

**City of West Linn
PRE-APPLICATION CONFERENCE
SUMMARY NOTES**

May 17, 2012

SUBJECT: Zone change from Office Business Center (OBC) to R-2.1 (20.7 units per acre multi-family housing) and Comprehensive Plan Map Change from Commercial to Medium-High Density Residential for 11.5 acre property at the northwest corner of Blankenship Drive and Tannler Drive.

ATTENDEES: Jeff Parker (Applicant), Lee Winn (Architect) Paul Price
Staff: Peter Spir, Associate Planner
Public Attendees: Roberta Schwarz, David Rittenhouse (Savannah Oaks Neighborhood Association (NA))

The following is a summary of the meeting discussion provided to you from staff meeting notes. Additional information may be provided to address any "follow-up" items identified during the meeting. These comments are PRELIMINARY in nature. Please contact the Planning Department with any questions regarding approval criteria, submittal requirements, or any other planning-related items. Please note disclaimer statement below.

Background

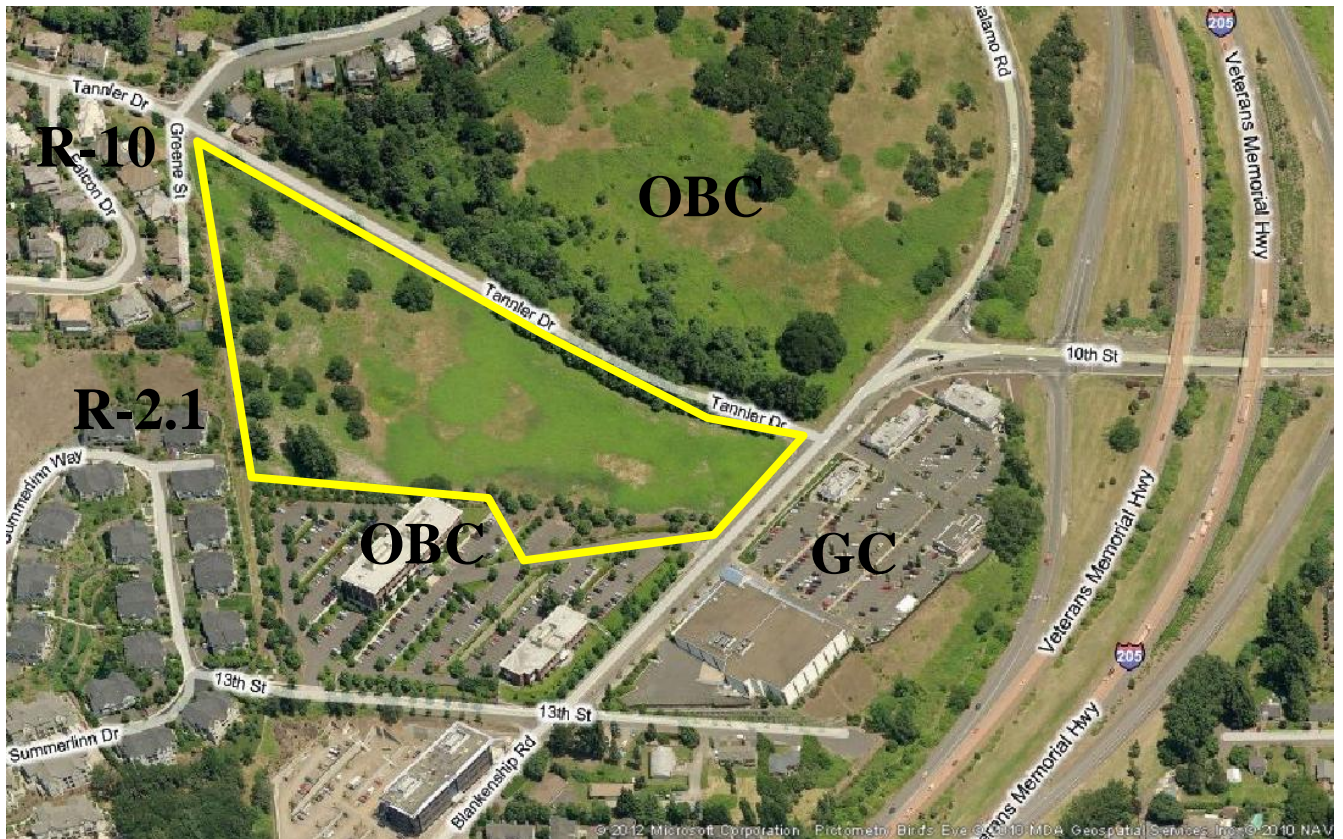
The applicant, Blackhawk LLC, owns 11.5 acres of land that slopes uphill from Blankenship Drive on the west side of Tannler Drive. Most of the site's vegetation is low groundcover. A line of deciduous trees runs parallel to Tannler Drive while a stand of oak trees is scattered across the upper portion of the site. In 2007, Blackhawk LLC received approval for three office buildings comprising 289,000 square feet of office space plus a 756 vehicle parking structure. The applicant was granted a two year extension in 2010 (MIS-10-14). The applicant was subsequently able to vest the approval by installing a utility to the site. Since the site is vested, the applicant may proceed with construction of the three office buildings per the approved plans.

The applicant now would like to set aside the office project and develop a multi-family housing project instead. To that end, the applicant proposes to change the zoning designation from Office Business Center (OBC) to R-2.1 (multi-family 2,100 sq. ft. per unit) and the plan designation from "Commercial" to "Medium High Density Residential".

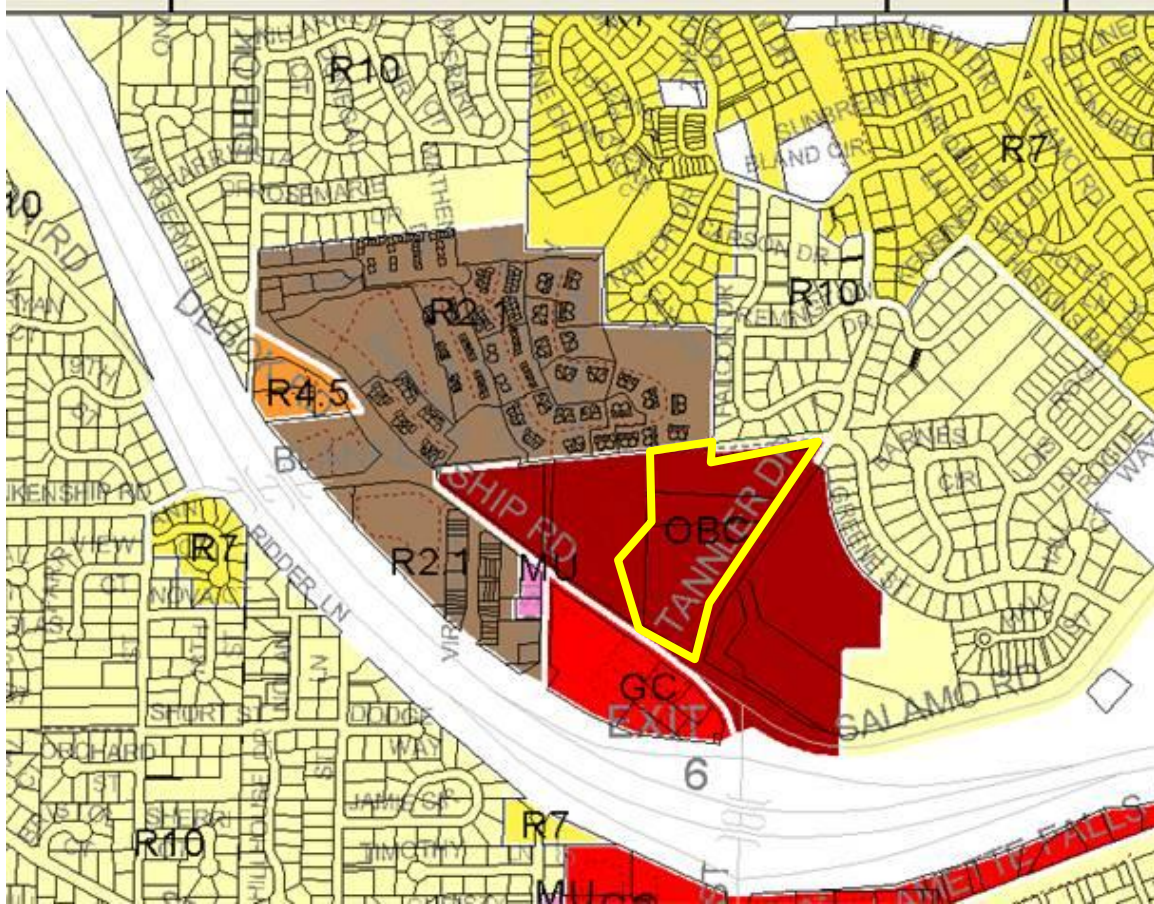
This will require a Planning Commission hearing which will produce a recommendation to the City Council. At the City Council hearing the decision on the zone and plan change will be decided.

All that is expected at the zone change stage is rough conceptual drawings of how the units could be laid out and what they might look like. If the rezone and plan changes are approved, design review would follow. The applicant is required to provide at this time a traffic analysis based on anticipated trip generation.

LOCATION



ZONING



Discussion

The OBC zoning district was established in 1974 to emulate the Kruse Way type of business park environment in Lake Oswego. For a variety of reasons (topography, distance from regional clients and downtown Portland), this location never caught on for OBC except for the three buildings west of the subject property built during the cash flush years of the early 2000's.

An alternative to a straight office project would have been a "mixed use" which is allowed in the OBC. That involves commercial on the ground floor and apartments on the higher floors. But mixed uses can be a hard sell, particularly in markets not familiar with them. A May 8, 2012 Oregonian Business article echoed the challenge facing mixed use projects: "*Washington Street Station (in Hillsboro) was supposed to be a mixed use project with commercial on the ground floor and condos on the second.....Year after year they remained empty...*" At this site, it may be possible to have mixed use along Blankenship Drive but further up the hill, the lack of visual and physical (steep hillside) access would have made it very difficult for ground floor commercial uses to be more than loss leaders.

Concurrent with the decline in the office market (with the attendant oversupply of space) is the increasing attractiveness of multi-family and townhouse development to the consumer and to lending institutions. It is in this climate that Blackhawk LLC operates and may explain why they propose these zone and plan changes.

Some rationales for a zone change to R-2.1 include:

- The R-2.1 zone already occupies much of the nearby area.
- The site is contiguous to the R-2.1 zoning and development of the Madison Heights Condominiums.
- Multi-family housing could improve the market area conditions for commercial development on both sides of I-205 and on Willamette Falls Drive which helps meet the Transportation Planning Rule by facilitating pedestrian access, reducing vehicle miles travelled to get to local services with an attendant reduction in fuel consumption and fossil fuel emissions.
- This also speaks to the “20 minute neighborhood” concept which aspires to have a full range of goods and services within 20 minutes walking time of housing.
- Multi-family housing could justify better transit service in the future.
- Multi-family could also be regarded as a more appropriate transition to single family housing further up Tannler Drive and on Falcon Drive when compared to having offices built.

More Options

- Another option to converting the entire site to R-2.1 would be to leave the lower third as OBC with R-2.1 for the upper two thirds of the site. The expectation is that the block in the OBC zone would have commercial or offices on the first floor fronting directly onto Blankenship Drive with apartments on the floors above. The R-2.1 zone would accommodate apartments as originally proposed. This recognizes that mixed use with commercial on the ground floor only has value and potential along Blankenship Drive. A lot line adjustment to delineate the lower OBC area would be appropriate too. Pedestrian linkages through the site would integrate upper and lower elements. The downside associated with this option is that the OBC has no housing or unit density standards so there is no way to know if the proposed number of units is correct or not. The lack of standards could result in an arbitrary decision.

- Traffic. The approval criteria for a zone change will require a traffic analysis to determine whether the impacts of allowable uses in the R-2.1 zone on nearby streets, intersections and the I-205 interchange are “significant”. (This analysis will require that the applicant produce an anticipated number, or at least a high and low range, of housing units for this project.) If the impacts are deemed significant then the applicant must mitigate those impacts. The applicant should also consider the applicability of recently adopted Oregon Administrative Rule amendments 660-012-0005 and 66-012-0060.
- Retention of Office Space Inventory (see discussion above under “More Options”)

Selected Public Comments

- Roberta Schwarz asked about the allowable density and density bonuses of the R-2.1 zone. Staff response: The R-2.1 zone allows 20.7 units per acre while the density bonuses of CDC section 24.160 <http://westlinnoregon.gov/cdc> allow up to 20%. Additional density is allowed if low cost housing is proposed. At this time, the application is expected to pursue bonuses for park and open space dedication and design excellence.
- How much would the apartments rent for? Jeff Parker thought it might be in the \$800-1200 a month range.
- Would there be a linkage between the four acre park area dedicated as part of this application and the White Oak Savannah Park on the east side of Tannler Drive? Lee Winn response: There is the potential to “connect” across Tannler Drive between the White Savannah Oaks Park trailhead and the entryway to the apartments on Tannler Drive. From that point, there would be pedestrian linkage to the four acre park dedication on Jeff Parker’s site.
- If the zoning stays OBC, is there any density bonus available for offices? Staff response: No, density bonuses only apply to housing units, not offices.
- How many apartments are being proposed? Jeff Parker stated 250, plus or minus.
- Would there be a no left turn at the bottom of Tannler Drive where it intersects Blankenship Drive? Jeff Parker and Paul Price stated that ODOT decides that.
- Roberta Schwarz and David Rittenhouse emphasized that the left turn issue was one of the main concerns of the residents of Savannah Oaks neighborhood.
- Would it be possible to have no access from the apartments onto Tannler Drive and instead direct all traffic from the apartments to access Blankenship near Albertsons?
- David Rittenhouse asked if the project will be phased or built all at one time. Jeff Parker stated that he would probably build them all at one time.

- David Rittenhouse stated that there were a number of people asking why we would convert OBC land when we need an adequate supply of office space for economic development. (see “more options” discussion)

Application

After the pre-application conference the first step should be to satisfy the neighborhood meeting requirements as discussed in CDC section 99.038. Follow the requirements explicitly. You will need to contact the Willamette Neighborhood Association (NA). Their president is Beth Smolens at (503) 722-1531 or willametteneighborhood@gmail.com.

The applicant may also want to hold an informational meeting with the Savannah Oaks NA. Dave Rittenhouse may be contacted at (503) 635-0800 or daver@europa.com. This meeting would not have to meet the section 99.038 standards.

The preliminary submittal shall include:

1. Three copies of the narrative response per CDC Chapter 105.050 and 98.100 including response to applicable comprehensive plan goals and policies and the traffic analysis.
2. Three 11 X 17 sets of site and location drawings/plans
3. All submittal material on disk
4. Completed application form
5. All deposit fees (\$3,000)
6. Required submittals per CDC 99.038

At such time that the application is deemed complete the applicant shall provide 12 new copies of items 1-4 listed above including a revised updated disk.

The approval criteria are reprinted at the end of this summary.

Deposit Fees

The deposit fees will be as follows:

\$3,000 for Zone and Comprehensive Plan Change

Staff bills time against the deposit fees. The applicant must initiate a request for refund of any unused deposit fees once the final decision is rendered. Alternately, if the staff

hours go beyond the deposit fees, then the applicant will be obliged to pay additional deposit amounts.

The City has 30 days to determine whether or not the application is complete (most applications are incomplete). The applicant then has 180 days to make it complete. Once complete, staff prepares public notice and schedules the hearing date. The public notice period is 20 days and involves notifying all property owners within a 500-foot radius of the site. The Department of Land Conservation and Development is also notified. OAR-660-018-0020 requires a 35 day notice to DLCD prior to the first evidentiary hearing. The Planning Commission holds a public hearing with the result being a recommendation to the City Council. Another round of notice is required then the City Council holds a public hearing and either approves or rejects the zone and plan change. The City has a total of 120 days to exhaust all local review and appeals. Subsequent appeals go to the state's Land Use Board of Appeals (LUBA).

Typical land use applications can take 6-10 months from beginning to end, longer with appeals.

DISCLAIMER: This summary discussion covers issues identified to date. It does not imply that these are the only issues. The burden of proof is on the applicant to demonstrate that all approval criteria have been met. These notes do not constitute an endorsement of the proposed application. Staff responses are based on limited material presented at this pre-application meeting. New issues, requirements, etc. could emerge as the application is developed. Pre-applications are good for 18-months only. After that date, assuming no application has been submitted; a new pre-application conference would be required.

Addendum

Approval criteria from Chapters 105 and 98 are shown below. Please refer to those chapters for the submittal requirements.

105.050 QUASI-JUDICIAL AMENDMENTS AND STANDARDS FOR MAKING DECISION

A decision to approve, approve with conditions, or to deny an application for a quasi-judicial amendment shall be based on all of the following standards:

A. The standards set forth in CDC [99.110\(A\)](#), which provide that the decision shall be based on consideration of the following factors:

1. The applicable Comprehensive Plan policies as identified in subsection C of this section and map designation.

2. The applicable standards of any provision of this code or other applicable implementing ordinance.

B. The standards set forth in CDC [99.110\(B\)](#), which provide that, in making the decision, consideration may also be given to the following:

1. Proof of change in the neighborhood or community or a mistake or inconsistency in the Comprehensive Plan or Zoning Map as it relates to the property which is the subject of the development application.

2. Factual oral testimony or written statements from the parties, other persons and other governmental agencies relevant to the existing conditions, other applicable standards and criteria, possible negative or positive attributes of the proposal or factors in sub-section A or (B)(1) of this section.

C. The Comprehensive Plan, Plan and Ordinance Revision Process, and Specific Policy No. 4, which provides that the decision shall be based on consideration of the following criteria:

1. Conformance with the Comprehensive Plan policies and criteria.

2. There is a public need for the change or the change can be demonstrated to be in the interest of the present and future community.

3. The changes will not adversely affect the health, safety and welfare of the community.

D. Transportation Planning Rule compliance.

1. Review of applications for effect on transportation facilities. When a development application, whether initiated by the City or by a private interest, includes a proposed comprehensive plan amendment zone change or land use regulation change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule: "TPR"). "Significant" means the proposal would:

a. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

b. Change standards implementing a functional classification system; or

c. As measured at the end of the planning period identified in the adopted transportation system plan:

1) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

2) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or

3) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

2. Amendments that affect transportation facilities. Amendments to the Comprehensive Plan and land use regulations that significantly affect a transportation facility shall ensure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the TSP. This shall be accomplished by one or a combination of the following:

a. Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.

b. Amending the TSP or Comprehensive Plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of OAR 660-012-0060 of the TPR.

c. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation.

d. Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.

3. Traffic impact analysis. A traffic impact analysis shall be submitted with a plan amendment or land use district change application. (Ord. 1584, 2008)

There have been amendments to OAR 660-012-0005 and 660-012-0060 which were adopted in January 2012 which may be applicable. The applicant's traffic consultants should consider and report on their applicability.

98.100 STANDARDS FOR DECISION

A. The recommendation of the Planning Commission and the decision by the City Council shall be based on consideration of the following factors:

1. The Statewide planning goals and rules adopted under Chapter [197](#) ORS and other applicable State statutes;
2. Any federal or State statutes or rules found applicable;

3. Applicable plans and rules adopted by the Metropolitan Service District;
 4. The applicable Comprehensive Plan policies and map; and
 5. The applicable provisions of the implementing ordinances.
- B. Consideration may also be given to:
1. A mistake or inconsistency in the Comprehensive Plan or implementing ordinance as it relates to the property which is the subject of the proposal; and
 2. Factual oral testimony or written statements from the parties, other persons and other governmental agencies relevant to the existing conditions or factors in subsection A or (B)(1) of this section. (Ord. 1226, 1988; Ord. 1474, 2001)

2012 pre-apps-May17 Parker R-2.1 zone change pre-app