



Memorandum

Date: July 5, 2013

To: John Kovash, Mayor
Members, West Linn City Council

From: Chris Jordan, City Manager *uj*

Subject: July 8 Work Session

The City Council is scheduled to meet for a work session on July 8 at 6:00. The agenda includes the following items:

Amendments to the City's Historic Code

On July 15, the Council is scheduled to hold a hearing on proposed amendments to the City's historic code and make amendments to the zoning map regarding the Historic District. This project was initiated two years ago and is recommended for approval by both the Historic Review Board and the Planning Commission. Information about this item is found in the July 15 agenda packet.

Regulatory Streamlining Project

Economic Development Director Chris Kerr has been pursuing this Council Goal for the past few months in meetings with numerous City customers, the Economic Development Committee, the Planning Commission and with an online survey. The attached memorandum summarizes his findings and recommendations to date. Staff recognizes that due to absences from the office, we have fallen slightly behind the Council's adopted schedule for this project (under which the Council work session would have been held about 4-6 weeks ago), but we are working diligently to keep it moving as quickly as possible while still allowing the opportunity for significant community and customer involvement.

Robert Moore Award

The Council will recall that staff discussed the concept of an award to be presented to a citizen for their outstanding service. Kirsten Wyatt will present some information about this idea for Council consideration.

Leadership Academy Update

In 2012 the City initiated its first ever Leadership Academy. We believe that we should engage a second class in 2014. We want to discuss this with the Council at this time so we can get started on the 2014 Academy.

Attachment



Memorandum

Date: July 4, 2013
To: Chris Jordan, City Manager
From: Chris Kerr, Economic Development Director
Subject: "Cut the Red Tape" regulatory streamlining project

At the July 8th City Council worksession on this item, I would like to review and discuss with the Council the attached amendments which are being considered for the regulatory streamlining project. The purpose of the discussion is to answer questions and determine if there are any modifications they would like to see to this list. Following the worksession, I will incorporate all of the Council's additions, subtractions and recommendations into the draft code language that implements these items. I anticipate an initial public hearing before the Planning Commission on August 7th.

Background

In accordance with the Council's goal of keeping West Linn, "*on the path to becoming the finest community in the state to live, work and play – both for ourselves and future generations,*" the Council made it a priority for 2013 to modify City codes and processes to remove regulatory and financial barriers to positive economic development in the City.

Staff began this work in March and held a joint worksession with the Council and Planning Commission on April 1st; during which the following specific purpose of this project ("Cut the Red Tape") was approved:

In support of the City Council's goal of promoting economic development and business activity in the City, this project will review and modify our existing codes and processes to;

- (1) remove ineffectual and redundant regulatory and procedural practices that act as barriers to economic development and businesses; and
- (2) incorporate best practices to streamline and provide incentives for future economic development activity in the City.

Since the project "kick-off" in April, Staff and the Economic Development Committee have been soliciting input from all parties, particularly targeting those that have experience conducting business in the City. Additionally, we have held dozens of one-on-one interviews with businesses and potential developers and investors, conducted a successful web-survey (60 respondents - most of whom have had experience working the City), reviewed best practices in other cities and professional organizations and have completed an internal review of our current City practices to identify areas that can be reformed and improved.

On July 3rd, Staff discussed the proposed amendments being considered with the Planning Commission for their input and comment. Some key recommendations raised by the Commissioners included: (1) considering separating the amendments into categories so that the intent of the changes are better understood; (2) not making any changes that would reduce the City's current citizen involvement practices; (3) not making any changes to the Planning Commission' procedures or rules; and (4) not including several proposed amendments that were tangential to the purpose of the project. Based on those comments, Staff made some modifications to the list of proposed changes to consider. Please see the "Summary of proposed amendments under consideration" attached to this memorandum.

Important proposals NOT included with this project

Please keep in mind that just as important as the proposed changes with this project is a separate group of changes that I am assembling that are not proposed as part of this project due to their complexity and time constraints. However, these are just as crucial to creating an economically sustainable environment in the City. Therefore, I am assembling this separate list ("next steps") for your review with the recommendation that these items be addressed as soon as this current streamline project is completed. Fortunately, several are already priorities for the PC and Council – however, following through and completing them is critical. This list (in no particular order) includes:

1. Re-writing the Mixed Use, or transitional zoning, district regulations.
2. Consideration of reductions to the City's SDC's.
3. Creating a separate floating zone ("PCD") with a separate discretionary approval process that would allow commercial developments that don't meet our stringent code requirements, but meet the intent of the Code, to be approved by the City Council.
4. Re-organizing the CDC in its entirety. Piecemeal changes are always helpful, but it is still extremely confusing, with antiquated and conflicting requirements.
5. Creating Public Use/ROW zoning district to address uses in public facilities, parks, schools, etc.
6. Re-write our non-conforming chapters for legal consistency.
7. Consider re-implementing the past practice of using a hearings officer for certain land use decisions.

Attachment

SUMMARY OF PROPOSED AMENDMENTS UNDER CONSIDERATION

Modifications to Comprehensive Plan

1. The 2003 City Council Goals are proposed to be removed from the Comprehensive Plan. Staff does not recommend including the annual goals of any individual Council into the Plan.
2. Adding clarifying language stating that the definitions of terms used in the Plan are only applicable when used in the Plan and not to other documents in the City. Also, modifying the definitions of certain terms, such as “conditional use”, that are incorrectly defined and in direct conflict with the CDC.
3. Modifying portions of Goal 9: Economic Development to more accurately recognize the importance Economic Development as a priority in the City and to align it with the City’s approved Economic Development Plan.

Modifications to Community Development Code

1. The City’s land use appeal process is proposed to be modified to have land use appeal hearings be held “on the record” as opposed to the current “de novo” hearings. The scope of the appeal hearing would be limited to the specific issues requested by the appellant. Arguments will be permitted written and orally, but not new evidence would be permitted. However, Staff’s proposal will include allowances to open the record in limited circumstances (i.e. to correct procedural or factual errors).
2. The variance criteria regarding topography and takings requirements, are proposed to be revised (e.g., topographical constraints are not a unique feature to properties in West Linn).
3. The Class I variance limitations and criteria are proposed to be modified to allow applicants greater flexibility in requesting minor modifications to the code that don’t adversely impact the surroundings.
4. Amendments that would recognize that an approved Conditional Use is not subject to future non-conforming use requirements.
5. Remove various unnecessary application and submittal requirements throughout the Code, such as the number and type of copies required. The Planning Director will have greater discretion to require electronic or paper copies depending on the application.
6. Eliminate lot dimensional requirements except for area and frontage width.
7. Increase building heights in multi-family residential and commercial zones to five and six floors. These would still be subject to the increased ‘transitional setbacks’ when adjacent to residential housing.
8. Remove Stormwater quality/detention and any other public works design standards from the CDC and align them with the West Linn Public Works Design Standards (PWDS). For example, the detailed engineering requirements for stormwater should not be duplicated in the CDC. They are not criteria for review, can cause conflicts; and in any case, are already required under the City’s PWDS.
9. Revise several Conditional Use standards (e.g., remove “consistent with the overall needs of the community” and “consistent with applicable policies of the comprehensive plan”). These standards are overly broad, subjective and inconsistent with the purposes of conditional uses.

10. Require an administrative review only for development proposed in City parks if it is in accordance with a specific plan previously approved in the City's Parks and Open Space Master Plan.
11. Allow on-street parking to count toward minimum requirements for new development and revise minimum and maximum parking requirements to be consistent with the Regional Transportation Plan. This will result in a reduction of parking requirements.
12. Establish a limitation on the extent of improvements that can be requested to rectify non-conforming aspects of a site such that they are proportionate to value of proposed project (e.g., 10 percent).
13. Modify the land use review procedures such that non-discretionary decisions (subdivisions, design review) would be made by the Planning Director. All legislative and discretionary decisions (e.g. Planned Unit Development (PUD), Conditional Use Permit (CUP), rezoning, variances, and certain appeals) would still require Planning Commission approval. This change would 'move' non-discretionary decisions currently heard by the Planning Commission back to the Planning Director but would maintain the same, more extensive, notification requirements that currently exist.
14. Require neighborhood association (NA) meetings for only large-scale projects (e.g. over 25 units, 5,000 sf, and for all items requiring Planning Commission approval.)
15. Simplify the complex and detailed requirements of applicants to request a meeting with NA's.
16. Allow modifications of approved CUP's to be reviewed under the same standards as a modification to any other development approval. Currently, *any* modification to an approved CUP is required to be reviewed as a new CUP.
17. Modify the code to require that 20 percent of significant trees be preserved, rather than 20 percent of the site area. Additionally, eliminate the requirement for conservation easements for any individual trees.
18. Eliminate the lot coverage requirement in commercial districts.
19. Eliminate permit requirements for temporary A-frame signs. The City has regulations for these signs (which are limited to 60 days), this change would remove the requirement to get a permit and pay a fee.
20. Expand the list of permitted uses in commercial zones (GC and OBC). This would not add any new uses to any district, but instead would make certain uses (hotel, superstores, etc) permitted uses in the district rather than conditional uses.
21. Remove a variety of individual arbitrary standards from Chapter 55 (e.g., "manifestly superior", etc.).
22. Exempt certain minor activities from the Class 1 design review process. This would include many activities in the public right-of-way (sidewalks, transit shelters, bike racks) as well from fences on non-residential property, exterior artwork/statuaries, etc.

Modifications to Municipal Code

1. The Tree Removal Permit requirements are proposed to be amended to remove automatic approval of permit in 20 days and make it longer.

2. Sections of both the WLMC and CDC are proposed to be amended to clarify circumstances in which poultry is allowed to be kept as pets. The action would codify the City's unofficial policy of permitting chickens in residential district (subject to standards). The policy the City has been using is not consistent with the WLMC.

Fees

1. Increase the fees for land use appeals to more accurately capture the costs incurred. Staff also recommends charging all parties (including NA's) the same fee for an appeal as well as clarifying the language on how the Council "calls-up" appeals (in accordance with public meeting laws).
2. Moving some of the current deposit requirements for applications to fixed fees.
3. Allow system development charges (SDC's) to be payable prior to the issuance of a certificate of occupancy rather than at time of building permit.
4. Setting a minimum amount for the bonding requirements of public improvements.
5. Modifying the City's standard language for performance bonds to be consistent with standard practices.
6. Eliminate the 5/8" water meter and establish a standard size (3/4") which will lower the connection fee for some homes.

Procedures

1. The PC is advised to adopt all or part of the City Council's rules, especially those that focus discussions by requiring the PC to deliberate on a motion as opposed to round table discussions before a motion is proposed.
2. Allow outdoor seating areas to extend beyond the building's storefront with permission from the adjacent property owner.

This list is not exhaustive; other changes, mostly related to removing ambiguous/subjective criteria are also being considered.