CITY OF West Linn

Memorandum

TO: Chris Jordan, City Manager

FROM: Chris Kerr, Senior Planner

DATE: September 29, 2009 (for October 12, 2009 CC meeting)

SUBJECT: CDC regulatory improvement package (CDC-08-03)

Purpose

The purpose of these proposed minor amendments to the City's Community Development Code (CDC) is to improve the implementation of the CDC by updating the Code and correcting errors and internal inconsistencies. The proposed amendments also address issues that have recently been raised such as the finality of decisions, their effective dates and noticing procedures.

Background

The City periodically processes amendments to the CDC that correct scrivener's errors and provide greater clarity to Code. The City routinely updates the Code to address emerging issues.

Discussion

Most of the proposed amendments are inconsequential corrections related to formatting, Code consistency, and scrivener's errors. Others provide additional clarity to specific provisions of the CDC to address development issues that have previously not been addressed (bolded below are the Chapters that include amendments that likely require the greatest scrutiny). Specific amendments proposed in this report include:

- Scrivener's errors under the several zoning districts related to 'transportation facilities';
- Scrivener's errors under the several zoning districts related to temporary uses;
- Chapter 24 - Planned Unit Development- amended for formatting purposes to clarify the applicant's requirement to meet with Neighborhood Associations prior to submitting an application with the City;

- **Chapter 28** - Willamette and Tualatin River regulations – Language is proposed for deletion to correct an apparent scrivener's error made by Staff. Staff has included separate memoranda with this report that provide more detail into the rationale and history of the proposed changes to Chapter 28.
- **Chapter 35** - Temporary uses and structures- Language has been added to require a temporary use permit for storage 'Pods' which have become more common in the City. The proposed language requires a temporary use permit if they are proposed to remain on site for more than three (3) days;
- Chapter 37 – Home Occupation – Amended scrivener's errors to provide greater clarification, to explain how a 'trip' is measured;
- Chapter 46 - Off-street Parking- amended to update the parking table to include the State changes regarding wheelchair labeling and van accessible spaces;
- **Chapter 48** – Access – amended to allow for greater options for certain driveways to residences to reduce unnecessary impervious surface areas;
- **Chapter 52** – Temporary Signs – the CDC Table related to temporary signs has proven, in practice, to be confusing. The proposed changes to the Table are intended to be consistent with current practices and to provide for greater clarity;
- Chapter 55 – Design Review – new language is proposed to require applicants to identify constrained lands and other approved Goal 5 resources with their submittals;
- Chapter 60 – Conditional Uses – new language proposed to ensure pedestrian connectivity near schools and other significant public use areas;
- Chapter 81 - Zoning Designations – corrections to scrivener's errors related to City's current zoning classifications;
- Chapter 85 - Land Division - correct scrivener's errors and to modify the requirement for a 'blanket utility easement' on lots. This is no longer a practice in the city or a requirement of the County surveyor or utility providers;
- Chapter 96 - Street Improvements – Clarification of language related to sidewalk requirements. The proposed language is intended to provide clearer guidance related to required street improvements that are not found in the Transportation System Plan (TSP);
- **Chapter 99** - Procedures for Quasi-judicial Decision-making – Provide additional details for notice requirements to neighborhood associations and, clarify the distinction between when a decision is 'final' and when a decision becomes 'effective'.

The Planning Commission voted unanimously to recommend approval of the amendments. Please note that Staff has made minor, non-substantive, grammatical corrections to the proposed Ordinance since the Planning Commission approval. These are highlighted in yellow for clarity.

Options

A. The City Council could approve the amendments, as proposed; or

B. The City Council could approve of some, or all, of the amendments with modifications; or

C. The City Council could deny the proposal, thereby leaving the Code 'as is'.

Recommendation

City Staff recommend approval of these amendments as proposed.

Memo2009-2year extension at City Council-CDC-09-04-sept14