

Memorandum

Date: April 27, 2017

To: Planning Commissioners

From: Darren Wyss, Associate Planner

Subject: CDC-17-01 Worksession

At its May 3, 2017 meeting, the Planning Commission will receive a briefing and have the opportunity to ask questions/discuss the proposed Community Development Code (CDC) text amendment to permit special use areas on three City owned properties in the Office Business Center (OBC) zone. The special use areas would allow development of a nature play area in the White Oak Savanna Park.

The White Oak Savanna Park properties were recommended for acquisition/development in both the West Linn 1998 Park, Recreation and Open Space Plan, and the 2007 Park, Recreation and Open Space Plan. In the 2007 Plan, the properties were identified as suitable for special use areas and trails, although the OBC zone currently only permits Indoor Participant Sports and Recreation. This designation would not allow a Special Use Area park. Parks staff has concluded that a land use map designation of Special Use Area, which is defined in Section 56.015 of the Development Code, will allow the proposed park use, which again is not currently allowed in the OBC zone.

Subsequent to the 2007 Park Plan being adopted, the City worked to acquire the properties and the following series of events occurred:

2009 – At the direction of City Council, the City acquired approximately 14 acres of the White Oak Savanna properties with the help of grants from Metro and the Oregon Parks and Recreation Department.

2016 – At the direction of City Council, the City acquired the remaining approximately 6 acres of the White Oak Savanna properties with the help of another Metro grant and donations from the community.

2017 – The City Council dedicated the White Oak Savanna properties as a City park.

In order for the City to take the next step and develop the nature play area, the land must be zoned to allow this use. The City Attorney was asked by the City Council how the City might accomplish this through a text amendment of the OBC zone without permitting that use on all properties within the zone. The City Attorney indicated this could be accomplished through a text amendment which included Special Use Area as a permissible

use, subject to mapping the specific properties to be allowed this use. The Council directed staff to initiate such an amendment. Staff and City Attorney recommend the attached amendment to implement the direction given by the City Council. (please see attachments)

The legislative process to adopt the proposed CDC text amendment is scheduled as follows:

May 17, 2017 – Planning Commission public hearing to make recommendation to City Council on proposed CDC text amendment

June 5, 2017 – City Council worksession to receive briefing on Planning Commission recommendation

June 12, 2017 – City Council public hearing to make decision on the proposed CDC text amendment

Please feel free to contact me prior to the meeting at dwyss@westlinnoregon.gov or 503-722-5512 with any questions regarding the materials or process.

ORDINANCE NO. 1660

AN ORDINANCE RELATING TO THE AMENDMENT OF WEST LINN COMMUNITY DEVELOPMENT CODE SECTION 21.030(10) TO ALLOW OUTDOOR RECREATION AS A FORM OF PERMITTED USE IN THE OFFICE BUSINESS CENTER (OBC) ZONE ONLY ON THE PROPERTY LOCATED AT 2445 TANNER DRIVE, WEST LINN FOR PURPOSES OF A CITY PARK AND DECLARING AN EMERGENCY

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 City Council agreed to take title to 5.65 acres at 2445 Tanner Drive, otherwise known as Tax Lot 21E 35D 0703 (“Property”), if the Trust for Public Land and the landowner could reach agreement on sale terms; and

WHEREAS, the Trust for Public Lands successfully purchased the Property and transferred it to the City, allowing it to now become part of The White Oak Savanna; and

WHEREAS, by Resolution No 2017-04, the City Council designated the property as City-owned park in accordance with the West Linn Charter and further directed staff to amend the Community Development Code to allow outdoor recreation as a form of permitted recreation in the Office Business Center (OBC) Zone only for this site; and

WHEREAS, The White Oak Savanna is now complete and consists of approximately 20 acres of park land; and

WHEREAS, the City is moving forward with the plans for construction of the nature play area at The White Oak Savanna; and

WHEREAS, the Parks and Recreation Department indicates that the park will closely align with the definition of a “special use area” as defined by the 2007 Parks and Recreation Open Space Plan; and

WHEREAS, adding that use to Community Development Code Section 21.030 implements the City’s Council’s direction that the property be used for outdoor recreation;

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

SECTION 1. Amendment. West Linn Community Development Code Section 21.030, Permitted Uses, is amended to read as follows:

21.030 PERMITTED USES

The following uses are permitted outright in this zone:

1. Business equipment sales and services.
2. Business support services.
3. Communications services.
4. Cultural exhibits and library services.
5. Family day care.
6. Financial, insurance and real estate services.
7. Hotel/motel, including those operating as extended hour businesses.
8. Medical and dental services.
9. Parking facilities.
10. Participant sports and recreation, indoor.
11. Personal services and facilities.
12. Professional and administrative services.
13. Utilities, minor.
14. Transportation facilities (Type I).
- 15. Special use areas only if located on those properties indicated on the map below.**

[Insert map with park outlined and lightly shaded with a key that indicates the lightly shaded area is a special use area]

SECTION 2. 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 3. 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 4. 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 2-5) need not be codified and the City Recorder or his/her designee is authorized to correct any cross-references and any typographical errors.

SECTION 5. Effective Date. Conditions in the City of West Linn are such that this Ordinance is necessary for the immediate preservation of the public health, peace, welfare and safety. An emergency is declared to exist in order to fulfill the terms of the intergovernmental agreements for this project and to take advantage of improved weather conditions for construction of the project. To accomplish this, notices must be given to Metro, DLCD and other entities and the park plans must go through the City’s design review process, all of which put the project on a very tight timeline to avoid the loss of funds and avoid weather-related construction delays; therefore, this Ordinance shall be in full force and effect after its passage.

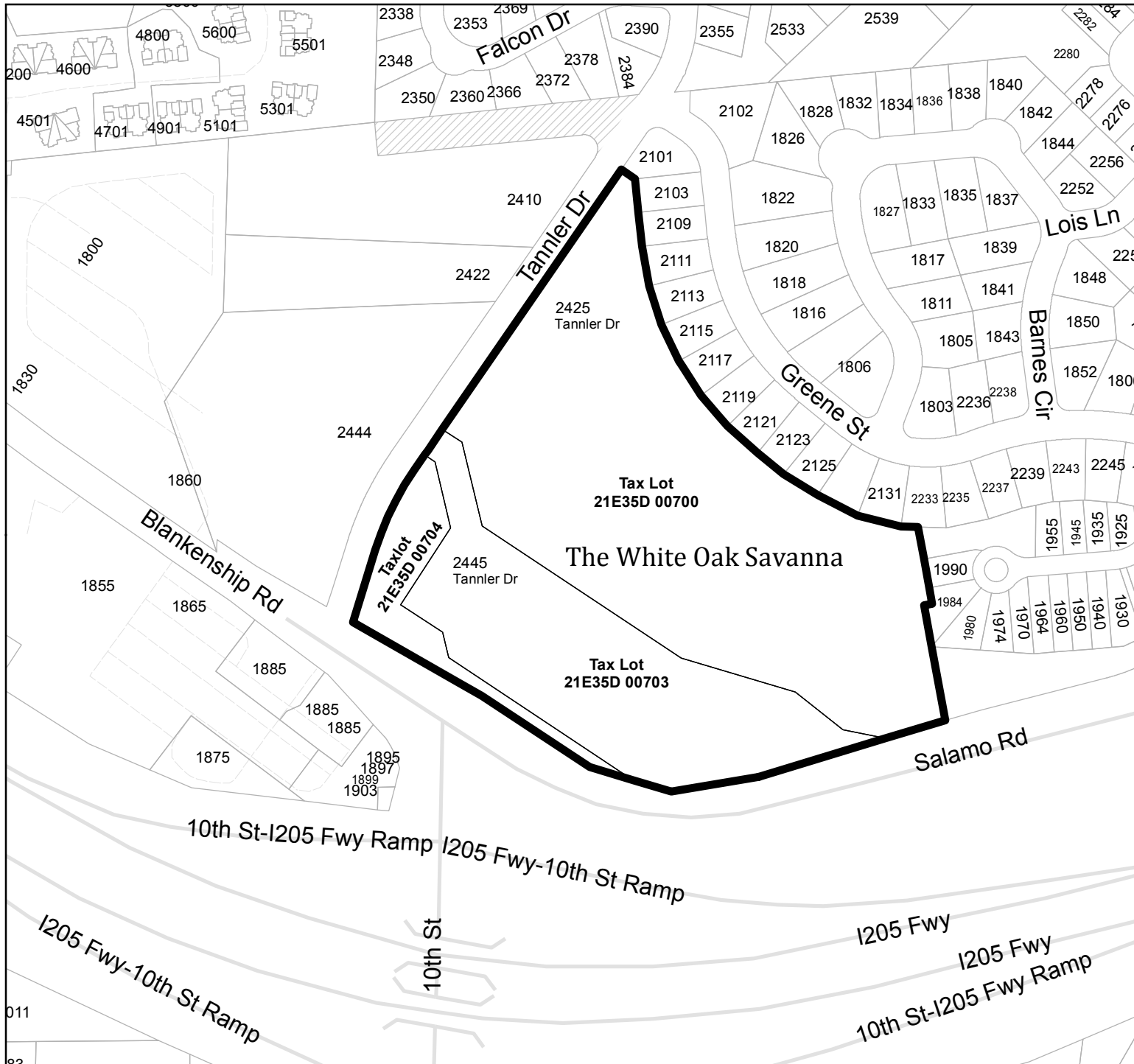
The foregoing ordinance was first read by title only in accordance with Chapter VIII, Section 33(c) of the City Charter on the _____ day of _____, 2017, and duly PASSED and ADOPTED this _____ day of _____, 2017.

RUSSELL B. AXELROD, MAYOR

KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:



CITY ATTORNEY

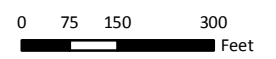


The White Oak Savanna

MARCH 2017

Legend

-  The White Oak Savanna
-  Tax Lot Lines



Map & Overlays Provided by West Linn GIS
 Tax Lot Base Map: Clackamas County

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.
 Map Created: 3/28/2017
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