



## Memorandum

Date: April 16, 2010

To: Planning Commissioners

From: Chris Kerr, Senior Planner

Subject: Draft work program for the Residential Infill/PUD Code amendment project

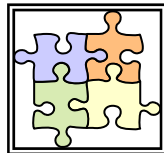
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Please find attached for your review and comment is a draft work program for the PUD infill code amendment project as well as a Resolution that I will present to the Council that authorizes the creation of a "Residential Infill/PUD Task Force". I will be providing a detailed description of these documents at the April 21, 2010 Planning Commission work session.

Attachments

**RESIDENTIAL INFILL CODE AMENDMENTS**

**WORK PROGRAM**



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*ATTACHED: Summary table/schedule of work program*

## OVERVIEW OF THE PROJECT

On February 16, 2010, the City Council authorized Staff to proceed with this project. The purpose, as approved by the City Council, is to:

*"Perform a coordinated evaluation and amendment of the CDC to provide for infill housing that is compatible with the surrounding area, addresses safety, security and visibility concerns, and meets all required density statutory targets."*

*"Make adjustments as warranted to the PUD regulations to coordinate with other applicable regulations, remove obsolete and ineffective provisions, clarify confusing and contradictory provisions, and facilitate appropriate development."*

Based on the Council's direction, an appropriate problem statement for this project is as follows: *"Historically, the City's PUD chapter has been the primary mechanism to achieve infill – with less than satisfactory results. This project will make adjustments as warranted to the PUD regulations, as well as other Code sections as necessary, to coordinate applicable regulations, remove obsolete and ineffective provisions, clarify confusing and contradictory provisions, and facilitate appropriate, desirable development."*

**Project scope.** The City Council and Planning Commission identified some of the important parameters of the project. The project will be limited to small residential infill sites only. It will not be applicable to commercial or industrial sites and it would not involve re-writing the environmental regulations, or rezoning individual properties or areas in the City. Additionally, it was recognized that the project should not result in additional architectural reviews for single-family homes or expansions. The principal focus will be on correcting the problems associated with the PUD chapter particularly with regard to smaller projects and it will include alternative regulatory approaches. It will be coordinated with a separate update that Staff is processing to amend the Water Resource Area regulations.

The Planning Commission identified a list of objectives or 'outcomes' for the project. These will be refined and used by Staff, the Task Force and the Planning Commission as guidance in crafting the code amendments.



## PROPOSED WORK PROGRAM

Staff recommends the following four phase Scope of Work and estimated schedule to complete this project.

**Phase 1:** Establish project parameters: Scope the project, develop work program, schedule, and obtain Council authorization for establishing a Task Force (estimated completion date: May 2010).

**Phase 2:** Determine strategic approach: Perform data collection; perform a Code audit; review/identify and discuss issues; and compile and review best practices for accommodating infill development and addressing identified issues (estimated completion date: October 2010).

**Phase 3:** Draft and refine the specific amendments (estimated completion date: January 2011).

**Phase 4:** City Council hearing and approval of proposed code amendments (estimated completion date: March 2011).

**PHASE 1: ESTABLISH PROJECT PARAMETERS: Develop work program, schedule, and authorize establishment of a Task Force.**

The first phase of the project includes several necessary administrative tasks and the formal approval of a Resolution to establish a task force by the City Council; as follows:

**Task 1.1 Introductory meeting with Planning Commission:** On March 3, Staff held a worksession with the Planning Commission, which included attendance and input by the public, that provided an overview of the project and input into the preparation of this Work Program. The specific topics discussed included review of the problem statement, scoping the project, clarifying the project objectives, identifying issues to be addressed and public involvement approaches, including creation of a task force.

**Task 1.2 Prepare a preliminary work program.**

**Task 1.3 Review and approval of the work program by the Planning Commission:** Staff will present the Planning Commission with the proposed work program for their review and approval. The Commission will also be asked to review the proposed Resolution establishing the "Residential Infill/PUD Task Force."



**Task 1.4 Amend the work program as warranted following Planning Commission review.**

**Task 1.5 Council Approval of the work program:** Present the work program to the City Council at a work session for their review, refinement and acceptance.

**Task 1.6 City Council Resolution approving the creation of the “Residential Infill/PUD Task Force”:** The City’s Municipal Code requires City Council authorization of any advisory board, such as the Planning Commission, to appoint an ad hoc subcommittee. Staff will prepare and present to the Council a Resolution that authorizes the Planning Commission to appoint this subcommittee in accordance with all requirements of the Code. The Resolution will include the proposed purpose of the Task Force, its make-up, and the duration of its term.

**Phase 1 outcomes:**

1. Final work program and schedule.
2. Council Resolution approving the creation of the “Residential Infill/PUD Task Force”.

**Phase 1 expected completion date: May 2010**

**PHASE 2: STRATEGIC APPROACH: Data collection, audit of existing Code, review of best practices (“BP’s”)**

The second phase focuses on establishing the Task Force, reviewing the existing Code and existing conditions, identifying the best professional practices and alternative methods of accommodating infill development, and ultimately making a determination as to the best strategic approach to address this issue. It’s imperative that agreement be reached regarding the preferred strategic approach early in the process which will serve as the basis for drafting the code amendments. The recommended strategic approach will identify the framework, at a macro-level, the mechanism by which the Code should be amended. The final strategic approach will determine, for example, whether an entirely new Code Chapter is necessary, should it involve a new “floating” zoning district or should the amendments be applicable to all properties of a certain size, what types of additional review processes/applications would be appropriate, and should there be more voluntary or mandatory requirements, etc. Once completed, the specific text amendments will be prepared under Phase 3.



The Task Force will be provided with examples of how other communities have dealt with similar problems. At the end of Phase 2, a joint work session is proposed between the Planning Commission and the Task Force, wherein the Task Force will present the Commission with their recommended strategic approach for accommodating infill development.

**Task 2.1 Data collection and analysis.** Staff will assemble background materials and data for the project. These will include identification of potential infill sites, compilation and analysis of alternative approaches for accommodating infill development and best practices for addressing issues raised to date.

**Task 2.2 Advertise, interview and appoint Task Force:** The Task Force would be charged with reviewing the current City practices, evaluating alternative approaches for providing for residential infill development and making a recommendation to the Planning Commission on proposed amendments to the Code.

This Task can begin as soon the Council approves the required Resolution. The Planning Commission will need to appoint the members to the Task Force. At this time, the Task Force is expected to be made up of seven members with the following qualifications:

<i>Planning Commission members</i>	<i>2</i>
<i>Neighborhood association representatives</i>	<i>2</i>
<i>Professionals in development field</i>	<i>2</i>
<i>Citizen at large</i>	<i>1</i>

This Task will require some initial outreach efforts by Staff, as well as the Planning Commissioners, to find applicants for the Task Force.

**Task 2.3 Establish/maintain web page and e-notification list for the project.** In order to facilitate citizen involvement in this project, Staff will establish a separate project page on the City's web site that will include all written materials and data which is provided to the Task Force members, the Planning Commission or to the City Council during the course of this project. An e-notification list will be made available for the public as well. By simply providing an email address, any member of the public will be notified via email the moment any additional information has been added to the website regarding this project. Staff also intends to utilize this webpage to allow individual



comments from the public to be submitted. This is an ongoing Task and it will require assistance from other departments for the initial set-up of the website.

**Task 2.4. Phase 2 Task Force meetings:** Conduct task force meetings to review data, evaluate the existing City Code, review possible alternatives and best practices, and make a recommendation to the Planning Commission on the specific strategic approach to address the residential infill development. Staff anticipates at least four meetings that would generally address the following:

- *Kick-off meeting:* Administrative issues (introductions, meeting times, meeting format, methods for distribution of materials, etc.) will be addressed during this meeting. Additionally, Staff will review the project purpose, work program, expectations of the Task Force and introduce 'ground-rules' for the meetings.
- *Approval of ground rules, review of background data:* the task force will refine as warranted and then approve the draft ground rules. Staff will provide the background information to give every one a common understanding of relevant land use laws, terminology and development processes in the City. Staff will also provide data on current conditions in the City, such as vacant lands and identified environmentally constrained areas and will provide specific examples (positive and negative) of the existing built environment in the City.
- *Review existing City Code procedures/deficiencies:* This will involve a detailed review of the existing problematic City Code language and procedures. Several Code deficiencies and inconsistencies are known to Staff from experience and from meeting with the Planning Commission and public. These will be reviewed in detail with the Task Force members. In particular, a detailed review of the PUD chapter will be provided by Staff.
- *Review best practices and evaluate possible approaches:* Staff will provide the Task Force with a review of the best practices for accommodating infill housing and identify housing forms that are not currently provided for in the code that may be appropriate here ( e.g. , court yard housing , cottage housing) as well as specific examples from other local governments. These will include both successful and unsuccessful efforts.
- *Formulate recommended approach for Planning Commission:* With the information gathered and discussed in the previous meetings, the



Task Force will determine the best approach for the City of West Linn to utilize to address the infill housing.

**Task 2.5 Staff drafts strategic approach:** Staff will draft the recommended strategic approach, with a detailed rationale based on the Task Force's recommendation.

**Task 2.6 Internal review.** Staff will submit the draft for internal review and refinement.

**Task 2.7 Task Force meeting recommending strategic approach.** Review the preliminary strategic framework. Staff will refine the draft per the Task Force direction. The preliminary strategic approach will be made available to interested parties for review and comment. Staff will provide a notification to those that have a stated interest and identified stakeholders to encourage their comments/attendance at the upcoming joint task force and Planning Commission work session.

**Task 2.8 Joint public worksession with Planning Commission for update and to review recommended approach:** This joint work session has the dual purpose of providing the Planning Commission with a status report on the task force meetings thus far and to provide the Planning Commission with their recommended strategic approach. The work session will allow the Task Force members, public and Commissioners to openly discuss the advantages and disadvantages of the recommended approach.

**Task 2.9 Task Force finalizing strategic approach:** Following the joint work session, there may be a Task Force meeting to refine and amend their draft recommendation to be forwarded to the Planning Commission.

**Task 2.10 Planning Commission review/approval of Task Force's recommended strategic approach:** Upon receipt of the final recommendation from the Task Force, the Planning Commission will formally approve a detailed strategic approach for the project.

**Task 2.11 Written update to the City Council:** At the end of Phase 2, Staff will provide the City Council with a report on the status of the project and the Task Force and Planning Commission recommendations as well as any public comments that have been provided.

**Task 2.12 City Council work session.** At a Council worksession, Staff will present the recommended strategic approach to the City Council which will serve





as an update on the project and allow them to provide any additional direction. This direction will guide the specific code changes undertaken in the next phase.

**Phase 2 outcomes:**

1. Compilation of background materials and alternative regulatory approaches.
2. Creating a project web page.
3. Task Force recommended strategic approach.
4. Planning Commission recommendation regarding of strategic approach.
5. Status report to the City Council and receive Council direction.

**Phase 2 expected completion date: October 2010**

**PHASE 3: DRAFTING THE SPECIFIC AMENDMENTS**

**Task 3.1 Phase 3 Task Force meetings:** Consistent with the approved strategic approach, Staff and the Task Force will draft code amendments and any other documents as necessary. We assume a minimum of three meetings, to include the following elements:

- Staff, in conjunction with the Task Force members, will draft the code language per the framework outlined in the approved strategic approach.
- Internal legal review of draft amendments. Staff will submit the draft amendments to non-project staff members and legal council for review and refinement.
- Refined draft amendments will be submitted to the Task Force for review, for further refinement as warranted, and their approval.

**Task 3.2 LCDC notice of Planning Commission meeting:** Provide notice and an initial draft of the proposed amendments to state, regional, and local agencies at least 45 days prior to the initial Planning Commission hearing.

**Task 3.3 Joint (TF & PC) public forum to review specific recommended Code language:** Staff will forward the draft amendments to all parties and schedule a joint worksession with the Planning Commission. The purpose is to allow for both parties, the public and stakeholder to review and discuss the proposed changes in an open and informal setting. This will allow the Task Force to consider issues or comments raised prior to finalizing the recommended amendments.



**Task 3.4 Post-work session Task Force meeting to edit/amend proposed Code amendments:** This meeting(s) will be necessary to allow the Task Force to revise their draft amendments to address both the Commissioner's comments and public comments received from the joint worksession. The Task Force should approve a final recommended package to Code amendments which Staff will provide to the Planning Commission after an internal legal review.

**Task 3.5 Produce staff report.**

**Task 3.6 Legal notice of the Planning Commission hearing.** Staff will produce and distribute a legal notice for the Planning Commission hearing and, if warranted, a 'Measure 56' notice to all affected properties. The notice must be published a minimum of 20 days prior to the Planning Commission hearing.

**Task 3.7 Planning Commission hearing with work session:** The Planning Commission is required to hold a public hearing and make a recommendation on the amendments to the City Council. This is expected to take a minimum of two hearings, which will include the following elements:

- Staff will assemble public comments/written testimony by topic and provide the summary to the Planning Commission along with any analysis, if necessary, at their work session.
- Planning Commission worksession to provide tentative direction.
- Staff will provide the revised draft for legal and director's review (and, if needed, editorial polishing) prior to the Planning Commission making a final recommendation.
- Planning Commission hearing and vote making a recommendation on the proposed amendments.

**Task 3.8 Draft Ordinance.** Staff, with review from legal council, will produce a draft Ordinance and Staff report for Council.

**Phase 3 outcomes:**

1. Draft of proposed amendments and Staff Report for Planning Commission.
2. Planning Commission recommended Code amendments.
3. Draft Ordinance with Staff Report.

**Phase 3 expected completion date: January 2011**



## PHASE 4: CITY COUNCIL REVIEW AND APPROVAL

**Task 4.1 City Council briefing.** Staff recommends introducing the recommended Code amendments at a briefing with the Council in a work session setting to update them on the status of the project and illicit any questions from them well in advance of the public hearing. If extensive questions or issues are raised, this will also allow Staff time to research them early in the process to the Council's satisfaction.

**Task 4.2 Public hearing notice.** Staff will produce and distribute public hearing notice.

**Task 4.3 Staff amendments to Council comments (optional).** If the Council requests it, Staff may make recommended modifications, or propose alternative language to the proposed Ordinance for their consideration.

**Task 4.4 City Council public hearings.** The Council will conduct public hearings on the amendments and make their decision on the proposed Ordinance. This is expected to take a minimum of two hearings, which will include the following elements:

- Staff will assemble comments/written testimony by topic and provide the summary to the City Council hearings.
- Council work session(s) to review the draft amendments.
- Staff will provide any revisions for review by legal and the Director (and, if needed, provide editorial polishing) prior to the City Council adoption hearing.
- A majority vote of the Council at public hearing will be required to pass the Ordinance.

**Task 4.5 Finalize Ordinance.** Based on the Council hearing, Staff will work with legal staff to finalize the Code amendments, Ordinance and findings for final Council adoption.

**Task 4.6 Council adoption on Ordinance:** The Ordinance may require second reading unless the final vote on the adoption is unanimous among the Councilors.

**Task 4.7 Transmittal of amendments to DLCD:** Staff is required to transmit copies of the approved Ordinance to the State shortly after it is finalized. This is



typically an administrative task and it is rare for the State (DLCD) to appeal an Ordinance. However, appeal opportunities do exist for other government agencies and for citizens with legal standing. Staff is responsible for mailing separate notices to everyone with standing notifying them of their right to appeal.

Although it often takes several weeks to physically add the text amendments to the Code, the provisions are applicable to all development in the City on the effective date of the Ordinance. Therefore, other than administrative tasks, the project can be considered 'complete' at the end of the appeal date of the approval (10 days after the final approval is mailed by Staff).

**Phase 4 outcomes:**

4. Final approved Ordinance with Findings.

**Phase 4 expected completion date: March 2011**

**Citizen Participation:** Each Phase includes significant opportunities for stakeholders or other interested parties to be included in the process. A key component of this effort is the proposed project page on the City's website. Described in more detail in the Task 2.3 of the work program, the project page on the website will make all reports prepared by Staff available for viewing online and will permit any public comments to be submitted electronically. A separate e-notification list be created for any interested parties that will notify them of all updates made to the project page. Aside from any individual that chooses to be included on this list, we will utilize the City's existing list serve list (persons who have previously expressed an interest in receiving notifications about land use matters in general) for all notifications under this work program.

Under the proposed work program there will be a minimum of 12 advertised public meetings and/or hearings on this subject. The majority of these meetings will take place prior actually drafting the proposed language, thus allowing for early input into the process. Task 3.3 proposes a specific open public forum for informal discussion of the proposed draft amendments prior to their being finalized for the Planning Commission to review. All Task Force meetings are open to the public, will include published agendas, and all reports will be available for review on a separate project page on the City's website. Staff is proposing that the Task Force include two specified representatives from neighborhood associations, two representatives from the development community and an additional member of the public.

All written materials will be available on-line or in person in advance of each meeting.

*P:\DEVELOPMENT REVIEW\PROJECTS FOLDER\PROJECTS 2010\INFILL WORK PROGRAM*



★ Designates a Task that includes a public meeting or hearing

Summary of Work Program: Residential Infill Amendments <span style="float: right;">(updated 4-16-10)</span>														
Task	Description	Estimated timeframe												
		Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	
PHASE 1: ESTABLISH PROJECT PARAMETERS: Develop work program, schedule, and authorize establishment of a Task Force														
1.1	Introductory meeting with Planning Commission	★												
1.2	Prepare preliminary work program													
1.3	Review and approval of the work program by the Planning Commission		★											
1.4	Amend the work program as warranted following Planning Commission review													
1.5	Council review/approval of the work program			★										
1.6	Council Resolution approving the creation of the Task Force		★											
PHASE 2: STRATEGIC APPROACH: Data collection, audit existing Code, review best practices ("BP's")														
2.1	Data collection and analysis													
2.2	Advertise, interview and appoint Task Force													
2.3	Establish/maintain web page and email list serve for the project (ongoing)													
2.4	Phase 2 Task Force meetings				★									
2.5	Staff drafts strategic approach													
2.6	Internal review of strategic approach													
2.7	Task Force meeting recommending strategic approach						★							
2.8	Joint public worksession with PC to update and review strategic approach						★							
2.9	Task Force finalize their recommendation of strategic approach													
2.10	PC review/approval of Task Force's recommended strategic approach								★					
2.11	Produce update to the City Council													
2.12	City Council work session									★				

★ Designates a Task that includes a public meeting or hearing

Summary of Work Program: Residential Infill Amendments <span style="float: right;">(updated 4-16-10)</span>														
Task	Description	Estimated timeframe												
		Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	
PHASE 3: DRAFTING THE SPECIFIC AMENDMENTS														
3.1	Phase 3 Task Force meetings								★					
3.2	LCDC notice													
3.3	Joint (TF & PC) public forum to review/discuss recommended Code language									★				
3.4	Post public forum Task Force meeting to edit/amend Code amendments													
3.5	Produce staff report													
3.6	Legal notice of PC hearing													
3.7	PC hearings with work session										★			
3.9	Produce draft Ordinance													
PHASE 4: CITY COUNCIL REVIEW AND APPROVAL														
4.1	City Council briefing													
4.2	Public hearing notice for Council hearing													
4.3	Staff amendments based on Council comments (optional)													
4.4	City Council public hearings													★
4.5	Finalize Ordinance													
4.6	Council adoption on Ordinance:													★
4.7	Transmittal to DLCD													

**RESOLUTION NO.  
WEST LINN, OREGON**

**A RESOLUTION OF THE WEST LINN CITY COUNCIL GRANTING THE PLANNING COMMISSION AUTHORITY TO APPOINT AN AD HOC SUBCOMMITTEE (“RESIDENTIAL INFILL/PUD TASK FORCE”) FOR THE PURPOSE OF ASSISTING THE COMMISSION TO FORMULATE AMENDMENTS TO THE COMMUNITY DEVELOPMENT CODE THAT ADDRESS INEFFECTIVE AND INCONSISTENT ELEMENTS OF THE CODE WITH REGARD TO INFILL HOUSING DEVELOPMENT IN THE CITY**

WHEREAS, Chapter 2.075(6) of the West Linn Municipal Code requires City Council approval prior to an advisory board, such as the Planning Commission, appointing an ad hoc subcommittee; and

WHEREAS, the City Council has directed the Planning Department , as part of its authorized planning strategy, to prepare amendments to the Community Development Code to provide the opportunity for infill housing development that is more compatible with the immediate area that surrounds a property; and

WHEREAS, the Planning Commission and Planning Staff have determined that it would be advantageous and efficient to establish an ad hoc subcommittee that could provide a greater range of relevant expertise on the subject to assist with the drafting of these code amendments; and

WHEREAS, the Planning Department has capacity to provide staffing to the subcommittee and arrange for minimal additional resources, as needed, from other City departments; and

WHEREAS, the City Council has determined that staffing of this subcommittee is not expected to require more time than would ordinarily be required to complete the tasks for this project, the subcommittee is not authorized to hire any outside consultants or professionals.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON THAT:**

- Section 1: The Planning Commission is hereby granted approval to appoint and oversee an ad hoc subcommittee for the purpose of assisting the Planning Commission in its effort to formulate amendments to the Community Development Code to provide the opportunity for infill housing development that is more compatible with the immediate area that surrounds a property.
- Section 2: The subcommittee will meet on an as needed basis for a period not to exceed ten (10) months from the date of its initial meeting.
- Section 3: The subcommittee will include a total of seven (7) members. The specific membership shall include: two (2) Planning Commissioners, two (2) neighborhood association officers or designated neighborhood association appointees, two (2) members actively employed in the real estate or development industry and one (1) citizen at-large.
- Section 4: The subcommittee will be staffed by a Planning Department employee who shall provide guidance and resources for the subcommittee in a manner similar to that provided to the Planning Commission and arrange for minimal additional

resources, as needed, from other City departments. The subcommittee is not authorized to hire any outside consultants or professionals.

Section 5: This resolution shall be effective upon signature.

This resolution adopted this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Patti Galle, Mayor

ATTEST:

\_\_\_\_\_  
Tina Lynch, City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney