

Memorandum

Date: September 9, 2013
To: West Linn Planning Commission
From: Zach Pelz, Associate Planner
Subject: CDC-13-01 – Supplemental information as requested from the Planning Commission at the September 4 public hearing.

Members of the Planning Commission requested additional supporting documents from staff at the September 4, 2013, public hearing regarding Planning File CDC-13-01 (“Cut the Red Tape” amendments to support economic development). These documents are attached and are organized as follows:

- **Exhibit A:** 2013 West Linn City Council Priorities – Economic Development (2013, West Linn City Council);
- **Exhibit B:** West Linn Economic Development Plan (2011, West Linn Economic Development Committee);
- **Exhibit C:** West Linn Economic Development Action Plan, Presentation to City Council (2012, Chris Kerr, Economic Development Director, City of West Linn);
- **Exhibit D:** Inventory of Proposed Amendments, rev.3 (2013, Chris Kerr, Zach Pelz, City of West Linn).

Exhibit A: 2013 City Council Priorities; Economic Development

The City Council will initiate the development of a Master Plan and Implementation Strategy for the Arch Bridge/Bolton area.

- Secure grant funding, if available
- Staff present the alternative means for supporting efforts for National and State Heritage Area designation

The City Council will modify codes and processes to remove regulatory and financial barriers and to incentivize positive community economic efforts.

- Conduct audit of City codes, fees and processes to address stated goal. (March 2013)
- The Economic Development Director, Assistant City Attorney, and Economic Development Committee will solicit input from affected parties (public and private developers, etc.) on possible revisions and present report with recommendations to the City Council. (May 2013)
- The Planning Commission will make recommendations on proposed revisions to the Comprehensive Plan and CDC for the Council (July 2013)
- City Council hearings on proposed amendments (August 2013)

(<http://westlinnoregon.gov/citycouncil/2013-council-priorities>)

West Linn Economic Development Committee Economic Development Plan

Acknowledgements

This Report was prepared by:

The West Linn Economic Development Committee:

Linda Neace; Gail Holmes; Jim Edwards; Thomas Boes;; Tim Tragressor; Jenni Tan; Danny Crossman

For the:

West Linn City Council:

Mayor: John Kovash; Council President: Jody Carson; Councilors: Teri Cummings; Jenni Tan; Mike Jones

City Manager

Chris Jordan

Our deepest gratitude to the people too numerous to mention that provided their insight and review that helped shape this plan.

For more information, please contact:

Bridget Culpepper
Project Coordinator, Administration
bculpepper@westlinnoregon.gov
P: (503) 723-2525
F: (503) 650-9041

Overview

West Linn's economy is based primarily on service and retail-oriented commercial businesses, with a relatively limited number of industrial employers. A strong commercial and Industrial tax base is important to the economic vitality of the City. The economic systems that make up the West Linn business community should provide a productive, sustainable, and thriving business environment, present and future.

West Linn has researched the importance of small business to their economy and has produced multiple reports (i.e. West Linn Comprehensive Plan; Sustainable West Linn Strategic Plan; Imagine West Linn) with recommendations aimed to create a positive environment for small business.

The perception continues that West Linn - as a whole - has not embraced the business community nor taken significant steps to make it easier for businesses in West Linn to prosper. There is also the perception that "nothing will ever change" and this hinders the broad-based coalition building that is the only way to develop the positive momentum necessary to make a difference in the way the business community feels about West Linn. ***As a result, the EDC believes the City's charge is very clear: create a plan of visible actions with significant economic impact.***

When planning for economic development, the City must address a host of issues:

- Location of businesses and industry, including the vitality of the Willamette River industrial land
- Retention and expansion of existing businesses
- Home occupations
- Types of new businesses needed
- Access control on major roadways
- Appearance of commercial and industrial development
- Development costs
- City's role in economic development

Commercial and industrial development is concentrated in five primary areas of the City:

- The Willamette Neighborhood
- The Robinwood Neighborhood
- The Bolton (Central Village) Neighborhood
- The Cascade Summit (Tanner Basin) Neighborhood
- The Arch Bridge Area

The Arch Bridge Area is the last large area in West Linn that can be developed/redeveloped into:

- An Industrial Sector?
- Hotel and Tourism?
- Commercial/Retail?
- Mixed Use?
- River Walk?

The primary recommendation of this report is for ***implementation*** of an EDC Short Term Strategic Plan for the City of West Linn:

- Raise the profile of the Business Community in West Linn (Develop a pro-business bias).
- Retain, Strengthen and Expand the existing Business Base
- Encourage new businesses that enhance the community and provide wanted and needed goods and services.
- Regional Collaboration

This flexible approach will help ensure long term prosperity for the City of West Linn.

SHORT TERM STRATEGIC PLAN

GOALS, STRATEGIES AND ACTION MEASURES

<u>Goal/Strategy/Action</u>	Lead	Target Date
Goal 1: Raise the profile of the Business Community in West Linn (Develop a pro-business bias)		
Strategy: Encourage a Business Environment and Businesses that are viable and sustainable and that add to the overall quality of life in West Linn.		
Actions:		
1. Educate the public, and elected and civic leaders on the interdependence of quality of life and economic vitality.	EDC/ Chamber/ City	Ongoing
2. Encourage the economic vitality of the four existing commercial areas by establishing each as a defined Business District and support them in the same manner as are the Neighborhood Associations	City	12-31-11
3. Establish a working partnership among the Business Districts; Chamber of Commerce; and various agencies and organizations, such as the School District and the Neighborhood Associations.	All	12-31-12

Goal 2: Retain, Strengthen and Expand the existing Business Base		
Strategy 1: Encourage, support and assist existing Businesses		
Actions:		
1. Develop a business outreach program	EDC	12-31-12
2. Make information about business services more available	EDC/Chamber	12-31-11
3. Help businesses diversify to meet local needs/demands	EDC/ Chamber	12-31-13
4. Create a business recognition program	Chamber	12-31-12
5. Expand business-to-business marketing program	Chamber	12-31-11
6. Provide local educational opportunities for businesses	Chamber	12-31-11
7. Work on strategies to address capital needs	Everyone	12-31-12
8. Encourage business participation in Business Districts and Neighborhood Associations	Everyone	12-31-11

Strategy 2: Attract Customers to West Linn Businesses		
Actions: <ol style="list-style-type: none"> 1. Create and implement a West Linn Brand Identity 2. Map out specific marketing plans/tactics for each Business District. For example: <ol style="list-style-type: none"> a. Tourism b. Signage c. Willamette area "Main Street Program" 	Chamber Business District	12-31-12 12-31-12
Strategy 3: Encourage, support and assist Home-based Businesses		
Actions: <ol style="list-style-type: none"> 1. Explore ways of encouraging home-based businesses that are compatible with surrounding residences and neighborhoods 2. Develop and implement supportive services and regulations 3. Develop and implement supportive zoning and building codes 4. Develop a plan which identifies and categorizes Home-based businesses 	Everyone City City Chamber	12-31-12 12-31-12 12-31-13 12-31-12

Goal 3: Encourage new businesses that enhance the community and provide wanted goods and services		
Strategy 1: Actively promote the commercial property in West Linn		
Actions: <ol style="list-style-type: none"> 1. Develop positive relationship with property owners 2. Inventory commercial properties with current businesses 3. Develop a plan for priority properties 4. Develop a commercial property improvement program 	EDC/Chamber EDC/Chamber EDC/Chamber EDC/Chamber	Ongoing 12-31-11 12-31-12 12-31-13
Strategy 2: Build a strong business development infrastructure		
Actions: <ol style="list-style-type: none"> 1. Develop services and systems to support an entrepreneurial environment 2. Change regulation creation and review process to align with city goals and decrease the overall volume and complexity of regulations 3. Modify prescriptive Zoning Code regulations to be more outcomes based 4. Develop a mechanism for "red-flagging" problems that might be unknown to the applicant at the front of the process 5. Review System Development Charges-create clear links between the fee and its purpose 	City City City City	Ongoing 12-31-13 12-31-12 12-31-14

Goal 4: Regional Collaboration		
Strategy 1: Leverage efforts and resources in marketing, recruitment, and addressing economic challenges.		
Actions: <ol style="list-style-type: none"> 1. Develop positive relationships with neighboring cities and communities 2. Develop positive relationships with and participate in relevant regional, state and federal organizations (including Tourism and State Economic assistance). 	EDC/City /Chamber EDC/City /Chamber	Ongoing Ongoing

West Linn's continued desirability as a place to live is dependent upon a dynamic, thriving business community. Supporting its Business Community will allow West Linn to grow and prosper, in a manner that respects the community's values and unique quality of life. If West Linn does not support its business community and help it grow, it will certainly lose its quality of life.

City of West Linn
City Council Worksession
July 16, 2012



Economic Development Action Plan

Chris Kerr
Economic Development Director

Tonight's discussion



- I. Economic Development in context
- II. Economic Development Director's focus (4 areas)
 - 1) *Coordination and leadership*
 - 2) *Retention and expansion of business base*
 - 3) *Regulatory barriers/incentives*
 - 4) *Management/implementation of OR 43 vision process*
- III. Financial Tools
 - 1) *Detailed look at Urban Renewal (Richard Seals)*
- IV. Questions?

Economic development in context



Economic development is not an end in itself

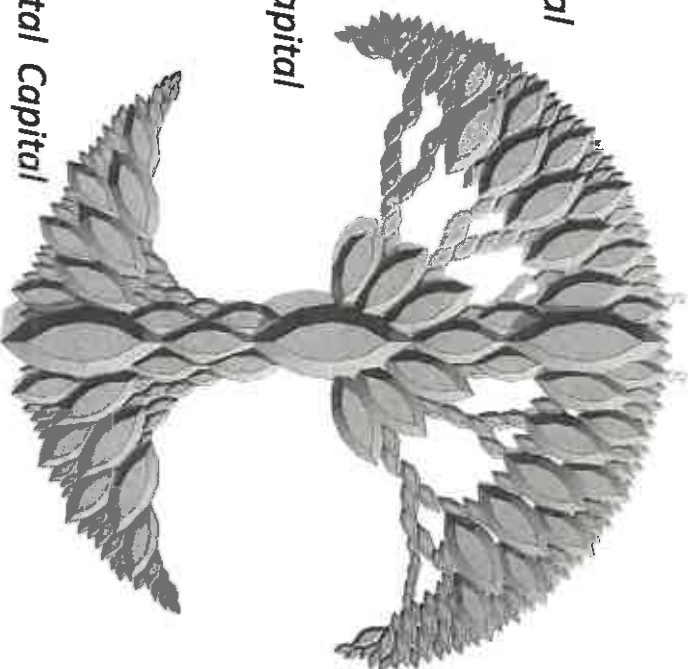
The economy is a means to an end: **Quality of Life**

Making life better for all living things, ourselves, and our children

Social Capital

Economic Capital

Environmental Capital



Council priority is to provide leadership on Economic Development

Economic development in context



West Linn Economic Development Plan

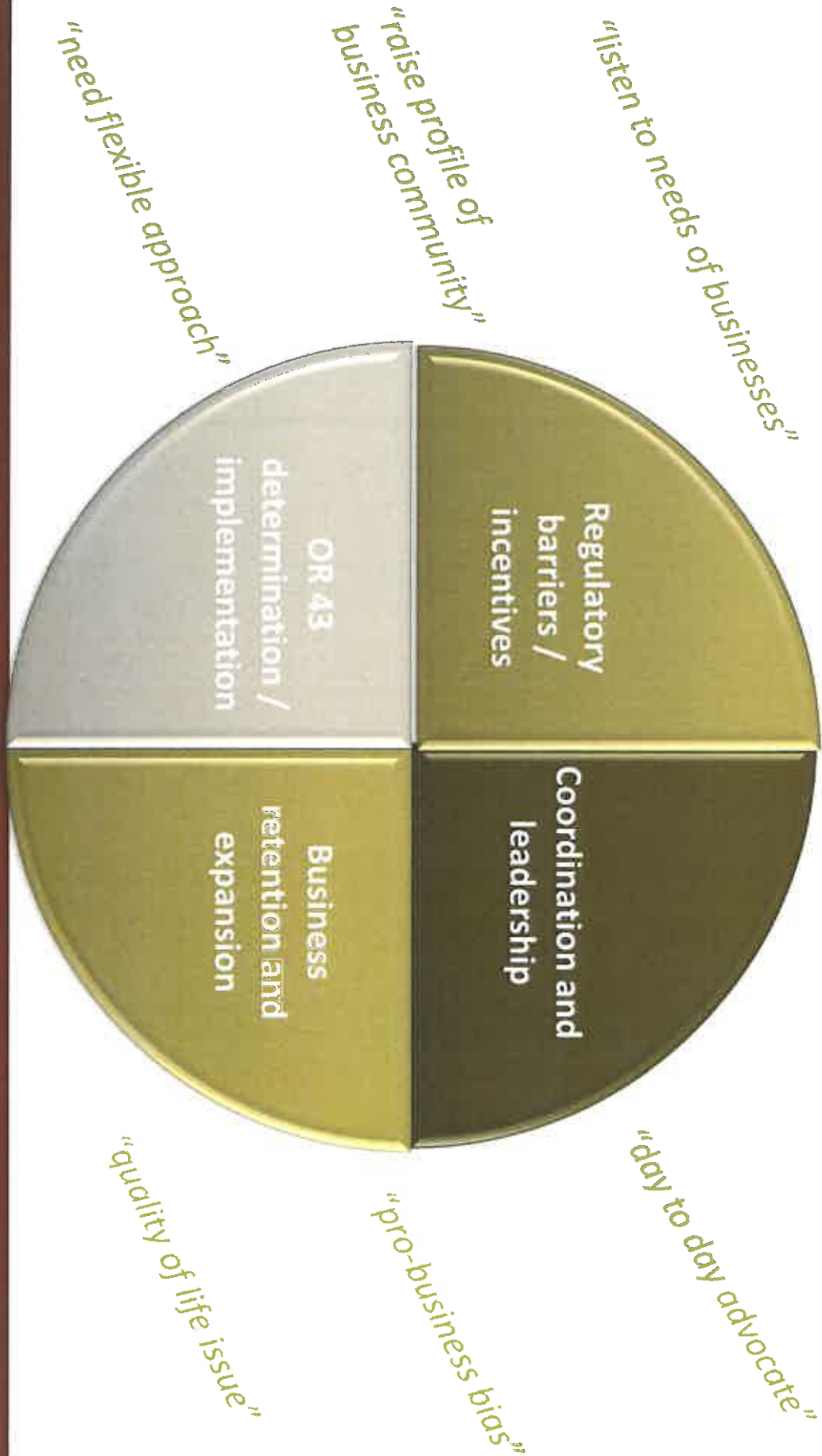
Goal 1: Raise the profile of the Business Community in West Linn

Goal 2: Retain, Strengthen and Expand the existing Business Base

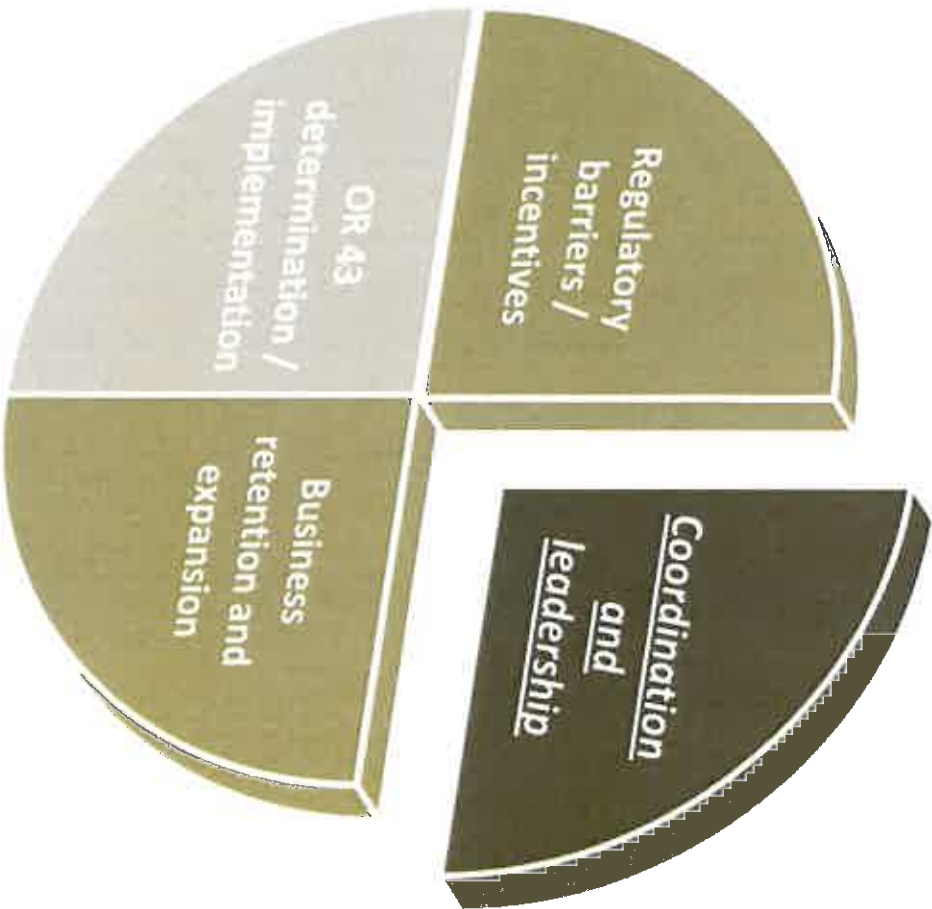
Goal 3: Encourage new businesses that enhance the community and provide wanted goods and services

Goal 4: Regional Collaboration

Focus Areas



Focus Areas



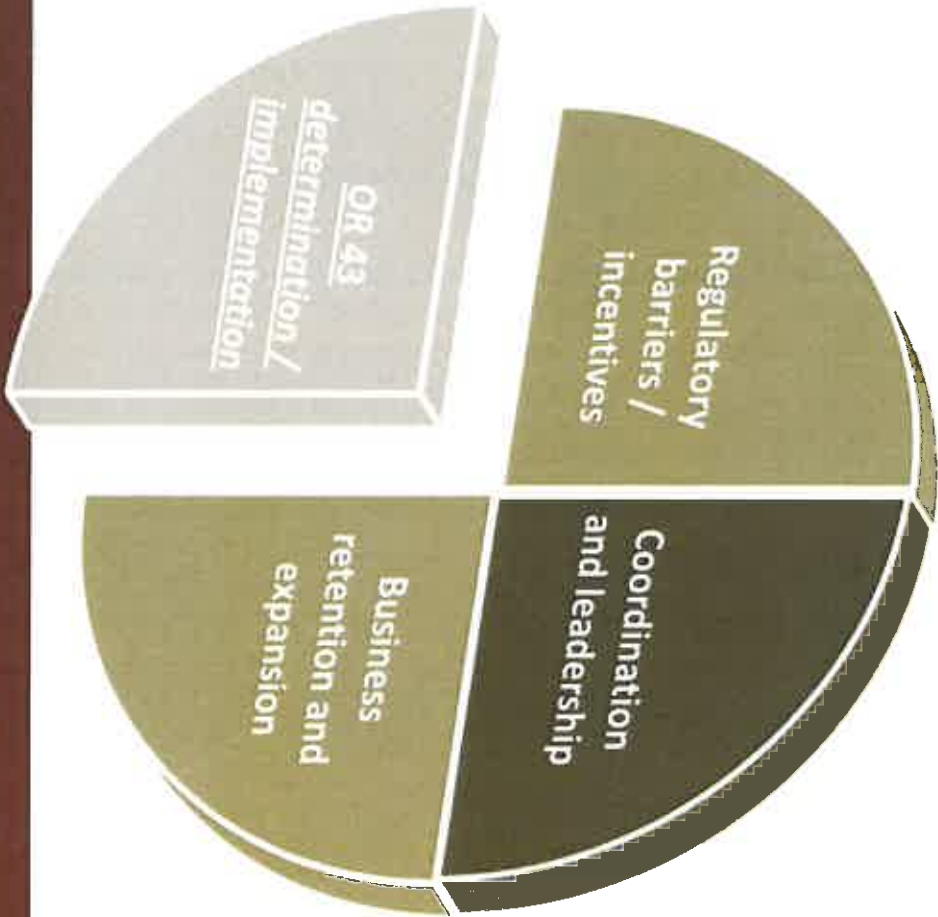
- Education (private/public/govt)
 - Business advocate
 - Inventory /needs assessment
 - Open channels to stakeholders
 - Blue Heron
- Coordination**
- Individuals and districts
 - Regional partners
 - Chamber (2)
 - Main Street
 - EDC
 - NA's
 - City Events
 - City Committees

Focus Areas



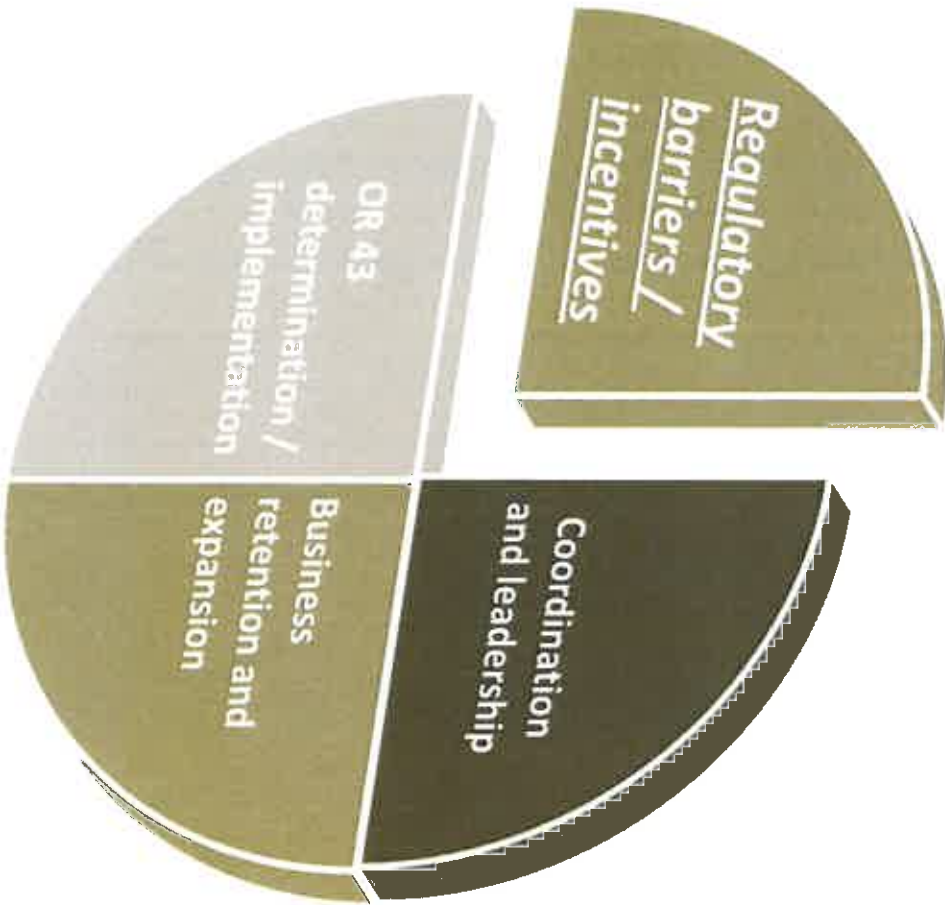
- Business ombudsman
- New ED web site
- Training/education
- Marketing/tourism efforts
- Toolkit for new businesses
- Entrepreneurial asst.
- HBB assistance
- Create plan for priority sites
- Welcoming committee
- Financial incentives
- Outside grants

Focus Areas



- Council direction
- Outside consultant
- CI plan
- Work plan
- Schedule

Focus Areas



- Fees/licensing
- Audit all codes
- Rezoning/permitting
- Public works/utilities
- SDC's
- Property improvement program
- Construction issues
- Code enforcement
- Parking/signage

Exhibit D: Inventory of Proposed Amendments, rev. 3, September 9, 2013

CDC-13-01 Code Amendments for Economic Development

Pg.	Code Section	Language or Issue	Economic Development Impact	Suggested Revision
67	Ch. 2	Hotels and other similar uses are described as, “transient lodging.”	Use of uncommon term is confusing	Change “transient lodging” to hotel/motel.
50	Ch. 2	Definition of A-frame sign includes provision that requires sign to be placed within 10-feet of the business being advertised.	Limiting for businesses and criterion is out of place.	Discrete standards for A-frame signs, including size, location and appearance in separate section (52.109(F)) (p.51) and increase distance that A-frames may be located from business to increase visibility.
33-37	08[09-16].070	In addition to a minimum lot size requirement in each zone, there are certain additional dimensional standards (lot width at street, depth, average width) that must be met.	Limits creative layout of lots/subdivisions. In addition to environmental and/or regulatory constraints may not permit the most efficient use of land. The market will dictate attractive lot characteristics.	Reduce average minimum width requirement in each zone to match the minimum frontage width and eliminate the depth requirement. Use of the existing frontage and setback requirements will ensure that building separation is consistent with current development pattern.
38-41	18[19-23].070	In addition to an explicit setback requirement in commercial zones, an additional setback of up to 50 feet may be required.	Adds uncertainty for landowner/developer. Standard is arbitrary – there are no standards for when this additional setback would be required.	Includes revisions proposed in 8-16.070. Delete sentence that allows an additional setback of up to 50-feet.
39	19.070(7)	25 percent of the front setback area of new developments in the general commercial zone is required to be landscaped.	Inconsistent with desire that buildings be placed at the front property line.	Eliminate the requirement for 25 percent of the front setback area to be landscaped.
51-53	08[9-10].050(4), 11.050(5)	Language regarding livestock and poultry is confusing and does not legally accomplish intended goal to allow chickens on residential property	Legally incorrect given intent of code.	Modify Municipal Code standards (5.415) to permit chickens in residential settings.

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	12.050(5) , 13.050(7)			
31, 32	19[21].03 0, 19[21].06 0	Hotel/motel is currently reviewed as a conditional use in the general commercial zone.	Burdensome – impacts from hotel/motel are consistent with other commercial uses permitted outright in the zone.	Change hotel/motel to use permitted outright.
31, 32	19[21].04 0	Accessory uses are permitted in the general commercial zone pursuant to CDC Chapter 34.	Redundant. Accessory uses are permitted in all zones pursuant to CDC Chapter 34.	Remove section 19.040.
32	19[21].03 0, 19[21].06 0	Religious, fraternal and civic organizations are only permitted in commercial zones through conditional use approval.	These uses produce impacts similar to other commercial uses permitted outright.	Make these uses permitted outright.
32	19.060	Extended hour businesses involving new construction require conditional use approval; however, are listed under the uses permitted outright section of the CDC.	Confusing.	Revise language to clarify that extended hour businesses not involving new construction are permitted outright and those involving new construction are permitted through the conditional use process.
55- 58	27.050(C) , 28.090(C) , 32.040(C) , 52.104(A) , 55.070(D) , 56.075(A) , 60.060(D) , 65.120(C)	Plan submittal currently requires three hard (paper) copies at a reduced (11x17) scale and three hard copies at a large format (22x34) scale.	Unnecessary, adds cost, consumes resources.	Revise to require one hard copy at a reduced scale, one hard copy at a large format scale, and an electronic copy of the application materials. Staff and decision makers will review electronic copies and submit paper copies to the permanent record on the application.

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	75.050(C) 85.150(A)			
61-67	31	Erosion control standards are included in the CDC and the West Linn Public Works Design Standards.	Redundant.	Remove chapter from CDC.
58-61	33	Stormwater Quality and Detention standards are included in the CDC and the West Linn Public Works Design Standards.	Redundant, should occur later in development process	Remove chapter from CDC.
41-46	46.010, 46.020, 46.080, 46.090,	CDC prohibits on-street parking spaces from counting toward the required minimum for commercial uses. Also, some minimum requirements are inconsistent with current Regional Transportation Plan (RTP) requirements.	Valuable commercial property is consumed by space devoted to parking vehicles. Also, results in oversupply of parking and inefficient use of land.	Allow on-street parking along commercial frontages to count toward the required minimum for those uses. Revise minimums to conform to RTP requirements.
42-43	46.050(A)	Section permits joint use of parking areas when the hours of operation of the proposed uses does not overlap	Helps but is extremely limiting considering that the hours of operation cannot overlap.	Allow joint use of parking where it can be demonstrated that sufficient capacity exists to support joint uses
46	46.150	CDC says that on-street parking requiring backing maneuvers is permitted with City Engineer Approval.	Redundant – on-street parking is designed in accordance with the West Linn Public Works Design Standards, approved by the City Engineer. Proposal to allow on-street parking to count toward minimum for commercial uses would require City Engineer approval in some situations and is unnecessary.	Remove this criterion from the CDC. Revise criterion (11.) for clarity – wheel stops are not necessary where there is at least two additional feet between parking and pedestrian ways.
51	52.210(K) (3), 52.109(F)	The CDC permits A-frame signs through the temporary sign approval process which allows a sign to persist a maximum of 60-days during the calendar year.	Difficult for the City to enforce, limits exposure for commercial uses.	Allow A-frame signs without a permit, however, require they be consistent with certain design and locational standards.

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28-29	55.020, 55.025	The CDC requires either Class I or II Design Review for public sidewalks, Transit Shelters and fences and walls.	Unnecessary and inappropriate. Design Review criteria do not include standards with which to evaluate these projects.	Exempt public sidewalks, transit shelters and fences and walls from design review permitting requirements but require that they provide adequate space to allow for pedestrian circulation and that their appearance fit within the context of their surroundings.
54	55.030(C)	This section repeats approval authority established in CDC Chapter 99.	Redundant.	Remove.
47	55.100(B)(3)	Tree protection section requires that <i>up to</i> 20 percent of site be dedicated or put in an easement to protect significant trees. County Assessor has asked City to discontinue the practice of putting trees in protective easement due to the impermanence of trees, and City is frequently challenged by applicants with regard to the requirement to set aside “ <i>up to</i> 20 percent of the site.”	Language is confusing and overreaching.	At the discretion of the City Arborist, require the protection of all trees on site where feasible and <i>at least</i> 20 percent of all significant trees on site. If the Arborist determines that 20 percent of significant trees cannot be saved, the applicant shall be required to mitigate on an inch-per-inch basis.
54	55.120(6)	Site plans are currently required to show the location of all utilities on site. With the proposal to remove Chapter 33 from the CDC, it must be clear that the location and extent of stormwater facilities must also be shown on the applicant’s site plan.	Additional clarity for applicants.	Add language clarifying that site plans must show proposed stormwater detention and treatment facilities.
67	55.130(B)	The CDC requires that grading plans be consistent with Appendix 33 of the Uniform Building Code. This Appendix no longer exists within the Uniform Building Code.	Inconsistent.	Remove this criterion.
29	60.050(B)	Any change to an approved conditional use requires a new application and hearing.	Unnecessary and expensive for relatively minor modifications.	Delete this provision. Review modifications to approved conditional uses similar to modifications to all other approvals, per CDC 99.120.
29	60.070	The CDC currently requires that	The “overall needs of the	Revise approval criteria to clarify that

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		conditional uses demonstrate they are consistent with the overall needs of the community and that they comply with the applicable policies of the Comprehensive Plan.	community” is a difficult standard to apply given the vagary of the terms used in that phrase. This results in a standard that is inconsistently applied and subjects the City to significant legal liability. Reviewing an application for consistency with applicable policies of the Comprehensive Plan is very time consuming for the applicant and for City Staff. In addition, Comprehensive Plan standards are more general than CDC regulations and applying them to specific development proposals requires a large amount of interpretation and discretion on behalf of the respondent.	conditional uses may not have adverse impacts on the livability or usability of nearby properties. Eliminate the requirement to be consistent with applicable policies of the Comprehensive Plan. The CDC implements the Comprehensive Plan.
13-19	Ch. 75	CDC subjects minor and major variance requests to the same strict approval criteria. Also, there are many instances where lack of flexibility in the CDC limits more innovative designs/applications.	Difficult and expensive to make minor changes that require a variance; subjects City to legal liability when attempting to make findings that are tailored to minor variances using the same strict variance criteria.	Make separate approval standards for minor and major variances. Also, create mechanism to permit innovative approaches that exceed minimum CDC standards.
53-54	99.030	CDC requires that staff cite applicable Comprehensive Plan policies in the pre-application notes to the applicant.	Time consuming, difficult to interpret and may increase City’s legal liability.	Eliminate requirement to cite Comprehensive Plan policies at the pre-application stage of an application.
8, 9-10	99.033, 99.240	The City currently does not charge a fee for land use appeals filed by a recognized Neighborhood Association.	Appeals are time consuming and expensive for the applicant and the City.	Charge Neighborhood Associations the same appeal that all other appellants are charged to reduce frivolous appeals.
8	99.038	The CDC contains very explicit instructions	Subjects applications to	Reformat to more clearly describe the

Exhibit D: Inventory of Proposed Amendments, rev. 3, September 9, 2013

		to applicants about when notice is sent to a neighborhood association, what the notice must say, requires that it be sent by certified mail to two officers of the NA, etc. As written, the requirements are also difficult to follow given the long, narrative-style format of the regulations.	increased scrutiny and increased risk of appeal. Current requirement to audio and/or video record neighborhood meetings adds cost to applicant. Applicant is not bound by any agreements or representations made to the NA prior to an application being submitted to the City of West Linn and therefore this documentation is unnecessary.	requirement for neighborhood association meetings. Eliminate the requirement to send by certified mail. Eliminate the requirement to audio and video record the meetings.
25-28	99.060	The authority of the Planning Director to decide non-discretionary decisions is currently limited.	Public hearing before Planning Commission for: Class II Design Review, alterations to non-conforming uses/structures, and subdivisions, adds cost to applicant and City and limits predictability for applicant.	Given the expected education and experience of the Planning Director, this body is more appropriate to make decisions with regard design review, expansion of non-conforming uses and subdivisions less than 25 lots than is the Planning Commission.
9	99.140	Currently, standing may be established by signing the sign-in sheet at a Planning Commission hearing.	Potentially misleading for meeting attendants and adds cost to City during mailings to those with standing.	Remove the provision which establishes standing by signing the sign in sheet and require a testimony form to be submitted instead.
9	99.160	The CDC currently allows a decision made by the Planning Director to be called up by less than a majority of the Planning Commission or City Council.	Subjects City to legal liability.	Require a majority vote of the Planning Commission or City Council to call up a decision by the Planning Director.
9	99.170	The CDC currently allows a decision made by the Planning Commission or Historic Review Board to be called up by less than a majority of the City Council.	Subjects City to legal liability.	Require a majority vote of the City Council to call up a decision by the Planning Commission or Historic Review Board.
11	99.250	All land use appeals in West Linn are currently heard de novo (as new), and provide the opportunity for new	Given the opportunity to appeal a lower body's denial of their application and submit a	Replace de novo appeals with appeals that must be based on existing evidence in the record. Allow new information to be submitted

Exhibit D: Inventory of Proposed Amendments, rev. 3, September 9, 2013

		information and evidence, testimony, arguments and plans.	new application to a higher decision making body, an applicant is likely to offer an application that just meets or possibly one that arguably meets the minimum CDC requirements, rather than one that clearly meets or exceeds the applicable standards.	to the record, on appeal, if it is determined that a procedural error was committed by a lower hearing body or a factual error occurred.
11	99.260	The terms, “appeal” and “review” are used interchangeably in the CDC.	Confusing and creates potential legal liability.	All reviews are appeals. Eliminate the use of the term review.
11-12	99.270	Currently the contents for notice of appeal are written for de novo appeals. To facilitate on the record appeals, this language needs to be revised.	Consistency with proposal for on the record appeals.	Eliminate provisions for de novo appeal process and replace with on the record appeals.
12	99.280	The CDC is currently written to accept de novo appeals. Changes are required to define parameters for on the record appeals, consistent with staff’s proposal.	Implements on the record appeals.	Establish procedural criteria to facilitate on the record appeals.
2	Comprehensive Plan	2003 City Council Goals are included at the beginning of the Comprehensive Plan	Confusing and legally inappropriate.	Remove.
3-4	Comprehensive Plan	The Comprehensive Plan includes a definition for conditional use that is different from the definition in the CDC	Confusing, creates legal confusion/liability.	Revise definition to be the same as the CDC definition for conditional use.

Inventory of Proposed Amendments, rev. 3, September 9, 2013