



CITY OF  
**West Linn**

PLANNING COMMISSION

Minutes of August 7, 2013

Members present: Chair Michael Babbitt, Vice Chair Christine Steel, Russell Axelrod, Lorie Griffith, Nancy King, Robert Martin and Holly Miller

Members absent: None

Staff present: John Sonnen, Planning Director; Chris Kerr, Economic Development Director; Zach Pelz, Associate Planner; and Megan Thornton, Assistant City Attorney

**CALL TO ORDER**

Chair Babbitt called the meeting to order in the Council Chambers of City Hall at 7:02 p.m.

**PUBLIC COMMENT**

Roberta Schwarz, 2206 Tannler Dr., announced the upcoming Concert for the White Oak Savannah. It was one of the fundraising events being planned to raise money to supplement Metro grants to restore the Oak Savannah. She invited everyone to give what they could. Commissioner Axelrod thanked the volunteers for their work.

**PUBLIC HEARING**

**Proposed amendments to chapters 2, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 21, 22, 23, 24, 25, 31, 33, 34, 37, 41, 42, 46, 52, 54, 55, 57, 60, 65, 66, 67, 68, 75, 81 and 99 of the Community Development Code and various sections of the Comprehensive Plan for the purpose of eliminating ineffectual and inefficient regulations to encourage positive economic development.**

Chair Babbitt opened the public hearing. He announced the Commission had received a request for a continuance, so there would be a second hearing. No conflicts of interest were declared. No one present challenged the Commission or an individual Commissioner's right to hear the matter.

**Staff Report**

Mr. Kerr presented the staff report (see his July 26, 2013 Memorandum). He noted that economic development was a key component, but not an end in itself. It had to be balanced with quality of life. He outlined what had led up to the current City Council mission to keep West Linn on the path "to becoming the finest community in the state to live, work and play – both for ourselves and future generations." A change in how the City viewed economic development had begun in 2009. Since then the City Council had created economic development goals; adopted an economic development plan; formed an economic

development advisory board; and created the economic development director position. There had been the Highway 43/Willamette Falls Drive visioning process. The Council had established economic development as one of its top priorities based on a survey of the citizens that showed that 90% of the respondents agreed that West Linn should be actively encouraging economic development in its existing commercial areas. Mr. Kerr had outlined an economic development strategy that had four parts. This proposal was one part: to work on regulatory barriers and other incentives to bring positive economic development into the community. In April 2013 the City Council had established two specific priorities for the year. One was a master plan the Arch Bridge area. The other was to seek proactive, immediate, recommendations to the City's regulations, fees or practices to promote business activity and economic development in the community. The latter effort was to be focused on achieving the most impactful changes possible in the allowed time frame.

Mr. Kerr pointed out the staff report described the related outreach efforts since April. The City Council had formally adopted the list of items to be considered for code amendments in July. Generally, what they trying to accomplish was to put a clear path with more predictability into the land use approval process for those who might consider making investments in the community; and cut red tape, inefficiency and waste by streamlining unnecessary processes. The proposed changes were in the following categories:

- Comprehensive Plan amendments
- Land use appeals
- Variance/special waivers
- Procedural amendment
- Greater flexibility
- Removal of ineffective /redundant code

Mr. Kerr highlighted what was proposed to be changed.

- The City Council goals section would be removed from the Comprehensive Plan.
- Conditional Use would be clearly and accurately defined in the Comprehensive Plan.
- The Comprehensive Plan would recognize that Goal 9 economic development was a priority.
- Land use appeal hearings would be on-the-record instead of *de novo*. That would result in significant cost savings. The City Council could reopen the record if they discovered a factual or procedural error. Neighborhood associations would no longer be allowed to appeal for free
- Class II variance criteria would be clearer about what a variance should accomplish. Minor variances for commercial, non-residential properties would be grouped and meshed with variances for residential properties.
- Special Waivers would be available to applicants who wanted to use them when they did not have a hardship and could build to code, but wanted to propose something better than what they could build under the code.
- Procedural amendments would simplify the applicant's requirements for neighborhood association/developer meetings. A meeting would not be required if the development was

less than five units. That matched the related single-family threshold. There would be no recording requirement in order to allow more free-flow discussion. The Planning Director would conduct non-discretionary reviews (where the decision related to whether or not the application clearly met the code). The Planning Commission would conduct discretionary reviews, including variances, rezoning, conditional use permits; PUDs; certain types of minor appeals; and subdivisions with 25 lots or more. When the Planning Director made the decision, the current requirements related to notification; opportunity for input; and opportunity to appeal would apply. Certain minor improvements would be exempted from Class I design review and they would simply have to meet the standards in the code that related to them. Staff proposed to change the overly broad and subjective, difficult to interpret, Conditional Use criteria related to the "overall needs of the community"; and compliance with "the applicable policies of the Comprehensive Plan" to clearer standards that reflected the real purposes of the criteria and review. A full-blown review process would no longer be required in order to make a small modification to a CUP.

- A number of changes were proposed that would make the code more flexible. That would encourage people to invest in West Linn; make the best use of existing land; and create the types of development the community wanted to see. Those included changing some uses currently listed as conditional uses to permitted uses (a hotel or community center, for example), and changing the CUP requirements related to certain extended hour businesses. Development in existing commercial- and multifamily- zoned areas would be allowed to have expanded building envelopes so they could make the best and most efficient use of that land. The intent was to get some mixed-use developments (such as residential units above ground floor commercial) in those areas. That was accomplished through changes such as allowing more stories. Parking requirement changes would count on-street spaces; encourage shared parking; and lower the requirements so there were not seas of parking lots in front of shopping centers. Tree protection requirements would be less confusing and save 20% of particular trees, not an area of the site. That way the most significant trees and tree clusters would be better protected and more land would be available for the development. A-frame signage restrictions would be changed in order to incentivize pedestrian traffic. Although no issue had been raised in regard to domesticated chickens, the proposed changes would legalize the City's current informal policy allowing them. Any related problems after the change would be dealt with as a Nuisance code issue. Ineffectual and redundant language in the Code would be removed, including requirements that were already in Public Works standards and were reviewed by Public Works. For example, the CDC did not require detailed, engineered, stormwater plans. They were still subject to permits issued by the Engineering Department.

### **Questions of staff**

Commissioner Martin asked staff to reconcile the list of chapters in the hearing notice with the proposed amendments. He could not find what was being changed in Chapters 24, 25, 34,37, 41, 42, 54, 57, 66, 67, 68, and 81. He saw proposed amendments that would change chapters that were not listed, which were Chapters 27, 28, 32 and 85. Mr. Kerr explained some

proposed changes related to the Municipal Code and did not have to be cited in the Planning Commission hearing notice. He had included them so the Commissioners could see what they were. Staff discussed the list of chapters after public testimony (see below). Mr. Kerr clarified for that the staff report considered the results of historic surveys as well as the results of the more recent online survey. He acknowledged that the staff report showed selected summary results. Sixty-one people had responded to ten questions. Chair Babbitt asked him to provide all of their answers.

1:01

### **Public Testimony**

[Please note that written testimony submitted during this period of public testimony can be found at:

[http://westlinnoregon.gov/sites/default/files/projects/testimony\\_8\\_7\\_2013.pdf](http://westlinnoregon.gov/sites/default/files/projects/testimony_8_7_2013.pdf)]

Ed Schwarz, 2206 Tannler Dr., President of the Savannah Oaks Neighborhood Association, reported that the Association had heard Mr. Kerr's presentation the previous evening and then passed the three resolutions he had submitted for the record. He testified that although Mr. Kerr's July 4 memorandum to City Manager Chris Jordan reported that the Commissioners had recommended not making any changes that would reduce the City's current citizen involvement practices, his Association was concerned there was a lot that would impact the public review process. He then discussed each of the resolutions.

Resolution 1 started with not eliminating *de novo* appeal hearings. That had been the practice for many years. The hearings were not about just correcting mistakes because the new information could become a deciding factor. They would not require a neighborhood association to pay an appeal fee. The money would come from the City anyway, so they could not see the reason for doing that. They did not support the change that meant that subdivision applications smaller than 25 units and design reviews would no longer be heard in public. There were developments happening in the neighborhood now that were 5, 11 and 18 units. Residents wanted to be able to talk to the developers about the details at a neighborhood association/developer meeting. The association anticipated that if the current 20% tree protection area requirement was changed to protecting 20% of the trees the developer would have an opportunity to build more on the site and some of the protected trees would probably die. The Association was concerned that the change in the number of Commissioners or Councilors required to call up a decision would not reduce cost or streamline the process and could lead to questions about whether a quorum had met behind the scenes.

Resolution 2 questioned what the ultimate goals of the proposal were. They wanted to know what the impact of all the proposed changes would be on the City. There were already a lot of traffic problems on Salamo, Highway 43, and 10<sup>th</sup> street. This could open the community up to more and more tightly packed development that would generate more traffic. They were concerned about aesthetics. Several association members questioned the need for six-story buildings. Mr. Schwartz asked the Commission to take a hard look at whether that was really necessary.

Resolution 3 asked for a one-month delay in the process so the Association could continue to take a look at the proposed changes. Somehow this had flown under their radar. Mr. Schwarz concluded that the Association's perspective was that this was more than just streamlining the code. It would gut the opportunity for public input. That was not consistent with Statewide Goal 1. During the questioning period Mr. Schwarz clarified he had submitted Resolution 1 the previous evening and Resolutions 2 and 3 that afternoon. The Commissioners identified where they were in the agenda packet.

Roberta Schwarz, 2206 Tannler Dr., held that the economic development committee had not followed the Municipal Code, which called for them to work in close partnership with the West Linn Chamber of Commerce, neighborhood associations and the general public. She charged the proposal was being fast-tracked. She said there was no reason to gut citizens' rights and not let them know what was happening. She suggested if this had not been tabled just before the election it would have affected the election. She submitted a photograph to show that people from four other neighborhood associations had attended her Association's meeting the previous evening because their associations had not had time to meet and discuss the proposal. She asked the Commissioners to consider that Mr. Kerr did not live in West Linn and that he had worked for developers for six years. She said this was an important decision: the Commission would decide whether to go with the rights of the citizens or to go with the rights of the developers. She related that the results of surveys conducted three and five years ago showed that the majority of residents lived in West Linn because it was a bedroom community. 75% of them had specified they did not want further development and the problems connected with it. She anticipated the results of the proposal would make West Linn look like California. She noted the people Mr. Kerr had met with were developers. They were 61 people contrasted with West Linn's 25,000 population. That was not polling the people. If people had known what he was up to in advance they would have said "Hell, no!" Fast-tracking was doing it under the table so people would not know about it in time. The Commissioners had stood for the people in the water project decision and they should say "Hell, no!" in this case too.

### **Questions**

Ms. Schwarz confirmed that her neighborhood association felt that whether or not the planners lived in West Linn was an important issue. That the city manager lived in Lake Oswego and the assistant city manager's spouse worked for Tigard had created a conflict of interest in the water treatment plant case. She clarified that members of five neighborhood associations had attended the Savannah Oaks meeting the previous night from Savannah Oaks, Robinwood, Barrington Heights, Willamette and Marylhurst.

Brenda Perry, 2286 Haskins Rd., testified that she and her husband had moved to West Linn three years prior because of the wonderful community it was. She questioned completely writing off City Council goals. She characterized what she had read as a "contractor's dream" that would result in overcrowding, traffic issues, high buildings and a different West Linn. She observed that Salamo, Highway 43, 10<sup>th</sup> Street and Willamette Falls Drive were already packed.

Allowing extra development would exacerbate it. She did not want someone to be able to move in next door with chickens or other livestock. She questioned how allowing chickens cut red tape or made things financially feasible. She asked the Commissioners to listen to the people in West Linn who cared about West Linn. She clarified that she found out about the proposal at the Savannah Oaks Neighborhood Association meeting the previous night.

Ron LeBlanc, Bluegrass Cir., related that he served on the Economic Development Committee but he was testifying as an individual. He indicated the purpose of the proposed version of the Comprehensive Plan was to take a negative Plan and make it a positive document. He explained his experience working in courtrooms made him opposed to *de novo* appeal hearings. Any applicant could present whatever they wanted at the Commission hearing because they knew that they could appeal and go to the City Council with a whole new plan. He advised they should have to bring the Commission the best plan they had and have to appeal on the record. The notice requirement was still the same. He asked the Commission to leave its comfort zone and approve what was proposed.

### Questions

Mr. La Blanc confirmed that he supported the recommendation to not have *de novo* appeal hearings. Chair Babbitt asked Mr. LeBlanc how much of the proposal had actually been produced by the Committee. Mr. LeBlanc related that he had gone out with the packet to talk to businesses about it and some of what they said was in the document. He indicated the Committee had worked on the Comprehensive Plan to make it positive rather than negative document. After that he assumed lawyers had worked on the code and Plan language before it came back to the Committee, which had then massaged it.

Jenne Henderson, 4130 Mapleton Dr., offered testimony on the following items. She opposed changes that would weaken protections for neighborhoods. She was concerned that the neighborhood associations had not been involved in a process that had been going on since April. The proposal showed a big shift in philosophy. The current code focused on economic development to retain the quiet, residential, character of West Linn. Planning was to focus on keeping the current employment base and not on commercial infrastructure. The proposed version talked about "tourism" and "hotels," and "maximum building height of six stories." She was not sure that was the direction the citizens of West Linn wanted to go. She wanted to keep the conditional use criterion, "consistent with the overall needs of the community." Removing it could invite development by businesses whose purpose did not meet the community of West Linn's needs.

Scott Gerber, 3940 Kenthorpe, had emailed his August 4, 2013 letter to the Commission. He questioned that what Mr. Kerr proposed was "cutting red tape." He questioned how cutting the City Council goals from the Comprehensive Plan would help promote economic development; maintain West Linn's quality of life and livability; maintain trust and credibility of city government; or help oppose urbanization of the Stafford triangle. He reasoned if the intent

was to open the door to Stafford development, then the document should just say so, instead of removing the goals. He noted that might not be very popular with citizens. He questioned whether the ability to build to six stories was really necessary to promote economic development. It was not what most people who chose to live in West Linn wanted to see. He referred to redefining conditional use criteria. He questioned whether it was necessary to make it easier to allow uses that were not intended for a zone. He questioned whether there was really a problem with the concept of overall benefit to the community. He took issue with the idea that definitions used in the Plan were only applicable within the Plan and not to other city documents. He held the Comprehensive Plan should be the definitive document. He recalled a LUBA decision that when something was allowed by local ordinance but prohibited by the Comprehensive Plan the Plan was the controlling document. Land use regulations were subordinate to the Plan.

Mr. Gerber indicated he agreed with Mr. Schwarz' testimony. He did not support the proposals to no longer allow neighborhood associations to appeal at no cost; to no longer have subdivision applications and design reviews heard in public by the Planning Commission; to no longer require applicants to meet with the neighborhood association if the development was less than 25 units; to change the requirements for applicants to call a neighborhood association/developer meeting; and to ease the requirements for protection of the tree canopy. Mr. Gerber said the bottom line was that too many items were being bundled in a grand concept of promoting economic development. He urged the Commission to slow the process down and take a hard look at each and every proposed change. He held that promoting economic development did not necessitate many of the proposed changes. It did not equate to reducing citizen involvement in the land use process. He clarified he was not anti-development, but he had learned it was good practice to maintain some controls over the people who had the keys to the bulldozers.

### **Questions**

Mr. Gerber confirmed that it was his understanding from reading LUBA documents that land use ordinances were subordinate to the Comprehensive Plan. Commissioner Martin asked if he was referring to a specific case. Mr. Gerber indicated he did not have the citation in front of him, but he would be glad to research it. Commissioner Martin related that the Commissioners had been getting the advice that the Comprehensive Plan was really irrelevant and only the CDC applied to land use decisions. He asked Ms. Thornton to clarify that. She advised the Comprehensive Plan was a series of goals and policies and the CDC implemented it. When the City Council and Planning Commission considered adopting a CDC provision it was supposed to meet the goals and policies in the Plan. When the Commission was making a land use decision they applied the CDC criteria to the application. The application had to meet the CDC criteria in order to approve it. Ms. Thornton suggested Mr. Gerber might be referring to a case where there was a conflict because a code amendment was not in line with the goals and policies of the Comprehensive Plan. In that case the goal in the Comprehensive Plan would override it.

Mr. Gerber confirmed that was his understanding. He planned to research that further and let the Commission know what he found.

Dr. Ramiah Ramasobramanian, 1995 Alpine Dr., related that he had read the document and been surprised at the character and extent of the proposed changes. It was clear that West Linn was moving away from the Plan statement that West Linn was a community with essentially a quiet residential character. He did not see any evidence that citizens wanted such a dramatic change. In the interest of transparency and full disclosure the document should have a disclosure section that identified the people who contributed ideas to and wrote the document and their relationship to the development community.

Karie Oakes, 1125 Marylhurst Dr., read aloud her July 31, 2013 memorandum, "Re: 'Cutting the Red Tape' Draft Amendments" (emailed on August 7, 2013). In it she expressed concern that the economic development committee had not included neighborhood associations in its work even though the Municipal code called for it. She charged that the staff and the EDC had solicited and received input weighted towards business and development and left neighborhood associations scrambling to understand the draft amendments and make their concerns heard. She held this opportunity to provide public testimony had been made available too late in the game. At the July 31 work session she had asked the Commissioners to delay the public hearing. Now she asked the Commission to at least hold a second hearing in about another month to give neighborhood associations time to participate.

Ms. Oaks then read aloud her second letter to the Commission (she planned to submit it later). She indicated the proposal would make changes to the Comprehensive Plan, CDC, Municipal Code and fees that went further than the goal of economic development and would weaken citizen involvement and oversight. It was an overall shift from anti-development to pro-development. She advised the purpose of land use planning should not be to promote special interests, but to ensure the best planning for the City. They should consider that West Linn was more of a bedroom community; had a great proportion of home based businesses; had very little existing commercial and industrial land; had nearly reached build-out; and much of its remaining undeveloped land was constrained. She asked who would benefit from the changes; why the Arch Bridge project was specifically named in the proposed amendments; if cutting the red tape to make it easier for development was setting the City up for expansion into Stafford; and how the proposed amendments would affect the Blue Heron property. Since she had only recently become aware of them she was not going to speak about specific amendments yet. She asked the Commission to direct Mr. Kerr to post documents that were not on the website that related to his report, such as the interviews, surveys, emails to businesses and postcards to the public. She asked them to ask the EDC to update its webpage with its agendas and minutes and post the Economic Development Plan and its resolution approving the amendments.

## Questions

Chair Babbitt agreed with Ms. Oakes that neighborhood associations and citizens should have been involved earlier in the process. However, it was not too late. The reason the Commission had decided to hold this hearing and then continue it was in order to solicit citizens' input before they made any decisions. Commissioner Miller assured Ms. Oakes that the Commission was not moving on a predetermined path. She had an open mind and wanted to hear public testimony. She was in no rush. The Commissioners had serious reservations about some of the proposed amendments and wanted to work through them. Commissioner Martin pledged to not let the issue of the EDC not working with the neighborhood associations and general public fall by the wayside.

Teri Cummings, 2190 Valley Ct., noted that it appeared involving the neighborhood associations had been largely overlooked. She advised against cutting the citizens out of the process. Many of them were business owners and very business friendly. Both the Municipal Code and Oregon Statewide Planning Goal 1 required the process to include the neighborhood associations. They were also a means of free exchange of information and ideas between residents and local officials in order to develop the best community possible for everybody's common good. She recommended that the Planning Commission wait two months to hold another hearing because neighborhood associations typically did not meet during August. She recalled work on the existing Comprehensive Plan had taken almost two years. She explained that a *de novo* appeal hearing did not mean starting from scratch because the CDC limited the extent that applications could be amended. The application remained intact, but the information was allowed to be as full and developed as possible. Citizens were not professional planners and developers. They found out about things at the very last minute and they did not always know what the codes and processes were. It was very important for the decision-makers to try to get the most complete set of information they could before they made a decision. There should be no doubt that there had been sufficient opportunity for people to learn more about this proposal and comprehend it. She suggested having a table of contents and making it clearer which goals were or were not being addressed. Everyone needed to be on the same page.

Chair Babbitt ended public testimony for the evening; announced a five-minute recess; and thereafter reconvened the hearing.

2:19

Mr. Pelz reported the list of chapters in the notice failed to include Chapters 27, 28, 32 and 85. The associated amendments were on pages 62-65 of the hearing package. They all had to do with reducing the number of copies of the application that an applicant had to submit from three hard copies to one hard copy and an electronic version of the document. He noted that several chapters were listed but there were no amendments associated with them. That could have been because at one time staff planned to propose associated amendments; or, staff might have anticipated amendments to those chapters might be necessary due to something that might come up during the hearing. Mr. Kerr recommended proceeding without addressing the four chapters not on the list and their associated amendments. He advised all four chapters were affected by a single change (in the required number of copies of an

application). Ms. Thornton and Mr. Kerr explained that no notice was required regarding the Municipal Code changes that Mr. Kerr had put in the packet. He had put them and the change in the master fee schedule in the packet so the Commissioners could see them and offer recommendations about them that he could forward to the City Council.

Commissioner Martin pointed out a conflict between the language in CDC 08.050, Uses and Development Permitted Under Prescribed Conditions (language starting on page 58 related to chicken/poultry and livestock) and the Municipal Code about what was allowed or not. He also noted the proposed code language might not convey what it was intended to convey, and it might prohibit people from having parakeets, for example. Mr. Pelz advised there was an existing discrepancy between the codes and this proposal would not change that discrepancy. Staff planned to continue to work on the language and to address the discrepancy.

Chair Babbitt then polled the Commissioners regarding how to move forward. All but Commissioner Griffith were in favor of re-noticing. She indicated she did not think it was necessary. The others' reasons included that it should be re-noticed in order to be accurate and transparent; it was worth re-noticing in this case; re-noticing offered staff an opportunity to involve neighborhood associations; re-noticing would ensure the process was procedurally correct, even if it was not a significant issue; re-noticing would show the accurate list of chapters being changed; and re-noticing was the Commission's opportunity to show the citizens it was going to do it right and neighborhood associations could trust the process. Vice Chair Steel favored the idea of adding a table of contents with a brief explanation of what the proposed changes were intended to cure.

Chair Babbitt polled the Commissioners and observed the consensus was to make modifications at an August 14 work session that would be incorporated into the public hearing draft in time for it to be distributed ten days prior to a hearing on September 4. Commissioner King suggested the Commissioners focus on the aspects they thought were the highest priorities. Commissioner Axelrod expressed frustration that the process was not allowing the Commission enough time. Commissioner Martin suggested they could meet more than once before the hearing in order to get the work done.

Commissioner Martin **moved** to schedule the initial work session on August 14, 2013; revise the draft code to reflect the testimony and their concerns so it would be something they would want to approve; and, when they felt it was ready, (hopefully by ten days before September 4) they would notice it. Vice Chair Steel **seconded** the motion and it **passed** 6:1. Commissioner Axelrod voted against.

3:02

Chair Babbitt polled the Commissioners regarding whether to accept public comments at the August 14 work session. He would not be able to attend, so it would be up to Vice Chair Steel to decide. The consensus was to not take public comments. The Commissioners wanted to be able to use the time to quietly work on producing a document that would better serve public testimony at the hearing and that would serve the community better. They noted the public

could attend the work session and the public could also submit written comments for the work session. Ms. Thornton summarized that the Commission was done taking public comments on this draft. They had decided to re-notice and provide a new draft. Chair Babbitt closed the public hearing.

### **Questions of Staff**

Mr. Sonnen advised the Commissioners could ask questions to inform their formulating a public hearing draft. Ms. Thornton clarified that a *de novo* hearing was a new hearing where new information could be taken into the record but the application could not be completely or substantially changed and there could not be a change such that new criteria would apply. Mr. Kerr agreed to provide an estimate of the amount of buildable commercial land in West Linn. Commissioner Axelrod asked how the EDC had come up with their approach. Mr. Pelz advised the City Council had made it a goal to promote economic development and instructed staff on what they wanted them to do right now to promote it. The scope of the project did not include whether economic development in general was viable. They were trying to address whether or not there were ineffectual and redundant regulations, procedures, etc. that they could address to promote the City's goals. Mr. Kerr had printed out the rest of the survey and distributed copies of it.

Commissioner Axelrod suggested things were not in the right order. Master-planning of three key areas (Arch Bridge, Blue Heron and Highway 43) should be done before code amendments were considered. Mr. Sonnen advised the Highway 43/Willamette Falls Drive vision basically identified an overall strategy for dealing with the Arch Bridge area, Robinwood, Bolton, Willamette, and the connections between them. There would be detailed master plans for each focus area followed by detailed regulations and design guidelines to implement them. The Arch Bridge effort would be paid for by a grant. This proposal was a disconnected, parallel, effort. Mr. Pelz indicated it was important for the City to do both at the same time so there was some predictability for potential future owners of property that was not yet under a master plan regarding what they could conceivably do with the property. If the City did not allow development on properties that did not have a master plan it might impinge on individuals' property rights. He observed more development was being encouraged in existing commercial areas, which would preserve the rest of the City at the suburban bedroom level they were accustomed to. His opinion was it would be a win: win situation and promote business to put a lot of people in a small area where they could walk to the businesses. He was asked to provide a map so people could see what areas would be impacted. Commissioner King noted that he had just offered an explanation of what they were talking about when they talked about economic development that had been missing in this process that people needed to hear. Mr. Kerr confirmed for Commissioner Griffith that the current proposal was one part of the larger plan for economic development. The Department was also working on retaining existing business and actively marketing vacant West Linn buildings and land to other businesses and developers. They were reaching out to the Chamber and Clackamas County; working with the main street groups; creating other business districts; doing shop local

programs; figuring out vacancy rates; putting things online to help business be successful; looking for grants; etc. Commissioner Griffith suggested that message needed to get out.

Mr. Pelz assured Commissioner Axelrod that Public Works would review an application for conformance with things like stormwater detention and erosion control standards. The plans that the Planning Commission saw would still have to have to show those facilities. Commissioner Axelrod asked staff to clarify why they were changing from a height in terms of feet standard to a floors standard. Mr. Pelz explained staff had learned that it was common today to have a 20-foot high first floor for ground floor retail. It made those spaces more flexible and thus helped reduce vacancy rates. That approach would also increase the number of people within walking and biking distance of commercial centers to promote economic development and improve the traffic situation. He acknowledged the proposed change would result in taller buildings. Commissioner Axelrod asked what the arborist had problems with that made him support the proposed change related to tree preservation. Staff explained the arborist thought more trees could be saved by looking at the condition and situation of each individual tree and evaluating how to save the tree rather than just applying a blanket 10 ft. radius around every tree. The current requirement to protect up to 20% of the area did not necessarily protect 20% of the trees.

Commissioner Axelrod asked Mr. Kerr if he believed the qualitative vision or value statements in the Comprehensive Plan should not be used in land use decisions. Mr. Kerr advised the law required land use decisions to be based on objective criteria. He agreed the objective criteria were based on the wishes and desires of the community in the Comprehensive Plan. He clarified the planning decision process did make some qualitative, discretionary, decisions. Examples included special waivers, CUPs and elements of variances.

3:38

#### **ITEMS OF INTEREST FROM THE PLANNING COMMISSION**

Mr. Sonnen offered to request that the Commissioners be invited along on the City Council tour of the potentially redevelopable Oregon City area across the Arch Bridge.

#### **ITEMS OF INTEREST FROM THE COMMISSION FOR CITIZEN INVOLVEMENT**

Chair Babbitt viewed the decision regarding how to move forward with the economic development proposal as in the best interest of the City because the proposal was being perceived negatively by the citizens.

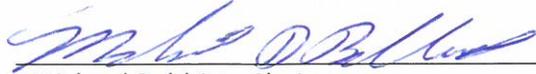
#### **ITEMS OF INTEREST FROM STAFF**

None.

#### **ADJOURNMENT**

There being no other business, Chair Babbitt adjourned the meeting at approximately 10:40 p.m.

APPROVED:

  
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Michael Babbitt, Chair

10-23-13  
Date