



CITY OF West Linn

PLANNING COMMISSION

Minutes of August 6, 2014

Members present: Chair Christine Steel, Vice Chair Russell Axelrod, Lorie Griffith and Ryerson Schwark
Members absent: Nancy King and Jesse Knight
Staff present: John Boyd, Planning Manager; Sara Javoronok, Associate Planner; and Megan Thornton, Assistant City Attorney

WORK SESSION

Chair Steel convened the session at 6:02 p.m. in the Rosemont Room of City Hall. Staff noted written testimony had been received. Commissioners and staff discussed hearing procedure and the September schedule.

REGULAR MEETING - CALL TO ORDER

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

PUBLIC COMMENT

Alice Richmond, 3939 Parker Road announced two upcoming Adult Community Center events.

Janet Delgaard, 2629 Gloria Drive; Brian Hemphill, 2620 Woodsprite Ct.; and Roger Young, 5055 Summit St. each expressed multiple concerns about construction at a Rosemont/Summit development. Staff advised the Commission could not change the conditions of approval at this point. They advised there was no limit on decibel level and they suggested who the neighbors could talk to at the City regarding their concerns.

APPROVAL OF MINUTES

Commissioner Schwark **moved** to approve the Minutes of June 18, 2014 as amended by Vice Chair Axelrod. Commissioner Griffith **seconded** the motion and it **passed** 4:0. Commissioner Schwark **moved** to approve the Minutes of July 2, 2014. Commissioner Griffith **seconded** the motion and it **passed** 4:0. Commissioner Schwark **moved** to approve the Minutes of July 16, 2014 as corrected by Chair Steel. Commissioner Griffith **seconded** the motion and it **passed** 2:0:2. Commissioner Schwark and Vice Chair Axelrod abstained.

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

Links to meeting documents and staff report: <http://westlinnoregon.gov/planning/planning-commission-meeting-42>

Chair Steel opened the hearing. No declarations were made. She announced the record had been closed to additional written testimony on July 30, 2014. She invited oral testimony. Alice Richmond, 3939 Parker Road, asked the Commission to consider her previously-submitted testimony. Chair Steel closed the public hearing.

Deliberations

Ms. Javoronok highlighted aspects of the August 1 staff memorandum. Staff had researched how other jurisdictions addressed PUDs and Flag Lots. They recommended changes to Cottage Housing provisions that would decrease their density and add specific requirements for garages. Vice Chair Axelrod and staff discussed that staff would replace the language, 'potentially severe landslide areas' with 'areas identified as a potential landslide or landslide hazard area in the City's adopted Natural Hazard Mitigation Plan.' They also discussed that the Cottage dwelling size limit of 1,000 s.f. did not include garage area.

Chair Steel polled the Commissioners and determined that their issues were minimum size of PUDs and requirements for Flag lots. The only written public comment received asked them not to require a three-acre minimum parcel size for PUDs. Ms. Javoronok explained that staff no longer recommended that. Chair Steel could not recall minimum size being a big issue for the task force. Vice Chair Axelrod questioned that smaller parcels would be large enough PUDs to offer an appropriate community benefit. He indicated they resulted in denser housing that was inconsistent with the zoning and the neighborhood. He cited Suncrest as an example. He clarified that he thought cluster housing could be done in a tasteful way that would fit certain neighborhoods. Commissioner Schwark recalled they had learned there were very few properties which were three acres or more in West Linn.

When asked if he would be comfortable with a smaller minimum or using landscaping standards to address his concerns Vice Chair Axelrod indicated he would not because he wanted to honor the task force recommendation and he did not think landscaping standards could address the neighborhood character issue. Commissioner Schwark reasoned that people would only use the PUD process for a good reason because the Cottage and Clustered Housing processes were cheaper and easier. He noted the current draft did not include the minimum PUD size requirement.

Commissioner Schwark **moved** to accept the removal of a minimum size PUD requirement from the current draft of CDC-10-02. Chair Steel **seconded** the motion and it **passed** 3:1. Vice Chair Axelrod voted no.

In regard to Flag Lot requirements Commissioner Schwark indicated he could support using the standard residential height limit because the city had changed how height was measured. He was not okay with creating a new set of unique setbacks for Flag Lots. He noted Milwaukie had some good ideas about requiring screening of Flag Lots that they should talk about. Commissioner Griffith indicated she definitely wanted to have screening requirements. She related she had looked at how other cities addressed that. Vice Chair Axelrod suggested following Lake Oswego's example of setting the height limit at the averaged height of adjacent buildings, not to exceed a certain limit. Then, if the immediate neighborhood was predominantly single story homes the infill would not be out of character. He also wanted to maximize required setbacks. He did not think tall walls could be adequately screened using vegetation. Commissioner Schwark related his concern that creating a series of different regulations for Flag Lots might seem okay now, but result in a messy patchwork of

requirements within the same neighborhood that would have to be managed decades down the road.

Vice Chair Axelrod indicated he thought it was fine to have separate regulations for Flag Lots. He asked the Commissioners to examine previously proposed Flag Lot requirements language staff had distributed for the July 2 Commission meeting. He supported those setback requirements and an averaged height limit provision with a 28' cap. Staff clarified that language was not in the public hearing draft, which proposed to use the 35' height limit. Commissioner Schwark indicated he was okay with using the average, but the cap should be the underlying zone limit. If the limit was 28' that would mean new structures would be shorter than surrounding existing properties because the measurement method had changed. Ms. Javoronok clarified the 28' height limit was the task force recommendation. After the task force started meeting the city changed how it measured building height from grade-to-midpoint-of-roof to grade-to-peak-of-roof, which essentially cut off about 7' of allowable height. Commissioner Schwark and Vice Chair Axelrod discussed if the average should be of any two abutting properties, or if they had to factor in more or all abutting properties. Vice Chair Axelrod favored all.

Mr. Boyd cautioned against crafting code that would lead to processing more variances. If they required such wide setbacks and did not allow a taller building that could limit the ability to develop the lot. That would affect a property right. He suggested they be practical and ask themselves what their community needed. He recalled the City had a significant number of Flag Lots and they usually had high end homes on them, so people were building them and building them well. In regard to being practical Commissioner Schwark reasoned that if the height was averaged and comparable to the other houses in the neighborhood then the setbacks of the underlying zone ought to be okay. He would also apply the screening requirements.

Mr. Boyd related that staff did not have the capability of measuring and verifying the height of the adjacent houses; and, building plans were only kept for a certain period of time so those records might not be available. Vice Chair Axelrod related there were tools available that would make it easy to measure heights.

Vice Chair Axelrod **moved** to incorporate a Flag Lot development height restriction that was the average of the structures on adjacent properties. Commissioner Griffith **seconded** the motion and it **passed** 3:1. Commissioner Schwark voted against indicating that the record should show that he agreed with the principle of averaged height but he was concerned about staff's ability to measure and manage it.

In regard to setbacks for Flag lots Vice Chair Axelrod said if they were similar to surrounding properties there was a problem because flag lot structures were usually oriented differently than the surrounding buildings. Commissioner Schwark noted that if they imposed a 20' setback it would be as much as three times the width of the setbacks of the rest of the

neighborhood. That might raise legal issues if it prevented people from developing their property.

Commissioner Griffith supported having 20' separation between infill houses as opposed to 11' or 12'. Chair Steel noted the difference between how neighborhood infill looked and how new developments with flag lots in them looked. She recalled that there were some developments with big and beautiful homes with shared driveways. She indicated she did not want to require setbacks that caused problems for newer flag lot developments, as long as there was screening. Commissioner Schwark suggested imposing larger setbacks as well as averaged height was too onerous and unnecessary. They should have one or the other if they could figure out how to measure averaged height. Staff confirmed that the current draft required the setbacks of the underlying zone. Vice Chair Axelrod indicated it would be reasonable to recommend those setbacks and the averaged height limit to make Flag Lots consistent with adjacent properties.

Commissioner Schwark **moved** to recommend approval of the amendments as proposed in the July 2, 2014 public hearing draft CDC-10-02 with the addition of a Flag Lot height restriction based on the average height of the abutting properties. Commissioner Griffith **seconded** the motion and it **passed** 3:1. Vice Chair Axelrod voted against, explaining that was because there was no minimum size PUD requirement. Commissioner Schwark **moved** to incorporate the changes related to landslide areas and Cottage Housing which were proposed in the August 1, 2014 staff memo into the Planning Commission recommendation to City Council. Commissioner Griffith **seconded** the motion and it **passed** 4:0. Chair Steel closed the hearing.

ITEMS OF INTEREST FROM THE PLANNING COMMISSION

Staff confirmed that the City was accepting applications for the open Commission position.

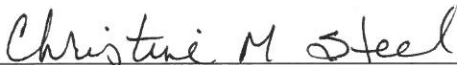
ITEMS OF INTEREST FROM STAFF

None.

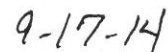
ADJOURNMENT

There being no other business, Chair Steel adjourned the meeting at 8:40 p.m.

APPROVED:



Christine Steel, Chair



Date