

DISCUSSED CDC CHANGES

Chapters 31 and 33

- Chapters 31 (page 305 in 2009 CDC Code) and 33 (Page 337 in 2009 CDC code) Repealed by Ordinance [1622](#).
- Questions:
 - How does the City receive better citizen involvement regarding stormwater?
 - Should those be put back in place?
 - How can those repealed sections be incorporated into the design review?
 - Are these repealed sections part of the Public Works Standards? If so, would be easier to just allow Planning Commission to review those?
 - Should the city consider having technical experts (eg. Hydrologists) on record for additional input when needed?

RESULT: To be followed up with City Administration

Chapter 60.070 A.3: The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

RESULT: Change “needs” to “benefit of the West Linn community.”

Addition of 98.035: Attached

Chapter 99.060: Temporary use, rule of necessity.

RESULT: Staff to adjust so an initial hearing at Planning Commission will be provided for longer temporary use over one year which will automatically allow an opportunity for appeal. Delete timeline provisions in Chapter 35. May be additional changes needed to avoid conflicts throughout the code.

Chapter 99.070 B: “When an applicant requests to undertake preliminary work, for site preparation or analysis, the Director may allow decisions within the Director’s authority to precede the subsequent decision required for review by the decision-making body. (Ord. 1474, 2001; Ord. 1568, 2008; Ord. 1635 § 39, 2014)”

RESULT: Tabled for later discussion

Chapter 99.080: Shows Planning Director does not need to publish information in the newspaper

RESULT: Continue to not publish Director Decisions in the newspaper; update website regularly; no change recommended.

Chapters 99.160.C.2 and 99.170.G.2

Takes three council members to get a review of a decision by the Planning Director, places burden on citizens to get to a hearing within a short time period.

RESULT?

Chapter 99.180F.2.D

RESULT: State law requires decisions be made in the way dictated in this section of the CDC; no changes recommended.

Chapter 99.325-Repeal of Section D (extension eligibility)

RESULT: Martin to Direct concerned citizen to the Planning Commission.

Annexation questions to be discussed, if needed, following ordinance going to City Council.

ORDINANCE NO. XXXX

AN ORDINANCE RELATING TO [INSERT ORDINANCE DESCRIPTION HERE - SHOULD BE CAPITALIZED, CALIBRI 12, BOLD]

Annotated to show ~~deletions~~ and additions to the code sections being modified. Deletions are ~~bold~~ lined through and additions are **bold underlined**.

WHEREAS, Chapter II, Section 4, of the West Linn City Charter provides:

Powers of the City. The City shall have all powers which the Constitution, statutes and common law of the United States and of this State now or hereafter expressly or implied grant or allow the City, as fully as though this Charter specifically enumerated each of those powers;

WHEREAS, , the above referenced grant of power has been broadly interpreted to allow local governments to decide upon the scope of their powers in their charter so that specific statutory authorization is not required for a city to exercise its powers, LaGrande/Astoria v. PERB, 281 Or 137, 142 (1978), aff'd on reh'g 284 Or 173 (1978);

WHEREAS, xxx; and

WHEREAS, xxx.

NOW, THEREFORE, THE CITY OF WEST LINN ORDAINS AS FOLLOWS:

SECTION X. New Section. West Linn Municipal Code Section(s) XX.XXX [Name of section] through XX.XXX [Name of section] is/are amended to read as follows:

98.035 CITIZEN ENGAGEMENT IN LEGISLATIVE CHANGES

- A. Purpose. The purpose of a legislative working group is to provide a forum to discuss different points of view on a proposed land use legislative change.

B. Creation of working group. New and modified land use legislative changes to this code will be developed by a representative working group of citizens and assisted by planning staff.

- a. The working group will contain interested stakeholders, a member of the Planning Commission, and a staff representative.
- b. The working group will be recommended by the Committee for Citizen Involvement (CCI) and approved by the City Council.
- c. The working group shall comply with WLMC 2.060 regarding the selection of officers and the other generally applicable citizen advisory group provisions..

B. Conduct of working group meetings.

1. Staff will prepare a suggested draft of the proposed changes. This draft will provide a starting point for discussion and education.
2. Committee members will use the draft as a starting point for education and discussion, but then reconcile the implications of the draft with the Council's vision.
3. After each meeting staff will incorporate approved changes and prepare an updated working draft.
4. All meetings will be public meetings with an opportunity for anyone in attendance to provide public comment. Written minutes will be published.
5. In the event a consensus cannot be reached on an issue, the group will prepare alternatives. Each alternative and its rationale will be presented to the Planning Commission.
6. Prior to submission to the Planning Commission, proposed code changes will be submitted to legal counsel for review. The review should be limited to the identification of areas where the proposed language conflicts with other parts of this code, state law or federal law. As an alternative, legal counsel may attend and advise during the creation of the draft.

C. Presentation to the Planning Commission When the working group reaches consensus that the code changes are ready, the proposed code changes will be presented to Planning Commission pursuant to Section 98.040(A)(2). If the working group fails to reach a consensus on the code changes, all proposals will be presented to the Planning Commission.

SECTION X. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION X. Savings. Notwithstanding this amendment/repeal, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced, shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinance(s) or portions of the ordinance were operative. This section simply clarifies the existing situation that nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

SECTION X. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word “ordinance” may be changed to “code”, “article”, “section”, “chapter” or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections [X-Y]) need not be codified and the City Recorder or his/her designee is authorized to correct any cross-references and any typographical errors.

SECTION X. Effective Date. This ordinance shall take effect on the 30th day after its passage.

The foregoing ordinance was first read by title only in accordance with Chapter VIII, Section 33(c) of the City Charter on the ____ day of _____, 2016, and duly PASSED and ADOPTED this ____ day of _____, 2016.

RUSSELL B. AXELROD, MAYOR

KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

COMP PLAN “PREAMBLE”

INTRODUCTION

USING THE COMPREHENSIVE PLAN

~~This document is designed to respond to the desires, needs, and aspirations of the citizens of West Linn.~~

Comprehensive city planning addresses a wide range of topics and issues related to the growth and development of a community. This plan includes background and analytic sections that support recommendations for, among other things, sustainable economic activity, housing, recreation and open space, transportation, land use livability, and preventing degradation of quality of life in and for West Linn. The Plan is comprehensive in scope and its goals and policies are intended to be supportive of one another. West Linn’s Comprehensive Plan provides guidelines and standards for decision makers, including City employees and officials, citizens, developers, community groups, and other local, state, regional, and federal agencies. This document pertains to the City of West Linn as the City limits exist in ~~2003~~ 2016 and the contiguous Urban Growth Boundary as it ~~existed in October 2002.~~ exists in 2016.

~~The City of West Linn is dedicated to a policy of 100% cost recovery for growth attributable impacts in all categories of Systems Development Charges (SDCs) allowable by Oregon law. There is a charter requirement that all annexations require voter approval.~~

The Comprehensive Plan ~~is designed to respond to the desires, needs, and aspirations of the citizens of West Linn.~~ It provides the ~~vision and~~ basis for other plans, ordinances, and other implementing documents that set forth more detailed direction ~~regarding specific activities and requirements~~ to guide how the City will be planned for, what considerations will be given to future land use plans and decisions, and how to achieve the quality of life objectives that West Linn residents value and expect. All City plans and implementing ordinances must be consistent with the Plan.

Guiding Values

The following chapters in the Plan reflect these guiding values as articulated by the citizens of the city of West Linn: (Note: whether they do or not requires a complete review of the Comp Plan)

- Maintain and protect West Linn's quality of life and livability.
- Support of West Linn's neighborhood associations to promote citizen involvement in civic life and empowerment in the land use planning process.
- Maintain and strengthen trust and credibility in city government.
- Preserve and protect West Linn's water resources.
- Maintain a budgetary process that is fiscally prudent and provides quality and cost-effective City services to the citizens of West Linn. Utilize West Linn small businesses when possible to perform contracted city services.
- Promote land use policies, both locally and regionally, that are based on the concepts of sustainability, carrying capacity, and environmental quality.
- Foster mixed use development that integrates small business and residential dwellings in appropriate corridor areas to encourage economic development and revitalize neighborhood/community connections.
- Support development of remaining commercial lands through a master planning process that balances neighborhood/community desires with economic development appropriate for the geographic location and its attributes. Encourage partnering with Oregon City for development of the Arch Bridge/I-205 corridor region.
- Oppose urbanization of the Stafford Triangle and pursue policies to retain that area as a rural buffer between West Linn and neighboring communities.
- Assert through both planning and policy that compatibility with existing development should be a primary goal in West Linn's land use process.

Local Control

In 1997, West Linn citizens overwhelmingly approved a measure advising the City to exercise local control over growth-management and to seek changes in the Metro 2040 Functional Plan. In some situations, Comprehensive Plan policies and associated implementation programs may not be consistent with the Metro Functional Plan. In these situations, exemptions to Metro policies will be pursued through the Metro process for exemptions. The Land Conservation and Development Commission initially acknowledged the Comprehensive Plan for compliance with the State Planning Goals in 1984. The Plan is periodically reviewed by the City in coordination with the Department of Land Conservation and Development and updated to ensure that it continues to comply with these goals. The Comprehensive Plan has been drafted to reflect the needs of the residents of West Linn and reviewed in terms of the vision of the Metro 2040 Growth Concept and its goals as set forth in the Functional Plan. It also has been reviewed to

ensure consistency with other relevant plans from other jurisdictional agencies.

Development Responsibility

The City of West Linn is dedicated to a policy of 100% cost recovery for growth attributable impacts in all categories of Systems Development Charges (SDCs) allowable by Oregon law. There is a charter requirement that all annexations require voter approval. (Note: Not new, just re-located. The green needs more discussion.)

The Plan is organized around the Statewide Planning Goals and each chapter corresponds to a specific Statewide Goal. Some goals have been found to not be applicable to the City of West Linn and are not included in this plan. Specifically, the following goals are not included: Goal 3 (Agricultural Resources), since there are currently no commercial farming operations within City limits; Goal 4 (Forestry Resources), since there are currently no commercial forestry operations within city limits; Goals 16, 17, 18, and 19, since there are no estuarine resources; coastal shorelands, beaches and dunes or ocean resources within city limits.