



Willamette Neighborhood Mixed-Use Transitional Zone Working Group

Meeting 3 Agenda

February 22, 2018

5:00 – 7:00 pm

Council Chambers, West Linn City Hall (2nd Floor)
22500 Salamo Road
West Linn, OR 97068

1. Introductions
2. Review Tasks from Meeting 2 (Staff)
3. Meeting 2 Summary/Meeting 3 Materials (Review/Group Discussion)
4. Chapter 59 Permitted/Conditional Uses (Group Discussion)
5. Property Owner Outreach Results (Review/Group Discussion)
6. Citizen Comments
7. Topics for Meeting 4 (March 22, 2018)
8. Adjourn



Willamette Neighborhood Mixed-Use Transitional Zone Working Group
Meeting 2 Summary – January 25, 2018

Attendees Noelle Brooks, Jim Farrell, Gail Holmes, Shannen Knight, Jim O’Toole, Roger Straus, Russ Williams, David Lawrence (Members)

Darren Wyss, John Williams (Staff)

Matt Truax, Fred Truax, Griff Truax, Hengameh Modarresi, Javad Farza, Jim Stell, Ralph Tahrán, Leslie Brenner, Rae Gordon (Property Owners and Representatives)

Public Comment

- Several property owners asked clarifying questions during the working group discussions
- Owners of properties 3 & 4 (on the map) feel the mixed-use zoning is too limiting and would like changed back to campus industrial

Discussion

- Staff led a review of the materials distributed for Meeting 2
 - Meeting schedule (Holmes will be absent in March, O’Toole absent in April)
 - Permitted/Conditional Use matrix comparing other cities
 - Meeting 1 Summary (no edits were requested)
 - David Lawrence was appointed to the MU Working Group by City Council to represent property owners
 - Meeting Guidelines (clarification was requested and made regarding lack of consensus and how the dissenting opinion would be presented) were finalized and agreed upon
- Staff led a discussion on the MU Working Group’s second purpose: mixed-use definition:
 - Should the definition be added to the Community Development Code?
 - Definition versus specific uses allowed in a zone
 - Remove “most frequently” from current definition
 - Replace “homes” with “residential”
 - Add “that are complementary and integrated uses”
- A brief discussion took place on the Willamette Neighborhood Vision document and the original process to implement the mixed-use zone
 - Staff agreed to research availability for meeting minutes from the era when the document was written
- Staff provided information on the location of mixed-use zoned properties in relation to the historic district and commercial design district
- The working group discussed how well some of the mixed-use zoned properties fit the purpose of the zone:
 - 8th Ave mixed-use properties located between General Commercial would make more sense to be GC
 - Owners of properties 3 and 4 would like changed back to the original Campus Industrial zone
 - Difference between GC and mixed-use in regards to single-family homes

- 8th Ave R-10 zoning between 12th and 14th would make more sense to be mixed-use to serve the purpose of a transition zone
- Staff was tasked with reaching out to property owners to gauge interest in a zone change along 8th Ave
- The group agreed to revisit properties 1-2, 3-4, and 27-30 at a future meeting
- The working group discussed the Permitted/Conditional Use matrix comparing other cities:
 - Impact of day care facilities – staff will bring more information
 - Need to consider traffic and noise
 - Office (Business/Professional) – move to permitted
 - Retail Sales – move to permitted
 - Medical/Dental Clinic – move to permitted
 - Bar/Bakery/Restaurant – keep as conditional
 - Food Markets/Grocery & Hotel/Motel – add to conditional with size limitation for hotels
 - Personal Services – move to permitted
 - Repair/Rental and Service & Fitness/Exercise Facility – move to permitted with restrictions
 - Residential Use – remain as permitted

Working Group Recommendations

- Working definition of mixed-use:
A combination of different types of uses that are complementary and integrated uses. This ~~most frequently~~ refers to allowing ~~homes~~ residential and businesses to be located in the same area (e.g. apartments over shops or other businesses or apartments adjacent to grocery stores or other commercial establishments).

Working Group Follow-Up Tasks

- Review the 93 currently listed uses from the West Linn Community Development Code (matrix found on two 11x17 sheets in your binders) and create a list of any uses that you believe should be added to the list of permitted or conditional uses beyond those discussed at our meeting.

Staff Follow-Up Tasks

- Contact property owners along 8th Ave. for feedback on potential zone changes.
- Check on availability of Willamette Neighborhood Association meeting minutes from the timeframe when the mixed-use zone was discussed and implemented.
- Research and provide information on Day Care Centers vs. Family Day Care
- Research and provide example language to address permitting only small scale hotels to operate similar to a B&B
- Research and provide example language to address permitting, but limiting repair type businesses
- Research and provide example language to address permitting, but limiting fitness type businesses (yoga studio was used as an example)



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Comparison of Uses in Similar Zoning

Category of Use	West Linn	Lake Oswego (Foothills Mixed-Use)	Oregon City (Mixed-Use Downtown)	Milwaukie (Downtown Mixed-Use)	Tigard (Downtown Mixed-Use)	Tualatin (Urban Renewal District)	Carmel, CA (Service Commercial)
Day Care	C/P	P	P	p*	P	p*	C
Office (Business/Professional)	C P	P	P	p*	P	p*	P
Retail Sales	C P	P	p*	p*	p*	p*	P
Medical/Dental Clinic	C P	P	P	p*	P	p*	P
Bar	C	P	P	p*	P	p*	C
Bakery	C	P	p*	p*	P	p*	C
Restaurant	C	P	P	p*	P	p*	C
Food Markets/Grocery	N C	p*	p*	p*	p*	p*	C
Hotel/Motel	N C	P	P	P	P	p*	P
Personal Services	C P	P	P	p*	P	p*	P
Repair/Rental and Service	C p*	P	P	p*	P	p*	p^
Fitness/Exercise Facility	N p*	p*	P	p*	P	p*	N
Residential Use	P	P	P	P	P	P	p*

* Includes maximum size limitation

^ Includes other conditions

P = Permitted

N = Not Permitted

C = Conditional

MU Working Group
Meeting 3
Chapter 59 Proposed Use List for Permitted/Conditional
City of West Linn

59.030 PERMITTED USES

The following are uses permitted outright in this zone:

1. Single-family detached dwelling;
2. Multi-family dwelling;
3. Common-wall single-family dwellings above a permitted use;
4. Residential use of the second floor or a portion of the ground floor of a permitted use;
5. Residential home;
6. Family day care;
7. Bed and breakfast lodging.

8. Animal sales and services, grooming. Grooming of dogs, cats, and similar small animals. Typical uses include dog bathing and clipping salons or pet grooming shops. (Retail Sales)

9. Business support services. Establishments primarily engaged in the provision of service of a clerical, employment, protective, or minor processing nature to firms rather than individuals and where the storage of goods other than samples is prohibited. Typical uses include: secretarial services, telephone answering services, or blueprint services. (Office – Business/Professional)

10. Convenience sales and personal services. Small neighborhood-oriented retail businesses (retail commercial and personal services) which provide for the daily needs of nearby residents. It includes uses such as grocery stores, drug stores, laundromats, dry cleaners, barber shops and beauty salons. (Retail Sales)

11. Cultural exhibits and library services. Museums, exhibition of objects in one or more of the arts and sciences, gallery exhibition of works of art, or library collection of books, manuscripts, etc., for study and reading.

12. General retail services. The sale or rental of commonly used goods, and merchandise for personal or household use, but excludes those classified as agricultural sales, animal sales and services, automotive and equipment, business equipment sales and service, construction sales and services, food and beverage retail sales, and vehicle fuel sales. Typical uses include: department stores, apparel stores, furniture stores, pet stores or book stores. (Retail Sales)

13. Medical and dental services. Establishments primarily engaged in the provision of personal health services ranging from prevention, diagnosis and treatment (including outpatient surgery), or rehabilitation services provided by physicians, dentists, nurses, and other health personnel as well as the provision of medical testing and analysis services, but excludes those classified as any civic use or group residential use types. Typical uses include: medical offices, eye care offices, dental offices and laboratories, or health maintenance organizations. (Medical/Dental Clinic)

14. Personal service facilities. Establishments primarily engaged in the provision of informational, instructional, personal improvement, and similar services of a non-professional nature. Typical uses include: photography studios, driving schools and trade schools, or reducing salons. (Personal Services)

15. Professional and administrative services. Offices of private firms or organizations which are primarily used for the provision of professional, executive, management, or administrative offices, legal offices, architectural or engineering firms, or real estate firms. (Office – Business/Professional)

16. Transportation facilities (Type I) are those which are designated in the adopted TSP or are part of an approved, active development order. Type I facilities are permitted uses in all zoning districts. (Allowed in all other zones in the City)

17. Utility, minor. A minor utility facility or service includes, but is not limited to: overhead or underground electric, telephone or cable television poles and wires, and distribution lines for electric, gas, water, drainage or sewerage collection systems, or other similar use. (Allowed in all other zones in the City)

59.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

The following uses are allowed in this zone under prescribed conditions:

1. Signs, subject to the following provisions:
...
2. Temporary use, subject to the provisions of Chapter [35](#) CDC.
3. Home occupations, subject to the provisions of Chapter [37](#) CDC.

4. Consumer repair services, as prescribed with no exterior storage. Establishments primarily engaged in the provision of repair services to individuals and households rather than firms, but excluding “automotive and equipment” use types. Typical uses include: appliance repair shops, apparel repair firms, musical instrument repair firms and small repair shops. (Repair/Rental and Service)

5. Animal sales and services: veterinary (small animals), as prescribed with no exterior runs or storage. Veterinary services for small animals. Typical uses include pet clinics, dog and cat hospitals, or animal hospitals for small animals. (Medical/Dental Clinic)

6. Financial and insurance, as prescribed with no drive-through service. Establishments primarily engaged in the provision of financial, insurance, or securities brokerage services. Typical uses include: banks, savings and loans, or insurance agencies. (Office – Business/Professional)

7. Building maintenance services, as prescribed with no exterior storage. Establishments primarily engaged in the provision of maintenance and custodial services. Typical uses include janitorial, landscape maintenance, or window cleaning services. (Office – Business/Professional)

8. Wireless communication facilities, subject to the provisions of Chapter [57](#) CDC. (Allowed in all other zones in the City)

59.060 CONDITIONAL USES

Only the following conditional uses are allowed in this zone subject to the provisions of Chapter [60](#) CDC, Conditional Uses:

1. Children's day care center.
2. Community **building** center for civic or cultural events.
- ~~3. Small appliance repair services.~~
- ~~4. Governmental offices.~~
5. Religious institution.
6. Senior ~~or community~~ center.
7. Public support and public safety facilities, including public parking lots.
8. Nursery.
9. Parks and open space.
- ~~10. Boutiques.~~
11. ~~Small~~ Business equipment sales and service.
- ~~12. Craft shops.~~
- ~~13. Cultural exhibits and library services.~~
14. Eating and drinking establishments.
- ~~15. Retail sales and service, except no drive-through service.~~
- ~~16. Professional and administrative services.~~
- ~~17. Medical or dental offices or clinics.~~
- ~~18. Financial, insurance, and real estate services, except no drive-through service.~~

19. Food and beverage retail sales. Establishments or places of business primarily engaged in the retail sale of food and beverages for home consumption. Typical uses include: groceries, delicatessens, or liquor stores, and excludes eating and drinking establishments. (Food Markets/Grocery)

20. Hotel/motel, with less than seven rooms. Establishments primarily engaged in the provision of lodging on a temporary basis with incidental food, drink, and other sales and services intended for the convenience of guests. Typical uses include hotels, motels, or bed and breakfast houses.

21. Construction sales and services. Establishments or places of business primarily engaged in construction activities and incidental storage on lots other than construction sites as well as the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures. Typical uses include: building materials stores, tool and equipment rental or sales, and building contracting/construction offices.

MU Working Group

Meeting 2 Follow-Up Materials

City of West Linn

Working Definition of Mixed-Use (as of 1/25/2018)

A combination of different types of uses that are complementary and integrated uses. This ~~most frequently~~ refers to allowing ~~homes~~ residential and businesses to be located in the same area (e.g. apartments over shops or other businesses or apartments adjacent to grocery stores or other commercial establishments).

Day Care

City of West Linn Definitions:

Children's day care. Services or facilities authorized, certified, or licensed by the State for children's day care of six or more children, for a period not to exceed 12 hours per day. Children's day care facilities with less than six children are a home occupation. See Chapter [37](#) CDC.

Family day care. Any family day care provider who provides care in the home of the provider to fewer than 13 children, including children of the provider, regardless of full-time or part-time status.

State of Oregon Definitions:

Day Care Center

A business providing care, protection and supervision for any number of children or adults on a regular basis away from their primary residence for less than 24 hours per day that does not meet the definition of a Certified Family Child Care Home or a Registered Family Child Care Home. This use includes preschools and adult day care facilities.

Family Child Care Home, Certified

A certified family child care home is a child care facility located in a building designed as a single family dwelling that has a valid certificate issued by the state of Oregon under OAR 414-350 to care for a defined maximum number of children at any one time.

Family Child Care Home, Registered

A registered family child care home is the residence of a child care provider who has a current family child care registration issued by the state of Oregon under OAR 414-205 at that address and who provides care in the family living quarters.

ORS 329A.440 Application of zoning ordinances to registered or certified family child care homes. (1) A registered or certified family child care home shall be considered a residential use of property for zoning purposes. The registered or certified family child care home shall be a permitted use in all areas zoned for residential or commercial purposes, including areas zoned for single-family dwellings. A city or county may not enact or enforce zoning ordinances prohibiting the use of a residential dwelling, located in an area zoned for residential or commercial use, as a registered or certified family child care home.

Currently, family day cares are permitted in all residential, commercial, and mixed-use zones within the City of West Linn.

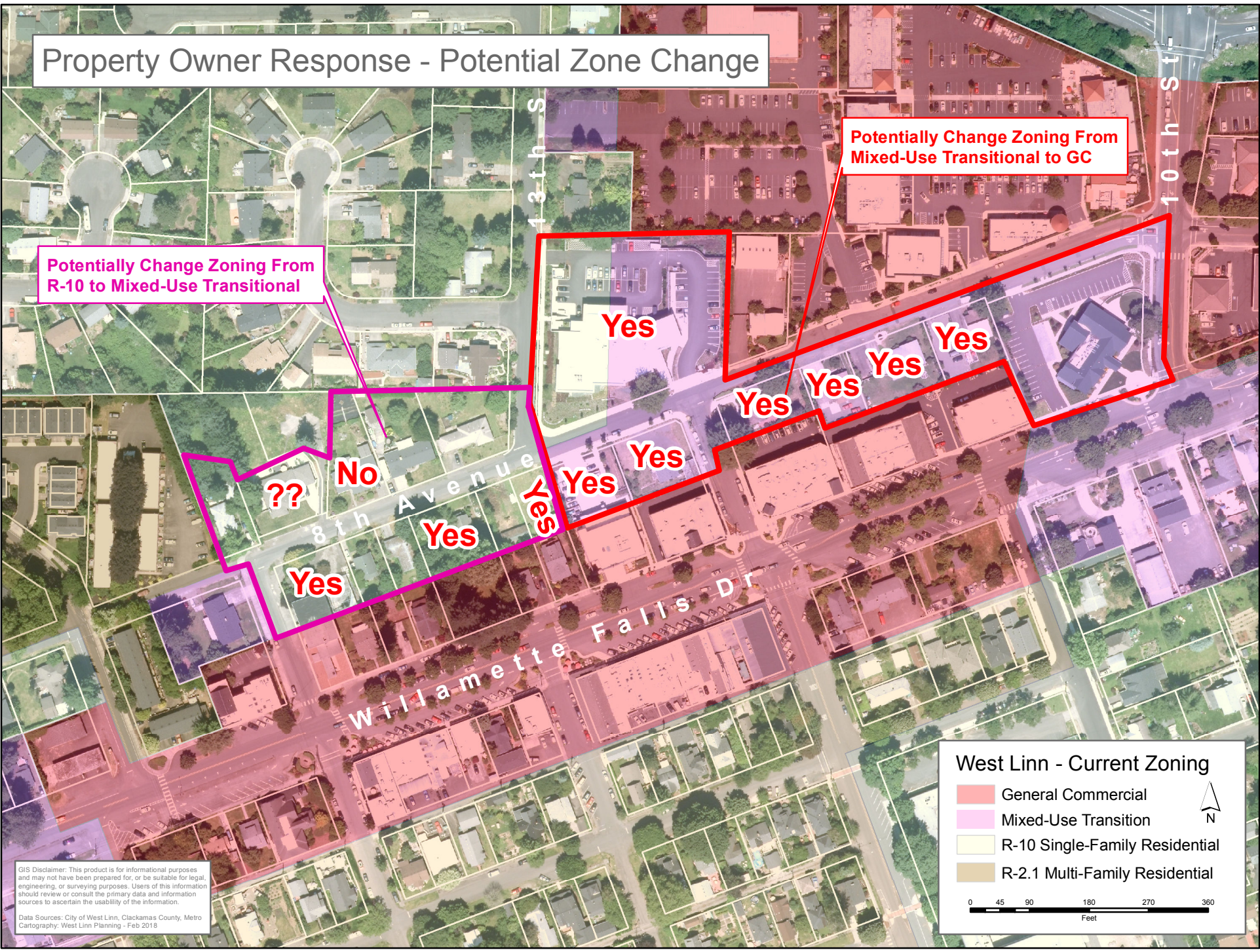
Day care centers are conditional uses in all commercial, mixed-use, and residential zones at a density of R-7 or higher. They are permitted as an accessory use in the campus industrial zone.

Staff recommendation would be to continue with family day cares as permitted and day care centers as conditional in the mixed-use zone until a more detailed analysis and discussion can take place. In the future, at a minimum the City should consider code amendments to make its definitions consistent with state statute and potentially weigh the pros/cons of day care centers as a permitted use in commercial and mixed-use zones.

Property Owner Response - Potential Zone Change

Potentially Change Zoning From R-10 to Mixed-Use Transitional

Potentially Change Zoning From Mixed-Use Transitional to GC



West Linn - Current Zoning

- General Commercial
- Mixed-Use Transition
- R-10 Single-Family Residential
- R-2.1 Multi-Family Residential

N

0 45 90 180 270 360
Feet

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Data Sources: City of West Linn, Clackamas County, Metro Cartography, West Linn Planning - Feb 2018