height had lowered allowable height by about 7'.

40:20

Questions of Staff

Vice Chair Axelrod asked why the June 20 Supplemental Staff Memorandum did not report that the Commissioners had expressed concern at their June 18 meeting that staff was distributing a hearing draft that was not what the Commissioners recommended. He said the public should be aware that it was not endorsed by the Commission. Ms. Javoronok noted the memo talked about the options staff had discussed with the Commission and reported they had been

removed from the draft. It would be easy for the Commission to add those conditions back in when they made their recommendation.

43:30

Public Testimony

➤ David Dean, 22870 Weatherhill Road (In Support)

Mr. Dean indicated he did not live in the City but was surrounded by it. He indicated he could not understand limiting PUDs to three acres or more and was opposed to doing that. There was no reason to limit them to 3 acres; there were many properties in the 1-3 acres range to be developed; and it was an unnecessary restriction on getting the flexibility a PUD could have. Under the right circumstances PUDs led to better developments and better housing choices in the City.

➤ Russell Carter, 1900 Webb (Neither for nor Against)

Mr. Carter indicated that he and his wife owned property that might be affected. He submitted written testimony that he said included a map and description of his property. It was 100' x 250' but they had no intention of changing it or further developing it during their lifetimes. They would resist any change of zoning, definition, or anything else that affected the property. He asked how the proposed amendments would affect it. Chair Steel encouraged him to arrange to talk to staff about the specifics in regard to his property. Ms. Javoronok clarified the proposed amendments did not require owners to develop their properties or make any changes to them. It would not change the zoning and she did not think it was likely to change their property taxes.

➤ Tomas Pudil, 1928 Hillhouse Drive (In Opposition)

Mr. Pudil testified that the people of West Linn would not benefit from the proposal because it would create more density and mean longer lines at stores and gas stations, longer time to enter a main street from a side street, and more people in the same area. They all would suffer. From living in Europe and Beaverton he knew how people felt when density increased. He said the City should go the extra mile and notify everyone in the City so they could anticipate and react to what was coming. He had received the notice because he owned a larger property, but his neighbors had not.

➤ Linda Hamel, 5661 Cascade Street (In Opposition)

Ms. Hamel asked the Commission to continue the hearing for additional citizen input because there were neighborhood association events going on that night and some people were away during Fourth of July week. She asked who had requested the code changes; what percentage of West Linn residents were in favor of the amendments; and would the changes weaken existing environmental protection codes, particularly in regard to setbacks. She related that it had been established that her property was in a riparian hardwood forest on a bluff, with significant floodplain, trees that anchored the slope, and wildlife habitat.

Those who indicated on the sign-up sheet that they did not wish to testify but were requesting standing in the matter:

- Lucille Grunst, 20775 Willamette Drive (In Opposition)
- Kevin and Michelle Patterson, 3927 Ridgewood Way
- Bill Brasel, 5831 West "A" Street

57:30

Staff Response to Public Testimony

Mr. Kerr advised this project carried out a 2010 Council goal. The Planning Commission, the City Council and staff thought PUD regulations were not providing the results they wanted and there had been some dissatisfaction with Flag Lot regulations and the way they were addressing infill development in general. The Council had formed a task force. Their recommendations had been forwarded to the Commission which had been working on them.

Ms. Javoronok advised the proposed amendments did not expand or diminish environmental regulations on any properties in the City. While the City had not directly asked every resident if they favored the proposal, there had been 40-50 people at the open house and over 80 people called or came in to City Hall to find out how it affected them. Staff had not heard a number of people say they were opposed to it. The notice had been sent to over 1,000 households within the City's growth boundary. They confirmed that the Commission could decide to keep the record open and set a date for continuance. There would also be opportunities for public testimony at the City Council hearing. Those who signed the Testimony Form would have standing and be notified of meetings ahead of time and get staff reports.

In regard to the density question, staff said the proposed PUD regulations and Cottage Housing could allow for greater density than would otherwise be permitted by the underlying zone. Metro required the City to provide for housing density of 8 units per acre. R-10 zoning was about 4.5 units per acre, and R-7 was 6 to 7 units. West Linn was not as dense as other metropolitan area cities.

Motion to Continue

Commissioner Schwark **moved to continue CDC-10-02** and keep the record open for written testimony to July 30. Commissioner Griffith **seconded** the motion and it **passed 5:1**. Chair Steel voted against explaining it was because she thought it was not fair to the staff to ask them to put the information together in such a short amount of time prior to the continued hearing.

Commissioner King **moved to continue CDC-10-02 to a date certain of August 6, 2014**. Vice Chair Axelrod **seconded** the motion and it **passed 6:0**.

Commissioner Schwark and Chair Steel asked staff to be prepared to address small PUD developments and Flag Lots in more detail at the next meeting. He explained the Commission was concerned that newly-divided flag lot properties could impact their neighbors negatively so they proposed some additional setback requirements that staff did not support. She pointed out the June 20 supplementary staff memorandum contained the language the Commissioners

had discussed which had the extra requirements. She indicated they wanted to hear what the public thought about it.

ITEMS OF INTEREST FROM THE PLANNING COMMISSION

Ms. Thornton confirmed that Planning Commission Policies and Procedures had been revised and would be provided to the Commissioners.

ITEMS OF INTEREST FROM STAFF

Mr. Kerr noted the joint Planning Commission/City Council work session was the following Monday.

ADJOURNMENT

There being no other business, Chair Steel adjourned the meeting at approximately 7:47 p.m.

APPROVED:

Christine M Steel
Christine Steel, Chair

8-6-14
Date