

Memorandum

Date: September 16, 2022

To: West Linn Planning Commission

From: Darren Wyss, Planning Manager

Subject: September 21, 2022 Planning Commission Meeting

This memo is intended to provide background information on the September 21st meeting agenda topics. The agenda topics have been addressed individually below. Please let staff know if you have questions that can be answered in advance of the meeting.

Planning Docket Projects Update (Agenda Item 4)

City-initiated legislative amendments to the West Linn Comprehensive Plan, Community Development Code, or Zoning Map will be listed on a docket that is reviewed annually by the Planning Commission (PC) and approved by the City Council. Other planning and historic preservation-related plans and studies are also to be considered through the docketing process. The list is intended to provide clarity to the West Linn community, advisory committees, and staff of the Mayor and Council's project priorities and projected timelines to initiate and accomplish the work.

The docket can be found here: <https://westlinnoregon.gov/planning/plan-and-development-code-docket>.

Currently, there are seven prioritized projects on the docket. Brief timelines for each project:

Policy Work on Chapter 96 – recommendation made by Council-appointed working group in June 2022; recommendation made by Planning Commission in August 2022; Council work session scheduled for 10/3/2022 and Council public hearing scheduled for 10/10/2022.

Clear and Objective Standards Audit – first meeting with Council-appointed working group in August 2022; two more meetings scheduled with working group in September/October 2022; Planning Commission work sessions to follow; anticipated adoption in early 2023.

West Linn Response to HB2003 – Housing Needs Analysis (HNA) completed in June 2021; staff working on securing additional grant funds from DLCD to review/make any necessary updates to the HNA, perform public outreach, and amend zoning map to rectify HNA findings; anticipated adoption of HNA and zoning amendments in Spring 2023.

West Linn Waterfront Project – Request for Proposals (RFP) being finalized for consultant services; anticipated consultant start date in November 2022; project completion date at end of 2024.

Highway 43 Rezoning - Request for Proposals (RFP) being finalized for consultant services; anticipated consultant start date in November 2022; project completion date at end of 2024.

Accessory Dwelling Unit (ADU) Regulations – policy issues incorporated into both the Chapter 96 project and Clear and Objective Audit project; remaining policy issues to be discussed with Planning Commission in 2022/2023; anticipated adoption of additional code amendments in Spring 2023.

CCI Review of Community Review in Land Use Process – CCI report/recommendations submitted to Council in 2018; no funding allocated for the project; staff awaiting further direction from Council.

In addition to the seven prioritized docket projects, the City will also need to adopt code amendments to comply with new state rules adopted as part of the [Climate Friendly and Equitable Communities](#) (CFEC) project. The Department of Land Conservation and Development led the state effort on this project. Staff will schedule a briefing with Planning Commission in October to discuss in detail the code amendments that will be required by the City and the timelines to complete the amendments. Staff has recommended that Council adds this code amendment project to the docket.

Community Development Code Chapter 98.035 requires the Council to either appoint a working group for land use related legislative amendments or direct staff that a working group is not necessary. With four docket projects and the required CFEC code amendments either in process or commencing in the near term, staff has requested guidance from Council on whether a working group is needed for each project. As the projects are unique and will require varying levels of community engagement and policy/code work, staff has recommended the following approach:

City Council to appoint individual working groups for the Hwy 43 project and Waterfront project. This will allow inclusion of a cross-section of the community, including impacted property owners and stakeholders.

Do not appoint working groups for the HB2003 project, CFEC code amendments, or ADU code amendments and City Council direct staff to work with the Planning Commission as the project advisory committee. Staff makes this recommendation because the CFEC code amendments are required and not an option, the ADU code amendments will be limited in scope, and the HB2003 project will rely on individual outreach to specific property owners and surrounding neighbors on proposed zone changes.

The following items are included in the packet:

1. West Linn Planning Docket

Future Docket Projects Recommendation Letter to City Council (Agenda Item 5)

The Planning Commission held three discussions over the summer (July 20th, August 3rd, and August 17th) focused on recommendations to Council for future projects to add to the Planning Docket. Staff has captured the outcome of the discussions in a draft recommendation letter from Chair Walvatne to City Council per West Linn Municipal Code Chapter 2.045. Staff is looking for feedback on the letter to ensure all of the recommendations were listed and described appropriately.

The following items are included in the packet:

1. Draft Recommendation Letter

If you have questions about the meeting or materials, please feel free to email or call me at dwyss@westlinnoregon.gov or 503-742-6064. As always, please submit questions before the meeting to increase the efficiency and effectiveness of the discussion as it allows staff to prepare materials and distribute them for your consideration. Thanks, and hope to see everyone at the meeting.



CITY OF West Linn

PLANNING DOCKET

POTENTIAL AMENDMENTS TO COMMUNITY DEVELOPMENT CODE, COMPREHENSIVE PLAN AND ZONING MAP

UPDATED 09/14/2022

West Linn Community Development Code (CDC) 98.030 requires that Comprehensive Plan, CDC and zoning map amendments to be undertaken in a given year be listed on a docket that is reviewed by the Planning Commission and approved by the City Council. Other planning and historic preservation-related plans and studies are also to be considered through the docketing process.

This list is intended to provide clarity to the West Linn community, advisory committees and staff on the Mayor and Council's project priorities and of projected timelines to initiate and accomplish the work. It also documents recently completed projects.

This list was initially developed by the City Council and Planning Commission at the beginning of 2017 through a joint work session and further Council/Commission discussion, and has been amended multiple times since then. The City Council has discretion to amend this list as appropriate to best achieve community goals.

Projects completed in 2017

- *Geotechnical and surface water code revisions.* Code amendments to ensure the CDC/Municipal Code allow appropriate review of geotechnical and surface water elements of development.
- *Robinwood Station.* Code amendments to allow Robinwood Station to operate as permitted use in residential zone.
- *White Oak Savanna.* Code amendments to allow park improvements in OBC zone.
- *De Novo appeal review.* Code amendment to remove provisions for on-the-record appeal review and restore previous provisions for "de novo" appeals, providing additional process flexibility to the City Council.

Projects completed in 2018

- *Willamette Neighborhood Mixed-Use Transitional Zone - list of permitted/conditional uses.* Amended the list of permitted and conditional uses in the mixed use zoning district.
- *Minor code cleanup including Property Line Adjustment policy update and Day Care code alignment with State of Oregon regulations.*

Projects completed in 2019

- *Willamette Neighborhood Mixed-Use Transitional Zone – zoning map changes.* Updated zoning of properties on 8th Avenue to reflect current uses and vision. Adopted by Council March 11.

- *Sanitary Sewer Master Plan.* Repeal and replacement of the 1999 Plan to address a variety of issues including facilities constructed since 1999, capital planning for aging facilities, regulatory changes, population trends, and implementation of modern best practices. Adopted by Council September 9.
- *Parks and Recreation Master Plan.* Per Council goal, develop an overall planning vision for the project area through a robust citizen involvement program and then further refine the vision into comprehensive plan/zoning map/development code amendments for implementation. Adopted by Council November 12.
- *Storm Water Master Plan.* The updated Storm Water Master Plan includes new goals, policies, and action measures. Accompanying code and Comprehensive Plan amendments will ensure consistency and compliance with regional and state plans and policies, efficient use of public dollars, and maximize protection of important natural resources. Adopted by Council November 12.

Projects completed in 2020

- *Review of zoning on developable residential lands – Phase 1 inventory.* Evaluated developable residential properties over one-acre for consistency with neighborhood plans and visions. Council discussed on March 2, 2020 and directed staff to not move onto Phase 2: Zone Changes, and concentrate on the Waterfront Project and Hwy 43 for potential rezoning.
- *Street Width Standards.* Staff worked with the Planning Commission to develop proposed CDC changes and Council adopted a 28-foot pavement width standard for public streets in new subdivisions on September 14, 2020.

Projects completed in 2021

- *Willamette Falls Drive TSP update.* Amendments to Transportation System Plan to incorporate Willamette Falls Drive Concept Plan, including the re-alignment and design, from Highway 43 to Tualatin River. Adopted by Council August 2, 2021.

Projects completed in 2022

- *FEMA Code Amendments.* Amendments to Community Development Code Chapters 2 and 27 to ensure compliance with FEMA minimum requirements for flood hazard zones. The Oregon Model Code was adopted by Council February 14, 2022.
- *HB2001 Code Amendments.* Amendments to Community Development Code Chapters 2, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 21, 24, 43, 46, 55, 59, and 60 to comply with HB2001 and OAR 660 Division 46. The adopted amendments go above minimum requirements by allowing detached plexes, increasing maximum floor-area ratio (FAR) for R-10/R-7 zoning to 60% and eliminating maximum FAR and lot coverage for R-5/R-4.5/R-3/R-2.1 zoning. Adopted by City Council June 21, 2022.
- *Historic review code update.* Amendments to Chapters 25 and 58 discussed by the Historic Review Board (HRB). Includes a variety of changes to both the commercial and residential district codes. Adopted by City Council May 16, 2022.

Projects underway

- *Committee for Citizen Involvement (CCI) review of community engagement in land use process.*
 - *Status: CCI report and recommendations were provided to City Council. The report addresses education, administrative proposals, and potential code changes. Council had an initial discussion and staff is awaiting direction on implementation process, particularly appointment of a working group to review potential code changes.*
 - *Staff: Darren Wyss*
- *West Linn Waterfront.* Per Council goal, develop an overall planning vision for the project area through a robust citizen involvement program and then further refine the vision into comprehensive plan/zoning map/development code amendments for implementation.
 - *Status: Project underway. Last round of public outreach was open houses on December 10 and 12, 2019 to glean feedback on preferred future land uses. Council has budgeted funds for the next phase of work, which will include finalizing the vision plan, public engagement activities, and zoning/design standards for the three districts. Staff is finalizing an RFP consultant services and anticipates hiring a consultant team in November 2022, with a project completion date at end of 2024. Council received initial presentations on tax increment financing (TIF) and directed staff to move forward. A consultant team is under contract and working on materials that will be used to develop the TIF district plan. Staff will schedule another Council presentation in the near future.*
 - *Staff: John Williams, John Floyd, Darren Wyss, Lance Calvert, Ben Gardner*
- *West Linn Response to HB 2003.* The bill, passed by the 2019 Oregon Legislature, creates requirements that the City will be mandated to implement. HB 2003 will require West Linn to complete a Housing Needs Analysis and take steps (production strategy) to address issues identified in the analysis related to the provision of a broad cross-section of housing types. The project is listed in this section because it is not optional for West Linn.
 - *Status: HB2003 Phase 1 is complete and the result was an adoption-ready HNA delivered in June 2021. The HNA analysis showed the City was deficient in buildable multi-family zoned land and meeting the minimum residential density allocation for new construction requirements of the Metropolitan Housing Rule (OAR 660-007-0035). The City will need to amend its zoning map to rectify the deficiencies and adopt the HNA by December 2023. The City will then have an additional year to adopt the associated housing production strategy required by HB2003. Public engagement will occur in Autumn/Winter 2022/23, with adoption of the HNA and zone changes in Spring 2023. Staff is actively pursuing additional grant funding opportunities.*
 - *Staff: Darren Wyss, John Williams, Ben Gardner*
- *Clear and Objective Standards Audit.* The City has allocated funding to hire a consultant to audit the Community Development Code and recommend code amendments to ensure compliance with ORS 197.307, which requires the City to provide clear and objective standards, conditions, and procedures for housing. The project will also ensure appropriate implementation of HB2306, passed by the legislature in 2019, requiring the City to issue residential building permits upon substantial completion of public improvements in residential subdivisions.
 - *Status: A consultant team is under contract and has completed a full code audit. The team is finalizing proposed code amendments that will be reviewed by the Council appointed working group at three monthly meetings. The first meeting was held in August 2022 to acclimate the group with the project. The September and October 2022*

meetings will allow for review and recommendation. The legislative adoption process will commence thereafter with expected adoption by City Council in early 2023.

- *Staff: John Floyd*
- *Policy work on Chapter 96, Street Improvement Construction.* Review/clarification of West Linn's policy on what infill and redevelopment projects should trigger street improvements. On July 9 2018 the Council provided interim direction on one specific question (street improvements will not be required for projects that simply replace one single-family home with another single-family home). This decision needs to be adopted into code, and the whole section needs review to ensure consistency with Council policy goals and to provide clarity for staff and citizens alike.
 - *Status: Staff finalized a scope of work/background research. The City Attorney's office has provided a "nexus" and "rough proportionality" analysis related to case law (Koontz/Nollan/Dolan rulings). Staff presented the background research to the TAB in late April 2022. A proposed code amendment package was reviewed by the Council appointed working group in May/June 2022 and a recommendation was made. Work sessions with the Planning Commission were held in July and August 2022. The Planning Commission held a public hearing on August 17, 2022 and made a recommendation to Council to adopt the proposed code amendment package. A City Council work session is scheduled for October 3, 2022 and public hearing on October 10, 2022 for a final decision by City Council.*
 - *Staff: Chris Myers, Erich Lais*
- *Accessory Dwelling Unit (ADU) regulations.* Council policy direction is needed on whether the City wishes to facilitate or complicate construction of ADUs. Review will include a look at recent changes to state law and a review of fees levied by the City on ADU construction.
 - *Status: Staff finalized the background research for current code consistency with state law and impacts of HB2001. A few of the primary policy issues resulting from the research have been incorporated into other projects: 1. Whether construction of an ADU should require street improvements is part of the Chapter 96 project that will be in front of Council in October 2022; and 2. Ensuring ADU standards are clear and objective and in compliance with state statutes and administrative rules is part of the Clear and Objective Standards Audit project. These proposed code amendments have been or will be reviewed by the Council appointed working group. The legislative adoption process will follow. Additional policy questions will be discussed with the Planning Commission in 2022/2023.*
 - *Staff: Darren Wyss, Chris Myers, John Floyd, Ben Gardner*

Prioritized projects

The following projects have been prioritized by Council.

- *Highway 43 rezoning and Robinwood Street System.* Review of the zoning map and zoning standards for the properties adjacent to Highway 43. This work will ensure that the zoning regulations facilitate the type of development West Linn would like to see along this important commercial corridor, and complement the planned road improvements. West Linn's Economic Development Committee voted unanimously in May 2019 to recommend Council place this project on the docket as a priority. The project will also look at street design issues in the Robinwood neighborhood and attempt to achieve neighborhood goals for design, safety and connectivity. The project will commence once funding is appropriated.

- *Status: Council has provided funding for the project. Staff is finalizing an RFP for consultant services and anticipates hiring a consultant team in November 2022, with a project completion date at end of 2024..*
- *Staff: Chris Myers, Darren Wyss, Ben Gardner*

Projects identified by Council/Planning Commission/public/staff but not yet prioritized by Council

Small projects

These projects are expected to require a modest amount of staff resources, public engagement and attention from the City Council, Planning Commission and advisory committees. They are generally improvements to or refinements of existing processes or code. These items would result in modest improvements to efficiency, customer service and outcomes in the community.

- *Wireless Ordinance update.* Changes to modernize code language and facilitate minor installations, such as small cell technology, to improve wireless service in the city.
- *Parking standards change for High Schools.* On 8/6/18 Council discussed changing the parking requirements for a High School but this project has not been moved into higher prioritization by Council yet.

Medium projects

These projects are expected to require a moderate amount of staff resources, public engagement and attention from the City Council, Planning Commission and advisory committees.

- *Flood plain ordinance.* The State of Oregon is working with the State of Washington to address needed updates to the Flood Plain program to address Endangered Species Act requirements. For Oregon, the Department of Land Conservation and Development will be provided a model ordinance that addresses agreed upon provisions. Implementing this ordinance in West Linn would ensure compliance with federal, state and regional standards and provide clear guidance on regulations and procedure to property owners.
- *Code consolidation.* Consolidate divergent code sections including moving procedures dispersed throughout the CDC back into Division 9 and addressing a variety of other inconsistencies; more substantive changes than a simple annual cleanup.
- *Code work to address inconsistencies and mapping questions in CDC Chapters 28 and 32.* This work would respond to inconsistencies and mapping issues noted in working with property owners and developers dealing with West Linn's requirements in Water Resource Areas, Willamette River Greenway and Habitat Conservation Areas. This project could easily veer into the "large" category considering the state and regional policy and regulatory framework.
- *Surface water code changes.* The Planning Commission has discussed creating additional code requirements for surface water treatment facilities, beyond those currently contained in the Municipal Code/Public Works Standards. This project would require involvement from property owners, neighborhoods, and developers.
- *Public property zoning and process requirements.* Consideration of a new Comprehensive Plan designation and zone along with the appropriate zoning and process requirements for city-owned property. This project would address a significant gap in West Linn's code, but would likely require extensive neighborhood and Advisory Committee involvement.
- *Additional follow-up projects related to Willamette Mixed-Use Zoning work.* The Mixed Use Zoning Working Group recommended several possible additional projects that arose during their meetings but did not fit within their Council-directed project scope. These include:
 - *Changes to the dimensional/design standards for Chap. 59: MU Zone to make them more flexible for potential redevelopment of properties in the future.* Some ideas for potential

changes: allowing zero lot lines at front and side yards abutting a street, moving from maximum building size to lot coverage/maximum floor area ratio standard, eliminating maximum lot size, and removing the residential style design standards.

- *Parking evaluation of the Willamette Main Street area, especially the on-site parking exemptions found in CDC Chapter 58: Willamette Falls Drive Commercial Design District.* This could be a challenging project, requiring significant work with business and property owners, the main street group, historic advocates, and surrounding neighborhoods.
- *Addressing zoning on island MU properties. Several small islands of MU zoning exist at some distance from the downtown core; the Working Group discussed potential changes to these areas but has not assessed what those changes should be.*
- *Historic Preservation Master Plan.* On 8/6/18 Council discussed the possibility of a Master Plan for all Historic Resources in West Linn. More policy discussion is necessary to identify the objectives and scope of this item.
- *Underutilized Right Of Way (ROW) Review.* Council has discussed reviewing all of the unused/underutilized ROW in West Linn with an aim to returning unneeded property to residents and minimizing the City's maintenance responsibilities. This project would require a fair amount of community outreach and involvement.
- *Short-term rental regulations.* As more short-term rentals become available in West Linn via companies such as AirBnB or VRBO, there has been some community discussion about concerns and potential regulatory changes. Current regulations are summarized at <https://westlinnoregon.gov/planning/faq-short-term-rentals-west-linn>. This project would likely require significant input from property owners and neighborhoods; in other jurisdictions this has been a complex issue to resolve. The project would also include a review of West Linn's Transient Lodging Tax code to ensure revenues assist in the planning and compliance work.

Large projects

These projects are expected to require a significant amount of staff and financial resources, public engagement and attention from the City Council, Planning Commission and advisory committees. Projects of this size would need to be sequenced to allow appropriate focus from all of these groups.

- *Sign code update.* Review, organize, streamline and modernize the sign code. If focused simply on cleanup and organization, this would require less work. A larger review would address community concerns and Council Goal on Economic Development. As demonstrated consistently in other jurisdictions, sign code work is always time-consuming.
- *Planned Unit Development (PUD)/Infill code work.* Review and take action on recommendations by the Planning Commission tabled by City Council in 2015. This large project could be divided into smaller parts: Planned Unit Developments; flag lots; and other infill development. A comprehensive review would ensure consistency but even small tweaks could help, such as increasing allowable lot coverage for single story homes.

Memorandum

Date: September 16, 2022

To: Jules Walters, Mayor
Members, West Linn City Council

From: Gary Walvatne, Planning Commission Chair

Subject: Planning Docket Recommendations

The West Linn Planning Commission held three work sessions over the summer (July 20th, August 3rd, and August 17th) focused on discussion of potential projects to recommend adding to the Planning Docket. The Commission believes the recommendations are timely for two reasons: 1. four of the seven prioritized docket projects are tentatively scheduled to be completed in the next nine months; and 2. the Council could allocate resources in the next biennium budget for priority projects.

The Commission recommends the following projects are added and prioritized:

1. Food Cart Code Amendments – clarify in what zones they are permitted/conditional and develop design standards for the carts and/or pods.
2. Compel Density in the Community Development Code (CDC) – amend the planned unit development (PUD) chapter to require construction of plexes as part of a development project.
3. Roundabout Standards in the Transportation System Plan (TSP) and CDC – amend the TSP and CDC to clarify if/when roundabouts are a permitted in the City.
4. Density and HB2001 within Neighborhoods – identify what areas of the City cannot accommodate “middle-housing” types because of CC&R restrictions.

The Commission appreciates the opportunity to make Planning Docket recommendations to Council and looks forward to helping the community move forward to reach its vision for the future.

Gary Walvatne
Chair, West Linn Planning Commission