

**City of West Linn  
PLANNING & BUILDING DEPT.  
MEMORANDUM**

**TO:** City of West Linn City Council

**FROM:** Peter Spir, Associate Planner; Bryan Brown, Planning Director \_\_\_\_\_

**DATE:** September 8, 2008

**SUBJECT:** Second hearing to consider changes proposed by City Council member(s) to amendments to Community Development Code (CDC). The amendments will create one chapter that integrates Willamette River Greenway (WRG) and Tualatin River Protection Chapters with the requirements of Title 13 of Metro's Urban Growth Management Functional Plan. (CDC-07-04)

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**Purpose**

The purpose is to bring the Willamette River Greenway and the Tualatin River Protection Area standards into agreement with Metro's Title 13.

**Background**

Title 13 of Metro's Urban Growth Management Functional Plan established the regional bench mark for appropriate management, protection and use of streams, vegetative canopies, habitat areas, wetlands and rivers. Collectively, these resource areas are designated as Habitat Conservation Areas or HCAs. To satisfy Title 13 requirements cities and counties are required to adopt their own development code language that addresses Metro's requirements or they may choose to adopt Metro's Model Ordinance.

The Planning Commission recommended in favor of the proposed amendments. On August 11, 2008 City Council held a public hearing on this case, taking public testimony and then left the record open through August 18, 2008 for the submittal of written testimony. The case was continued to September 8, 2008. Staff received only one submittal and that was from Councilor Scott Burgess. Staff made changes in response to that submittal.

**Discussion**

Whereas many of Councilor Burgess' recommended changes were made, staff felt compelled by the fact that much of the language endorsed by the Planning Commission

was from the model ordinance and/or endorsed by the Riverfront Homeowners Association. To give value to the RHA, staff felt compelled to leave some of the language “as is” particularly in the subject areas of existing uses and private property rights.

## **Options**

- 1) Adopt the recommended amendments as attached.
- 2) Make further modifications and adopt the recommended amendments.
- 3) Deny the recommended amendments.

## **Recommendation**

This proposal seeks to strike a middle ground which balances private property rights with Metro requirements, resource protection and reasonable structural setbacks.

Staff recommends that City Council adopt the language as modified.