



CITY OF West Linn

22500 Salamo Road
West Linn, OR 97068

STAFF REPORT FOR THE PLANNING COMMISSION

FILE NUMBER: ZC-16-01

HEARING DATE: August 17, 2016

REQUEST: Zoning Map Amendment from R-10 to R-7 at 1943 & 1983 13th Street

APPROVAL

CRITERIA: Community Development Code (CDC) Chapters 99 and 105.

STAFF REPORT

PREPARED BY: Darren Wyss, Associate Planner

Planning Manager's Initials JB Development Review Engineer's Initials KQL

TABLE OF CONTENTS

STAFF ANALYSIS AND RECOMMENDATION

GENERAL INFORMATION	2
EXECUTIVE SUMMARY	3-6
PUBLIC COMMENTS.....	6
RECOMMENDATION.....	6
ADDENDUM	7-14

EXHIBITS

PC-1 AFFIDAVIT AND NOTICE PACKET	15-20
PC-2 COMPLETENESS LETTER.....	21-24
PC-3 APPLICANT'S SUBMITTAL	25-40

GENERAL INFORMATION

OWNER/APPLICANT:	Thomas Corff & Terry Moberly (1943 13 th St.) 19328 Towercrest Dr. Oregon City, OR 97045 Michael & Jill Parker (1983 13 th St.) 1708 Oak St. Lake Oswego, OR 97034
CONSULTANT:	David Sideras, Capital Builders, LLC P.O. Box 19115 Portland, OR 97280
SITE LOCATION:	1943 & 1983 13 th Street
LEGAL DESCRIPTION:	Clackamas County Assessor's Map 2S-1E-35C, Taxlots 1600 & 1603
SITE SIZE:	1943 13 th Street = 14,405 square feet 1983 13 th Street = 10,070 square feet
ZONING:	R-10: Single-Family Residential Detached
COMP PLAN DESIGNATION:	Low Density Residential
120-DAY PERIOD:	This application became complete on July 28, 2016. The 120-day maximum application-processing period ends on November 24, 2016.
PUBLIC NOTICE:	Public notice was mailed to the all neighborhood associations and affected property owners on July 28, 2016. The property was posted with a notice sign on August 4, 2016. The notice was published in the West Linn Tidings on August 4, 2016. The notice requirements of CDC Chapter 99 have been met.

EXECUTIVE SUMMARY

The applicants are proposing a zoning map amendment for two properties located on 13th Street in the Willamette Neighborhood. Both properties are currently zoned R-10 and contain a single-family home. The property at 1983 13th Street is 10,070 square feet. The property at 1943 13th Street is 14,405 square feet and could be partitioned to create an additional parcel if the zoning map amendment is approved as the R-7 zone has a minimum lot size of 7,000 square feet. The properties are both designated as Low Density Residential on the Comprehensive Plan Map. A rezone from R-10 to R-7 does not require a Comprehensive Plan Map amendment.

The applicants have requested the zone change to correct a zoning mistake and provide a buffer zone between commercial activity to the east and the R-10 neighborhood to the west. The West Linn Planning Commission is tasked with making a recommendation to the West Linn City Council on the proposed Zoning Map Amendment.

Site Conditions:

The properties are relatively flat with an approximate four percent slope from south to north. There are no environmental overlays, such as floodplain, water resource areas, habitat conservation, or wetlands. Access is from 13th Street, which dead ends to the north at the I-205 freeway.

The rear of the properties (eastern property lines) abut commercially zoned property that currently contains a Les Schwab Tire Center. South of the proposed zone change is an area zoned MU (Mixed-Use Transition) that contains access to and parking for the Les Schwab property and other commercial properties.

The City approved an R-10 to R-7 zone change in 2007 for the neighboring properties to the north (2008 and 2011 13th Street). A Planned Unit Development for 10 homes on the properties was also approved with the zone change but never platted.



Looking north from the southern edge of 1943 13th Street



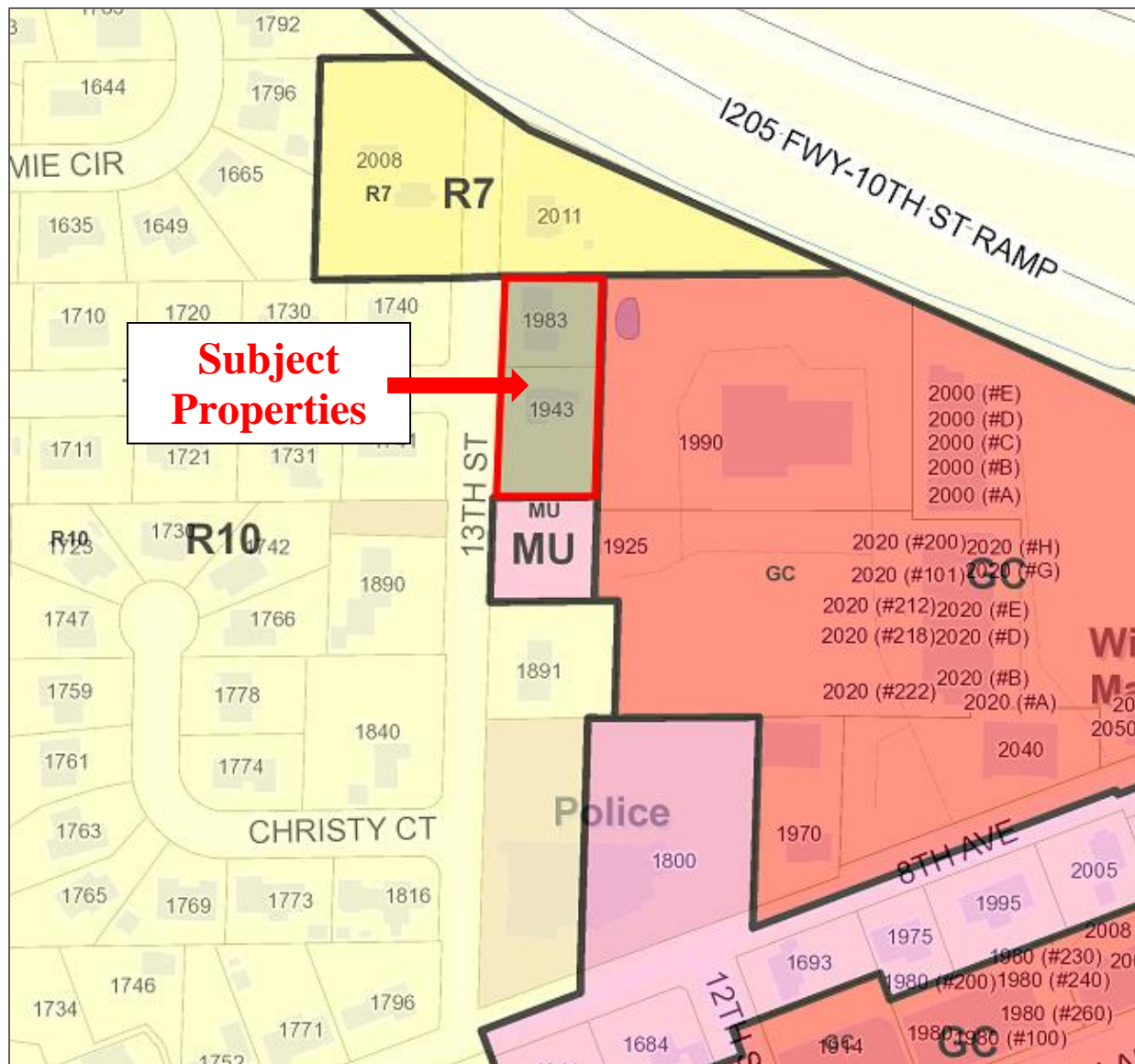
Looking east at 1943 13th Street from the right-of-way



Looking southeast at 1983 13th Street from the right-of-way

Surrounding Land Use and Zoning: The subject properties are zoned R-10: Single-Family Residential Detached. Adjacent land uses and zoning include:

Direction From Site	Zoning	Land Use
North	R-7	Residential
South	MU	Commercial (Les Schwab Parking/Entrance)
East	GC	Commercial (Les Schwab)
West	R-10	Single-family residences



Project Description: The applicants are requesting a zone change from R-10 to R-7 for two properties totaling 24,475 square feet. The applicants assert the proposed change will correct a mistake as the property more closely reflects the criteria for higher density zoning than it does for R-10 zoning. The applicant also asserts the zone change will create a necessary buffer between commercial uses to the east and the residential neighborhood to the west. The buffer will be enhanced by a subsequent partition of the property at 1943 13th Street and the creating of an additional lot for a single-family home.

Applicable Community Development Code Approval Criteria:

- Chapter 99, Procedures for Decision Making: Quasi-Judicial; and
- Chapter 105, Amendments to the Code and Map

Public comments:

As of the publication date of this report, staff has not received any public comments for the Planning Commission review of ZC-16-01.

RECOMMENDATION

Staff recommends the Planning Commission recommend approval of application ZC-16-01, based on: 1) the findings submitted by the applicant, which are incorporated by this reference, and 2) supplementary staff findings included in the Addendum below. With these findings, the applicable approval criteria are met.

ADDENDUM
PLANNING COMMISSION STAFF REPORT
August 17, 2016

**STAFF EVALUATION OF THE PROPOSAL'S COMPLIANCE
WITH APPLICABLE CODE CRITERIA**

I. CHAPTER 105, AMENDMENTS TO THE CODE AND MAP

105.040 QUASI-JUDICIAL AMENDMENTS AND PROCEDURES

Quasi-judicial amendments to this code and to the map shall be in accordance with the procedures set forth in this code and the following:

- A. The Planning Commission shall make a recommendation to the Council on a zone change application which does not involve Comprehensive Plan Map amendments as provided by CDC 99.060(B).
(...)*

Staff Finding 1: The applicant proposes a Zoning Map Amendment from R-10 to R-7, both of which are classified a Low Density Residential in the West Linn Comprehensive Plan and Map. The Planning Commission will hold a public hearing on August 17, 2016 for the purpose of making a recommendation to City Council on the proposal. This criterion is met.

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.*

Staff Finding 2: Applicable policies from the Comprehensive Plan are included and responded to below (See Staff Finding 5).

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

Staff Finding 3: Applicable criteria related to a Zoning Map Amendment are found in CDC Chapters 99 and 105. Both chapters are addressed in this Addendum.

- 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.*

Staff Finding 4: The applicants assert a mistake in the Zoning Map as it relates to the properties. Both properties are designated Low Density Residential on the West Linn Comprehensive Plan Map, which allows both R-10 and R-7 zoning. The applicants identified Comprehensive Plan Goal 2, Section 1, Policy 7 as proof of a mistake in the zoning (See Staff Findings 5). The applicants are not requesting a change to the Comprehensive Plan designation, only a zone change to move towards a correction of the mistake. The applicants identified the purpose statements, found in the Community Development Code, for the R-10 and R-7 zones as additional proof that a rezone moves towards correcting the mistake.

R-10 Purpose Statement: *The purpose of this zone is to provide for urban development at levels which relate to the site development limitations, proximity to commercial development and to public facilities and public transportation. This zone is intended to implement the Comprehensive Plan policies and locational criteria, and is applicable to areas designated as Low Density Residential on the Comprehensive Plan Map and Type I and Type II lands identified under the Buildable Lands Policy.*

R-7 Purpose Statement: *The purpose of this zone is to provide for urban development at levels which relate to the site development limitations, the proximity to commercial development, and to public facilities and public transportation. This zone is intended to implement the policies and locational criteria set forth in the Comprehensive Plan.*

The applicants assert since there are no Type I or II lands found on the properties and they are located within a half-mile of existing public transportation on Willamette Falls Drive, that R-7 zoning is more appropriate to implement the Comprehensive Plan and Community Development Code.

The City has received no comments related to this proposal either from the community or agencies as of the publishing of this Staff Report.

- 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.*

Staff Finding 5: Applicable policies from the West Linn Comprehensive Plan include:

- ***Goal 1: Citizen Involvement, Policy 4***

Provide timely and adequate notice of proposed land use matters to the public to ensure that all citizens have an opportunity to be heard on issues and actions that affect them.

As required by CDC Chapter 99, the applicants held a pre-application conference. The City mailed notice of the public hearing to all affected parties 20 days in advance of the hearing, and posted a notice of the hearing on the site and in the West Linn Tidings 10 days in advance. Prior to and during the hearing before the Planning Commission, interested parties have the opportunity to submit evidence and testimony and again before the City Council. A public notice and hearing will also be conducted before the City Council.

- *Goal 2: Land Use Planning, Section 1, Policy 7.*
The following are criteria that shall be used when designating residential areas. This list is not exhaustive, but helps determine what types of residential densities are appropriate, given topographical constraints, available public facilities, etc.
 - a. Low density residential lands will meet the following criteria:*
 - i) Areas with limited capacity for development in terms of the existing facilities such as sewer, water, and drainage; and/or,*
 - ii) Areas having development limitations due to the topography, soil characteristics, drainage, high water table, and flooding.*
 - b. Medium density residential lands will meet all of the following criteria:*
 - i) Areas that are not subject to development limitations such as topography, flooding, or poor drainage;*
 - ii) Areas where the existing services and facilities have the capacity for additional development;*
 - iii) Areas within one-half mile of public transportation.*

The applicants assert a mistake in the zoning applied their properties designated as Low Density Residential. The applicants reason that the two properties have no development limitations related to topography (four percent slope), flooding (are not located in a floodplain), or poor drainage. Additionally, the properties are located within one-half mile of public transportation on Willamette Falls Drive. The applicants are not requesting a Comprehensive Plan Map Amendment to correct the mistake, but a rezone that will move towards the correction. The rezone would allow for a subsequent partition of one property to create an additional parcel for a new single-family home. The services and facilities have adequate capacity to accommodate an additional dwelling unit.

- *Goal 6: Air, Water, and Land Resources Quality, Section 1, Policies 3 and 4*
 - 3. Reduce pollution from vehicle emissions by pursuing an energy efficient urban form that provides for connectivity and reduces the number of vehicle miles traveled.*
 - 4. Encourage the use of alternative modes of transportation, including mass transit, walking, and bicycling.*

The proposed Zoning Map Amendment would allow a subsequent partition of the property at 1943 13th Street, which would accommodate one additional single-family home. The proposal's location would help reduce vehicle miles traveled as commercial services are within walking and biking distance, as well as public transportation located within one-half mile of the properties.

- ***Goal 10: Housing, Goal 3***
Encourage the development of affordable housing for West Linn residents of all income levels.

The applicant asserts the proposal for a zone change and the subsequent partition would contribute to providing more affordable housing. The applicant asserts the market forces of being located adjacent to commercial properties will keep the price of the newly created parcel below other similar sized lots not adjacent to commercial properties.

- ***.Goal 10: Housing, Policy 2***
Provide the opportunity for development of detached and attached single-family units, duplexes, garden apartments, town houses, row houses, multiplex units and boarding houses, lodging or rooming houses, and manufactured housing.

The proposed Zoning Map Amendment would allow a subsequent partition of 1943 13th Street and the creation of one additional parcel. This proposal directly provided the opportunity for development of detached single-family units.

- ***Goal 11: Public Facilities and Services, General Goal***
Require that essential public facilities and services (transportation, storm drainage, sewer, and water service) be in place before new development occurs and encourage the provision of other public facilities and services.

The proposed Zoning Map Amendment is located in an existing neighborhood with water, sewer, and stormwater infrastructure available adjacent to the properties on 13th Street. The City Engineer has confirmed there is adequate capacity to service new development. Transportation facilities are also in place, including access to public transportation within one-half mile of the proposal.

- ***Goal 13: Energy Conservation, Policies 4 and 5***
4. Encourage mass transit use.
5. Promote location of housing, shopping, and employment uses in close proximity to each other and well connected by transit consistent with policies included in Chapter 2 of this Plan.

The proposed Zoning Map Amendment would allow a subsequent partition of 1943 13th Street and the creation of one additional parcel. These actions would encourage mass transit use because of the proximity to available bus service on Willamette Falls Drive. The rezone

would also promote the location of housing within walking and biking distance of shopping and employment opportunities.

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.*

Staff Finding 6: The applicants assert by moving to correct the mistake in the application of zoning on their properties designated Low Density Residential on the Comprehensive Plan, that the subsequent partition and creation of one additional parcel will help to provide a more affordable option for single-family development in the community. The rezone would also allow the efficient and effective use of existing water, sewer, stormwater, public transit, and transportation infrastructure. The proximity of the properties to employment and commercial services will allow for reduced vehicle trips and emissions as walking and biking will be a viable option.

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

Staff Finding 7: Because adequate public facilities, including police and fire protection, are available to serve the properties and because of the proximity to employment, commercial services, and public transit, staff believes the proposal will not adversely affect the health, safety, or 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.

Staff Finding 8: Oregon Administrative Rule 660-012-0060(9) allows the City to find a zoning map amendment does not significantly affect an existing or planned transportation facility if all of the following requirements are met:

(a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;

The proposed Zoning Map Amendment is a change from R-10 to R-7 for the two properties. Both the R-10 and R-7 zoning districts are designated Low Density Residential in the West Linn Comprehensive Plan and Map, thus the proposed zoning is consistent and does not require a Comprehensive Plan Map Amendment.

(b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and

The West Linn TSP was completed and acknowledged by the state in 2008. The development of the TSP was coordinated with Metro, Clackamas County, ODOT, and DLCD. The West Linn TSP used 20-year population and employment forecasts that were based on the existing Comprehensive Plan designations. The designation of Low Density Residential for the properties has not changed since the adoption of the West Linn TSP in 2008 and the proposed rezone to R-7 is consistent with the TSP.

(c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.

The properties proposed for the rezone were never exempted from this rule at the time of an urban growth boundary amendment.

Because the proposed Zoning Map Amendment meets the criteria found above, the City finds the proposal does not significantly affect a transportation facility.

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.

Staff Finding 9: The City has determined, through OAR 660-012-0060(9) (See Staff Finding 8), the proposal will not significantly affect a transportation facility and therefore is not subject to these standards.

3. Traffic impact analysis. A traffic impact analysis shall be submitted with a plan amendment or land use district change application.

Staff Finding 10: The City deemed the application incomplete on July 14, 2016 and requested the applicants submit a Traffic Impact Analysis as required. The applicants requested the application be deemed complete on July 28, 2016 as allowed by ORS 227.178(2) and indicated a Traffic Impact Analysis would be provided prior to local review (See Exhibit PC-2).

II. CHAPTER 99, PROCEDURES FOR DECISION MAKING: QUASI-JUDICIAL

99.030 APPLICATION PROCESS: WHO MAY APPLY, PRE-APPLICATION CONFERENCE, REQUIREMENTS, REFUSAL OF APPLICATION, FEES

(...)

B. Pre-application conferences.

1. Subject to subsection (B)(4) of this section, a pre-application conference is required for, but not limited to, each of the following applications:

(...)

c. Amendments to the Zoning Map.

(...)

Staff Finding 11: The applicant attended a pre-application conference with City staff on August 20, 2015. These criteria are met.

99.060 APPROVAL AUTHORITY

B. Planning Commission authority. The Planning Commission shall have the authority to:

1. Make a recommendation to approve, deny, or approve with conditions to the Council:

(...)

b. A quasi-judicial zone change application pursuant to Chapter 105 CDC, excluding applications requesting the designation or removal of a designation for a historic resource.

(...)

C. City Council Authority. The Council shall have the authority to:

1. Approve, deny, or approve with conditions applications for the following development applications:

(...)

b. A quasi-judicial zone change application pursuant to Chapter 105 CDC.

(...)

Staff Finding 12: The proposal will be heard by the West Linn Planning Commission at a public hearing on August 17, 2016 for the purposes of making a recommendation to the West Linn City Council on the proposed Zoning Map Amendment. The City Council will take action at a future date.

99.080 NOTICE

Notice shall be given in the following ways:

A. *Class A Notice. (...)*

Staff Finding 13: The applicant proposal has been properly noticed by the City. Please see Staff Report for the Planning Commission Exhibit PC-1 below. These criteria are met.

PC-1 AFFIDAVIT AND NOTICE PACKET

AFFIDAVIT OF NOTICE

We, the undersigned do hereby certify that, in the interest of the party (parties) initiating a proposed land use, the following took place on the dates indicated below:

GENERAL

File No. 2C-16-01 Applicant's Name Thomas Corff; Terry Moberly, Michael; Jill Parker
Development Name _____
Scheduled Meeting/ Decision Date 8-17-16

NOTICE: Notices were sent at least 20 days prior to the scheduled hearing, meeting, or decision date per Section 99.080 of the Community Development Code. (check below)

TYPE A ☒

A.	The applicant (date) <u>7-28-16</u>	(signed) <u>S. Shroyer</u>
B.	Affected property owners (date) <u>7-28-16</u>	(signed) <u>S. Shroyer</u>
C.	School District/ Board (date) _____	(signed) _____
D.	Other affected gov't. agencies (date) <u>7-28-16</u>	(signed) <u>S. Shroyer</u>
E.	Affected neighborhood assns. (date) <u>7-28-16</u> <u>ALL</u>	(signed) <u>S. Shroyer</u>
F.	All parties to an appeal or review (date) _____	(signed) <u>S. Shroyer</u>

At least 10 days prior to the scheduled hearing or meeting, notice was published/posted:

Tidings (published date) <u>8-4-16</u>	(signed) <u>S. Shroyer</u>
City's website (posted date) <u>7-28-16</u>	(signed) <u>S. Shroyer</u>

SIGN

At least 10 days prior to the scheduled hearing, meeting or decision date, a sign was posted on the property per Section 99.080 of the Community Development Code.

(date) 8-4-2016 (signed) Don S Wyr

NOTICE: Notices were sent at least 14 days prior to the scheduled hearing, meeting, or decision date per Section 99.080 of the Community Development Code. (check below)

TYPE B _____

A.	The applicant (date) _____	(signed) _____
B.	Affected property owners (date) _____	(signed) _____
C.	School District/ Board (date) _____	(signed) _____
D.	Other affected gov't. agencies (date) _____	(signed) _____
E.	Affected neighborhood assns. (date) _____	(signed) _____

Notice was posted on the City's website at least 10 days prior to the scheduled hearing or meeting.
Date: _____ (signed) _____

STAFF REPORT mailed to applicant, City Council/Planning Commission and any other applicable parties 10 days prior to the scheduled hearing.

(date) 8-4-2016 (signed) Don S Wyr

FINAL DECISION notice mailed to applicant, all other parties with standing, and, if zone change, the County surveyor's office.

(date) _____ (signed) _____

**CITY OF WEST LINN
PLANNING COMMISSION
PUBLIC HEARING NOTICE
FILE NO. ZC-16-01**

The West Linn Planning Commission is scheduled to hold a public hearing, on **Wednesday, August 17, 2016, starting at 6:30 p.m.** in the Council Chambers of City Hall, 22500 Salamo Road, West Linn, to consider a request for a Zoning Map Amendment from R-10 to R-7 at 1943 and 1983 13th Street. The purpose of the public hearing is to make a recommendation to the West Linn City Council on the proposal.

Criteria applicable to the request are found in CDC Chapters 99 and 105. A recommendation by the Planning Commission to approve or deny this request will be based solely upon these criteria. At the hearing, it is important that comments relate specifically to the applicable criteria listed.

You have been notified of this proposal because County records indicate that you own property within 500 feet of the affected site on Clackamas County Assessor's Map 21E35C, Tax Lots 1600 & 1603 or as required by Chapter 99 of the CDC.

The complete application in the above noted file is available for inspection at no cost at City Hall or via the web site at <http://westlinnoregon.gov/planning/1943-and-1983-13th-street-zone-change> or copies can be obtained for a minimal charge per page. At least ten days prior to the hearing, a copy of the staff report will be available for inspection. For further information, please contact Associate Planner Darren Wyss at dwyss@westlinnoregon.gov or 503-722-5512. Alternately, visit City Hall, 22500 Salamo Road, West Linn, OR 97068.

The hearing will be conducted in accordance with the rules of Section 99.170 of the CDC. Anyone wishing to present written testimony on this proposed action may do so in writing prior to, or at the public hearing. Oral testimony may be presented at the public hearing. At the public hearing, the Planning Commission will receive a staff presentation, and invite both oral and written testimony. The Planning Commission may continue the public hearing to another meeting to obtain additional information, leave the record open for additional evidence, arguments, or testimony, or close the public hearing and take action on the application as provided by state law. Failure to raise an issue in person or by letter at some point prior to the close of the hearing, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes an appeal to the Land Use Board of Appeals (LUBA) based on that issue.

This aerial map displays the River Falls Plaza area in Portland, Oregon. The map is overlaid with a green-shaded region representing the project site and its 500-foot buffer line. The project site is located near the intersection of I-205 and 10th St. The 500-foot buffer line extends from the project site, covering a large area of the map. The map shows numerous property boundaries, many of which are labeled with owner names and addresses. Key streets visible include 10th St, I-205, and various local streets like Jamie Cir, Timothy Ln, Christy Ct, and 12th St. The map also shows the I-205 Fwy and the I-205 Fwy-10th St RMP. The project site is located near the intersection of I-205 and 10th St. The 500-foot buffer line extends from the project site, covering a large area of the map. The map shows numerous property boundaries, many of which are labeled with owner names and addresses. Key streets visible include 10th St, I-205, and various local streets like Jamie Cir, Timothy Ln, Christy Ct, and 12th St. The map also shows the I-205 Fwy and the I-205 Fwy-10th St RMP.



CITY OF
West Linn



WEST LINN GIS



CITY OF West Linn

CITY OF WEST LINN PLANNING COMMISSION MEETING

**PROJECT # ZC-16-01
MAIL: 7/28/16 TIDINGS: 8/4/16**

CITIZEN CONTACT INFORMATION

To lessen the bulk of agenda packets, land use application notice, and to address the worries of some City residents about testimony contact information and online application packets containing their names and addresses as a reflection of the mailing notice area, this sheet substitutes for the photocopy of the testimony forms and/or mailing labels. A copy is available upon request.

**CITY OF WEST LINN
PLANNING COMMISSION
PUBLIC HEARING NOTICE
FILE NO. ZC-16-01**

The West Linn Planning Commission is scheduled to hold a public hearing, on **Wednesday, August 17, 2016, starting at 6:30 p.m.** in the Council Chambers of City Hall, 22500 Salamo Road, West Linn, to consider a request for a Zoning Map Amendment from R-10 to R-7 at 1943 and 1983 13th Street (Clackamas County Assessor's Map 21E35C, Tax Lots 1600 & 1603). The purpose of the public hearing is to make a recommendation to the West Linn City Council on the proposal.

Criteria applicable to the request are found in CDC Chapters 99 and 105. A recommendation by the Planning Commission to approve or deny this request will be based solely upon these criteria. At the hearing, it is important that comments relate specifically to the applicable criteria listed.

The complete application in the above noted file is available for inspection at no cost at City Hall or via the web site at <http://westlinnoregon.gov/planning/1943-and-1983-13th-street-zone-change> or copies can be obtained for a minimal charge per page. At least ten days prior to the hearing, a copy of the staff report will be available for inspection. For further information, please contact Associate Planner Darren Wyss at dwyss@westlinnoregon.gov or 503-722-5512. Alternately, visit City Hall, 22500 Salamo Road, West Linn, OR 97068.

The hearing will be conducted in accordance with the rules of Section 99.170 of the CDC. Anyone wishing to present written testimony on this proposed action may do so in writing prior to, or at the public hearing. Oral testimony may be presented at the public hearing. At the public hearing, the Planning Commission will receive a staff presentation, and invite both oral and written testimony. The Planning Commission may continue the public hearing to another meeting to obtain additional information, leave the record open for additional evidence, arguments, or testimony, or close the public hearing and take action on the application as provided by state law. Failure to raise an issue in person or by letter at some point prior to the close of the hearing, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes an appeal to the Land Use Board of Appeals (LUBA) based on that issue.

Publish: West Linn Tidings, August 4, 2016

PC-2 COMPLETENESS LETTER



CITY OF West Linn

July 28, 2016

Thomas Corff and Terry Moberly
19328 Towercrest Drive
Oregon City, OR 97045

Michael and Jill Parker
1708 Oak Street
Lake Oswego, OR 97034

SUBJECT: Zone change from R-10 to R-7 (ZC-16-01) at 1943 and 1983 13th Street

Dear Thomas, Terry, Michael, and Jill:

You submitted this application on June 15, 2016. The Planning Department found that the application was incomplete on July 14, 2016.

The Planning Department received your written request, on July 28, 2016, that the application be declared complete pursuant to the provisions of ORS 227.178(2). Based on this written request, the application is now **complete**. The City has 120 days to exhaust all local review; that period ends on November 24, 2016.

Please be aware that a determination of a complete application does not guarantee a recommendation of approval from staff for your proposal as submitted – it signals that staff believes you have provided the necessary information for the Planning Commission to render a decision on your proposal.

A 20-day public notice will be prepared and mailed for a Public Hearing before the Planning Commission on August 17, 2016 for the purpose of making a recommendation to the City Council on the proposal.

Please contact me at 503-722-5512, or by email at dwyss@westlinnoregon.gov if you have any questions or comments.

Sincerely,

Darren Wyss
Associate Planner

Wyss, Darren

From: David Sideras, Principal of SCL/CB <davidsideras@gmail.com>
Sent: Thursday, July 28, 2016 1:42 PM
To: Wyss, Darren
Cc: Terry
Subject: Application

Darren:

This email is in response to the July 14, 2016, completeness determination letter you sent in regards to application ZC-16-01.

PROCESSING OF LAND USE APPLICATION

Pursuant to ORS 227.178(2), the applicant requests that the City deem the application complete as of today based on the written material already provided. No other information will be provided prior to the completeness determination. However, we intend to submit the requested Traffic Impact Analysis prior to the local review and public hearing process, but it is imperative to commence review and set the date of August 17, 2016 for the required public hearing at this time.

Sincerely,

David Sideras, Mgr.
Capital Builders, LLC
as the paid consultant for Thomas Corff and Terry Moberly

POB 19115, Portland, OR 97280-0115

O: 503-892-2955 F: 503-892-2956 C: 503-347-8994

www.capitalbuilders.biz



Wyss, Darren

From: Terry <tmoberly@hotmail.com>
Sent: Thursday, July 28, 2016 11:32 AM
To: Wyss, Darren
Cc: David Sideras
Subject: Application

Dear Darren,

We wish to assure you that we still wish to continue with the zoning change application process. We will make every attempt to provide you with the traffic impact information that you have requested prior to the mid-August Planning Commission Meeting.

Sincerely,

Thomas Corff and Terry Moberly

PC-3 APPLICANT'S SUBMITTAL



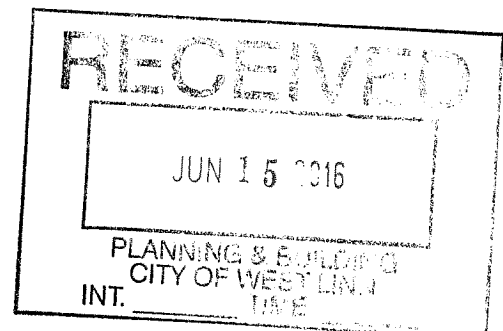
Development Review Application		
For Office Use Only		
Staff Contact Darren Weiss <i>Darren Wyss</i>	Project No(s) 2C-15-02 <i>2C-16-01</i>	
Non-Refundable Fee(s)	Refundable Deposit(s) \$3,000.00	Total \$3,000.00

Type of Review (Please check all that apply):

- | | | |
|---------------------------------------|--|-----------------------------------|
| Annexation (ANX) | Historic Review | Subdivision (SUB) |
| Appeal and Review (AP) * | Legislative Plan or Change | Temporary Uses * |
| Conditional Use (CUP) | Lot Line Adjustment (LLA) */** | Time Extension * |
| Design Review (DR) | XX Minor Partition (MIP) (Preliminary Plat or Plan) | Variance (VAR) |
| Easement Vacation | Non-Conforming Lots, Uses & Structures | Water Resource Area Protection/Si |
| Extrateritorial Ext. of Utilities | Planned Unit Development (PUD) | Water Resource Area Protection/M |
| Final Plat or Plan (FP) | Pre-Application Conference (PA) */** | Willamette & Tualatin River Green |
| Flood Management Area | Street Vacation | XX Zone Change |
| Hillside Protection & Erosion Control | | |

Home Occupation, Pre-Application, Sidewalk Use, Sign Review Permit, and
Temporary Sign Permit applications require different or additional application
forms, available on the City website or at City Hall.

Site Location/Address: 1943 13th St. West Linn, OR 97068 1983 13th St. West Linn, OR 97068	Assessor's Map No #1943 -C152528 #1983 -21E35C01603
	Tax Lot(s):
	Total Land Area: 1943 13th St - 14.404 Sq Ft 1983 13th St - 10.070 Sq Ft
Brief Description of Proposal: 1943 13th St. West Linn, OR 97068 and 1983 13th St. West Linn, OR 97068 Change Zoning on both Properties to R-7. Partition 1943 13th St. after zoning change	

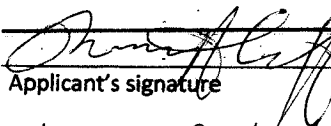

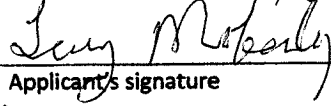
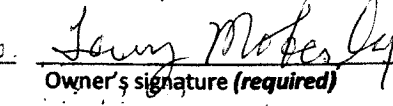
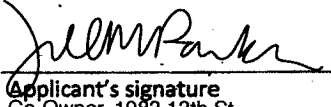

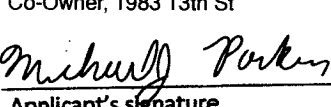
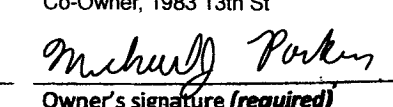


(PLEASE PRINT) Applicant Name: Thomas Corff & Terry Moberly 19328 Towercrest Dr., OR City, OR 97045 (Owner of 1943) Michael & Jill Parker 1708 Oak St. Lake Oswego OR 97034 (Owner of 1983)	Phone: 503-816-8439 Email: tmoberly@hotmail.com Phone: 503-984-4919 Email: jillmarie@gmail.com
(please print) Owner Name: Thomas Corff & Terry Moberly 19328 Towercrest Dr., OR City, OR 97045 (Owner of 1943) Michael & Jill Parker 1708 Oak St. Lake Oswego OR 97034 (Owner of 1983)	Phone: 503-816-8459 Email: tmoberly@hotmail.com Phone: 503-984-4919 Email: jillmarie@gmail.com
(please print) Consultant Name: David Sideras, Capital Builders, LLC Address: PO Box 19115 City State Zip: Portland OR 97280	Phone: 503-892-2955 Email: davidsideras@gmail.com

1. All application fees are non-refundable (excluding deposit). Any overruns to deposit will result in additional billing.
2. The owner/applicant or their representative should be present at all public hearings.
3. A denial or approval may be reversed on appeal. No permit will be in effect until the appeal period has expired.
4. Three (3) complete hard-copy sets (single sided) of application materials must be submitted with this application.
One (1) complete set of digital application materials must also be submitted on CD in PDF format.
If large sets of plans are required in application please submit only two sets.

* No CD required / ** Only one hard-copy set needed

The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I Acceptance of this application does not infer a complete submittal. All amendments to the Community Development Code and to other applicable. Approved applications and subsequent development is not vested under the provisions in place at the time of the initial ap

	6-15-16		6-15-16
Applicant's signature	Date	Owner's signature (required)	Date
	6-15-16		6-15-16
Applicant's signature	Date	Owner's signature (required)	Date
	6/14/16		6/14/16
Applicant's signature Co-Owner, 1983 13th St	Date	Owner's signature (required) Co-Owner, 1983 13th St	Date
	6/14/16		6/14/16
Applicant's signature Co-Owner, 1983 13th St	Date	Owner's signature (required) Co-Owner, 1983 13th St	Date

Narrative to Accompany Zoning Request from R-10 to R7

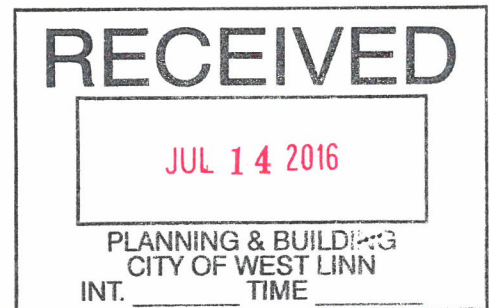
The applicants at 1983 13th Avenue and 1943 13th Avenue have a long history and involvement in West Linn and specifically in the Willamette neighborhood.

The applicants request a zoning change from R10 to R7 to correct a zoning mistake, a lack of a buffer zone between the Willamette residential neighborhood and the neighboring mixed use property. These properties are located on the edge of an R10 neighborhood and are part of what is an incomplete transition zone (other R7 properties) between the larger R10 residential neighborhood and the MU property which is currently a commercial parking lot. Both of these zones are considered Low Density Residential and would be considered a minor change and not would not deviate from the Comprehensive Plan. Nearby R-7 re-zoning occurred in 2007 at 2011 13th St, West Linn and 2008 13th St., West Linn.

If granted as other neighboring properties have in the recent past, the zoning change would allow for the subsequent partition of the the oversized lot (approximately 14,374 sq ft) located at 1943 13th St. Once partitioned, the future lots will be slightly larger than 7,000 square feet each in keeping with other lots in the neighborhood.

Some examples of these smaller lots in the same Comprehensive Map Zone and even in the same City R10 zone (without having undergone the rezoning process are:

- 1442 15th Street (5,000 sq ft built in 1920)
- 1490 15th Street (6,098 sq ft built in 1994)
- 1741 8th Ave (5,662 sq ft built in 1920)
- 1755 8th Ave (5,450 sq ft built in 1962)
- 1444 15th St (6,000 sq ft built in 1994)
- 1420 15th St (5,001 sq ft built in 1933)



In essence, there is nothing new or unusual involved with granting this zoning change and in fact, is consistent with current development in the same R10 neighborhood as well.

These properties lies at the the intersection of an existing R-10 neighborhood, a mixed-use zone and a commercial zone. The existing R10 neighborhood will be insulated from this minor change in zoning with the existing and future house better screening the neighbors from the MU zoning. Approving this application

would support the neighborhood's stated desire in the Willamette Neighborhood Vision Statement to be buffered from Mixed-use and Commercial activities.

In addition to information above, you will find below specific West Linn city code and narrative that supports our application for the zoning change.

We look forward to your timely approval of our application.

Respectfully submitted,

**David Sideras, Mgr
Capital Builders, LLC
Consultant for Thomas Corff and Terry Moberly
POB 19115 Portland, OR 97280
503-892-2955**

West Linn - Community Development Code

Chapter 105

AMENDMENTS TO THE CODE AND MAP

Sections:

<u>105.010</u>	PURPOSE
<u>105.030</u>	LEGISLATIVE AMENDMENTS TO THIS CODE AND MAP
<u>105.040</u>	QUASI-JUDICIAL AMENDMENTS AND PROCEDURES
<u>105.050</u>	QUASI-JUDICIAL AMENDMENTS AND STANDARDS FOR MAKING DECISION
<u>105.060</u>	CONDITION OF APPROVAL
<u>105.070</u>	RECORD OF AMENDMENTS

105.010 PURPOSE

The purpose of this chapter is to set forth the standards and procedures for legislative amendments to this code and to the map and for the quasi-judicial changes to the map as provided by the code chapters setting forth the procedures and by the Comprehensive Plan. ***Amendments may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes or to address changes in the law.***

Response: Applicants request an amendment in the current zoning “to correct mistakes” as allowed in the purpose statement. Applicants request a correction in

the current zoning to (without any changes to the comprehensive plan) allow better screening of R10 neighborhood from the neighboring MU use (Les Schwab).

105.030 LEGISLATIVE AMENDMENTS TO THIS CODE AND MAP

Legislative amendments to this code and to the map shall be in accordance with the procedures and standards set forth in Chapter [98](#) CDC.

Response: No legislative amendments are requested to the zoning map at this time.

105.040 QUASI-JUDICIAL AMENDMENTS AND PROCEDURES

Quasi-judicial amendments to this code and to the map shall be in accordance with the procedures set forth in this code and the following:

Response: a quasi-judicial amendment to the code and map are requested and consequently, this code is applicable. See further answers below.

A. The Planning Commission shall make a recommendation to the Council on a zone change application which does not involve Comprehensive Plan Map amendments as provided by CDC [99.060](#)(B).

Response: Applicants request of a zone change which meets applicable Comp Plan policies and does not change the Comprehensive Plan Map. In fact, changes are encouraged, allowed and expected so long as they are consistent with the Comprehensive Plan Map and the Willamette Neighborhood Plan - 2003. See additional responses below.

B. The Planning Commission shall make a recommendation to the Council on an application for a Comprehensive Plan Map amendment. The Council shall decide the application on the record as provided by CDC [99.060](#)(C).

Response: Applicants are not requesting a comp plan change. The current low density residential designation allows R-7 zoning.

C. The Planning Commission shall make a recommendation to the Council on a zone change application which also involves a concurrent application for a Comprehensive Plan Map amendment. The Council shall decide the applications on the record as provided by CDC 99.060(C). (Ord. 1401, 1997; Ord. 1613 § 26, 2013; Ord. 1635 § 44, 2014)

Response: Applicants are not requesting a change to the Comprehensive Plan Map. This criteria does not apply.

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.

Response: Applicants request of a zone change which meets applicable Comp Plan policies and does not change the Comprehensive Plan Map. The Comp Plan encourages, allows and expects changes so long as they are consistent with the Comprehensive Plan Map and the Willamette Neighborhood Plan - 2003. This rezoning is consistent with both. Relevant policies will be found in Goals 2, 6, 10, and 13 of the Comprehensive Plan as explained in more detail below. See additional responses below.

Goal 2 of the West Linn Comprehensive Plan. Granting the change in zoning would maintain the land use and zoning policies, conform with the neighborhood plan and complement the variety of lots sizes in the existing neighborhood, not overburden existing transportation, storm, sewer and water systems and result in a net increase in energy efficient houses in West Linn

"1. Maintain land use and zoning policies that continue to provide for a variety of living environments and densities within the city limits.

2. Allow mixed residential and commercial uses in existing commercial areas only in conjunction with an adopted neighborhood plan designed to ensure compatibility and maintain the residential character of existing neighborhoods.

3. Consideration of the concept of carrying capacity should also include the transportation network, storm water management, air quality, and overall quality of life.

4. Encourage energy efficient-housing (e.g., housing with solar energy, adequate insulation, weatherproofing, etc.).” - West Linn Comprehensive Plan Goal 2

No comprehensive plan change is requested by requesting a change in zoning from R10 to R7. In addition, the change in zoning moves toward correcting the mistake in the original zoning and even meets the Goal 2, Policy 7 better due to the extra capacity for additional development and being within one-half-mile of public transportation:

“b. Medium density residential lands will meet all of the following criteria: i) Areas that are not subject to development limitations such as topography, ii) Areas where the existing services and facilities have the capacity for additional development; iii) Areas within one-half mile of public transportation.” - West Linn Comprehensive Plan Goal 2, Policy 7

Goal 6 of the West Linn Comprehensive Plan has as its aim to increase air and water quality, and to reduce noise all of which will be better met by increasing density, reducing overall travel mileage of the future residents and taking advantage of existing infrastructure and services. This goal is met.

Goal 10 of the West Linn Comprehensive Plan is to “encourage the development of affordable housing for West Linn residents of all income levels.” This Goal will be met with the increase in the supply of housing.

Goal 13 of the West Linn Comprehensive Plan is to “1. Promote energy efficient provision of public facilities and services; 2. Promote the retrofitting of homes, businesses, and industry for energy conservation; and 3. Promote the use of renewable energy sources.” New construction uses less energy for heating and cooling than older construction. Higher density reduces the need for fossil fuels for transport and by using existing transportation and garbage collection services. This goal is met by granting the zoning change.

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

Response: Applicants request of a zone change which meets applicable Comp Plan policies and does not change the Comprehensive Plan Map. There are no development limitations on the properties and no Type I or II lands. The slope is 3.7%. In fact, changes are encouraged, allowed and expected so long as they are consistent with the Comprehensive Plan Map and the Willamette Neighborhood Plan - 2003.

The purpose statement of the R7 zone reads “The purpose of this zone is to provide for urban development at levels which relate to the site development limitations, the proximity to commercial development, and to public facilities and public transportation. This zone is intended to implement the policies and locational criteria set forth in the Comprehensive Plan.”

The purpose statement of the R10 zone reads "The purpose of this zone is to provide for urban development at levels which relate to the site development limitations, proximity to commercial development and to public facilities and public transportation. This zone is intended to implement the Comprehensive Plan policies and locational criteria, and is applicable to areas designated as Low Density Residential on the Comprehensive Plan Map and Type I and Type II lands identified under the Buildable Lands Policy."

Since there are no Type I nor Type II lands on site, the R7 zoning classification better fits the applicants' properties and the original R10 zoning was in error.

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.

Response: There was a mistake in the original zoning based on Goal 2, Policy 7 of the comp plan and the purpose statement of the zones. R-7 provides a buffer for R-10 from the commercial use. These properties are within ½ mile of public transport.

There is nothing new or unusual involved with granting this application. Two nearby properties were approved for rezoning from R-10 to R-7 in 2007. These approvals were for properties located at 2011 13th St and 2008 13th St. Approving this application would complete an intermediate buffer zone between the R-10 neighborhood to the west and the commercial mixed-use to the east (Les Schwab). The one island of remaining R-10 in this buffer area are in support of this application even though there is no financial incentive to do so. Please see their attached letter of support.

Some examples of nearby smaller R-10 lots (same zone and same designation on the Comprehensive Plan) are:

- 1442 15th Street (5,000 sq ft built in 1920)
- 1490 15th Street (6,098 sq ft built in 1994)
- 1741 8th Ave (5,662 sq ft built in 1920)
- 1755 8th Ave (5,450 sq ft built in 1962)
- 1444 15th St (6,000 sq ft built in 1994)
- 1420 15th St (5,001 sq ft built in 1933)

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.

Response: Applicants are aware that public comment is part of the zoning change process and may either be in support or in opposition to the requested zoning change. We have attached a letter in support from a co-applicant who has no financial benefit from supporting the zone change.

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.

Response: The requested zoning change conforms to Low Density Residential Designation. The Comprehensive Plan policies with regard to Residential Development is as follows:

SECTION 1: RESIDENTIAL DEVELOPMENT

POLICIES

1. Require all residential uses, except for single-family detached dwellings, to be subject to the design review process.

Response: Only one additional single-family detached dwellings is expected, so no design review process is required or expected. This criteria is met.

2. Allow clustering of residential development on land with significant environmental constraints only if:

Response: No environmental restraints are expected and no clustering is expected in future development. In fact, there is only one tree on site which likely will remain on the lot of the existing house. We expect that it will not be impacted by the new construction or be minimally impacted by the new construction. Section a and b below do not apply. This criteria is met.

- a. Such clustering can be demonstrated to protect environmental resources, not

- b. Such clustering is found to be compatible with and complementary to existing

3. Develop incentives to encourage superior design, preserve environmentally sensitive open space, and include recreational amenities.

Response: No environmental open space will be developed. Applicant will take advantage of all incentives to encourage superior design. Applicant does not propose nor is contemplating provide recreational amenities. This criteria is met.

4. Require open space to be provided in planned unit developments to allow for shared active and passive recreational opportunities and meeting areas for future residents.

Response: No planned unit developments are requested in this application or expected in the future as part of development. This criteria is met.

5. New construction and remodeling shall be designed to be compatible with the existing neighborhood through appropriate design and scale.

Response: One new construction house will result from approving this application and can be designed to be compatible with the existing neighborhood. This criteria is met.

6. Prohibit gated accessways to residential development other than to an individual single-family home.

Response: No gated accessways to residential development are requested in this application or expected in the future as part of development. This criteria is met.

"7. The following are criteria that shall be used when designating residential areas. This list is not exhaustive, but helps determine what types of residential densities are appropriate, given topographical constraints, available public facilities, etc. a. Low density residential lands will meet the following criteria: i) Areas with limited capacity for development in terms of the existing facilities such as sewer, water, and drainage; and/or, ii) Areas having development limitations due to the topography, soil characteristics, drainage, high water table, and flooding. b. Medium density residential lands will meet all of the following criteria: i) Areas that are not subject to development limitations such as topography, flooding, or poor drainage; ii) Areas where the existing services and facilities have the capacity for additional development; iii) Areas within one-half mile of public transportation. c. Medium-high density residential lands will meet all of the following criteria: i) Areas that do not rely solely on local streets for the provision of access; ii) Areas that are not subject to development limitations such as topography, flooding, or poor drainage; iii) Areas where the existing facilities have the capacity for additional development; iv) Areas within one-quarter mile of public transit; v) Areas within short distances of general commercial shopping center or office-business centers; vi) Areas in close proximity to parks and schools" - West Linn Comprehensive Plan

Response: Low density residential development is what was originally zoned even though there are no development limitations due to topography, soil, drainage, flooding etc. The original mistake was that medium density residential zoning is a better fit and was not applied. The requested increase in density requested as part of this application moves toward correcting that mistake with minimal impact to the neighborhood while providing benefits such as additional screening of the commercial zone. This criteria is met.

8. Protect residentially zoned areas from the negative impacts of commercial, civic, and mixed-use development, and other potentially incompatible land uses.

Response: Applicants' new single family home will better screen existing neighborhood from the adverse affects of the neighboring mixed use zoning (Les Schwab parking lot). This criteria is met.

9. Foster land use planning that emphasizes livability and carrying capacity.

Response: Applicants' new single family home does not adversely affect livability nor carrying capacity. In fact, a new sidewalk would provide pedestrian access to commercial services and transit service and make efficient use of land that has no development constraints. Plus it provides the buffer from commercial uses. This criteria is met.

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.

Response: There is a public need for affordable housing in West Linn. This application moves to increase density which the general public, through their creation of Metro and an urban growth boundary, has expressed support. At the time of this application, the least expensive lot for sale is \$150,000. The proximity to businesses of the new lot will be affordable in comparison to one built upon other less affordable options. Increasing housing options reduces pressures on housing. Increased diversity in housing stock and housing prices contribute to a more vital neighborhood.

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

Response: Current infrastructure is sufficient to safely handle effluent, the minimal increase in traffic and will increase safety by an increased sense of stewardship.

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:

Response: Applicants request a zoning change that would add one single-family house to an already existing neighborhood. It is commonly accepted that an active household will add a maximum of 9.7 trips per day to a transportation system according to the Institute of Transportation Engineers -- ITE standards. Applicant requests that this commonly accepted standard be used in lieu of a formal traffic impact analysis. Current infrastructure is sufficient to support the minimal increase in traffic. If so granted, this criteria is met. Applicants' proposal will not "significantly" affect any transportation facilities as defined below.

Additionally, The proposed zoning is consistent with the comprehensive plan. The proposed zoning does not change the comp plan map. The city has an acknowledged TSP. The proposed zoning is consistent as general comp plan designations are used in the analysis and not specific zoning. Additionally, the

area was not exempt from a ugb amendment. OAR 660-012-0060 does allow West Linn to find that the zone change does not significantly affect any existing or planned transportation facilities because (9) a-c found below are met:

Plan and Land Use Regulation Amendments

...

(9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.

(a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;

(b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and

(c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.

- 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:

Response: As stated above, applicants' application will not significantly affect transportation facilities, so none of the subsections apply. This criteria is met.

- 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)

Response: Applicant requests a zoning change that would add one single-family house to an existing neighborhood. It is commonly accepted that an extremely active household will add a maximum of 9.7 trips per day (Institute of Transportation Engineers -- ITE standards). Applicant requests that this commonly accepted standard be used in lieu of a formal traffic impact analysis. If so granted, this criteria is met.

105.060 CONDITION OF APPROVAL

A quasi-judicial decision may be for denial, approval, or approval with conditions as provided by CDC [99.110](#)(E).

Response: Applicant requests that the application be approved or approved with conditions.

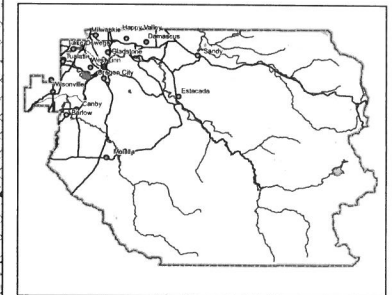
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WEST LINN

S.W.1/4 SEC.35 T.2S. R.1E. W.M.
D. L. C. CLACKAMAS COUNTY
WILLIAM BLAND NO. 550
M. K. PERRIN NO. 50 & 66
JOSEPH FIELDS NO. 67

Cancelled Taxlots

101
103
201
300
400
500
607
900
1000
1100
1300
1400
1602
1700
1700
2400
2500E1
2501
2600
2700
2800

- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- TaxCodeLines
- Map Index
- WaterLines
- Land Use Zoning
- Plats
- Water
- Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor 20'



THIS MAP IS FOR ASSESSMENT
PURPOSES ONLY

7/23/2014

2 1 E 35C
WEST LINN

