



Memorandum

Date: June 27, 2013

To: City of West Linn Planning Commission

From: Chris Kerr, Economic Development Director

Subject: "Cut the Red Tape" regulatory code streamlining project

Thank you in advance for the opportunity to discuss and provide the latest update on the "Cut the Red Tape" regulatory streamlining project. As you may recall from the joint Planning Commission/City Council worksession on April 1, 2013, the goal of this project is to modify our codes and processes to remove inefficient and unnecessary regulatory barriers to development and doing business in West Linn. This project, along with a master plan for the Arch Bridge area, is the Council's highest economic development priority for this year. I anticipate holding the Planning Commission public hearing on this item on August 7, 2013.

Since the project "kick-off" in April, Staff and the Economic Development Committee have been soliciting input from all parties, particularly targeting those that have experience conducting business in the City. Additionally, we have held dozens of one-on-one interviews with businesses and potential developers in the City, conducted a successful web-survey (60 respondents - most of whom have had experience working the City), reviewed best practices in other cities and with professional organizations and have completed an internal review of our current City practices to identify areas that can be reformed.

As a result of these discussions, we are recommending modifications to several current City practices with regard to development as well as significant modifications to the City's Community Development Code and Comprehensive Plan; with minor changes to the Municipal Code and fee schedule. These changes are consistent with the City's overall strategy to support our high quality of life, provide for greater efficiency in government, increase customer service, reduce waste, and create a more expansive economic development and businesses environment within the City.

I look forward to reviewing this list in detail with the Commission at your worksession and hope that you can add other specific amendments for consideration.

SUMMARY OF PROPOSED AMENDMENTS UNDER CONSIDERATION

For discussion purposes, proposed amendments are categorized by document proposed to be modified.

Modifications to Comprehensive Plan

1. The 2003 City Council Goals are proposed to be removed from the Comprehensive Plan because those goals are outdated and should not be located in the Plan.
2. The definition of “conditional use” is proposed to be removed from the Comprehensive Plan because that term doesn’t exist in the Plan and in conflict with the CDC definition.
3. Goal 9: Economic Development is proposed to be modified and expanded to more accurately recognize the importance Economic Development as a priority in the City.

Modifications to Community Development Code

1. The City’s land use appeal process is proposed to be modified to make land use appeals “on the record” as opposed to the current “de novo” review; with some exceptions to address any procedural errors.
2. The variance criteria in 75.060, specifically 75.060(A), topography requirement, and 75.060(B), takings requirement, are proposed to be revised (e.g., topographical constraints are not a unique feature to properties in West Linn).
3. A new variance type “minor adjustment” is proposed to be available for applicants for insignificant modifications to the code that don’t adversely impact the surroundings.
4. Amendments to recognize that an approved Conditional Use is not subject to future non-conforming use requirements.
5. Remove unnecessary application and submittal requirements throughout the Code, such as the number and type of copies required. The Planning Director will have greater discretion to require electronic or paper copies depending on the application.
6. Eliminate lot dimensional requirements except for area and frontage width.
7. Increase building heights in residential and commercial zones (5 or 6 floors). These would still be subject to increased ‘transitional setbacks’ when adjacent to low density housing.
8. Remove Chapter 33 (Stormwater quality and detention) from CDC and integrate with the West Linn Public Works Design Standards (PWDS).
9. Revise Conditional Use standards (e.g., remove “consistent with the overall needs of the community” and “consistent with applicable policies of the comprehensive plan”).
10. Exempt public projects that have been approved through a master planning process from the complete land use process in place of a simpler review by the Planning Director.
11. Many public works design standards (parking lots) are included in the CDC, move to the PWDS.
12. Allow on-street parking to count toward minimum requirements for new development and revise minimum parking requirements to be consistent with the Regional Transportation Plan.
13. Value of improvements to rectify non-conformity are proportionate to value of proposed project (e.g., 10 percent).
14. Modify land use review procedures such that only in cases of Planned Unit Development (PUD), Conditional Use Permit(CUP), rezoning, variances, and certain appeals would require Planning Commission approval.
15. Significantly reduce the landscaping requirement in the General Commercial (GC) zone.

16. Require neighborhood association (NA) meetings for only large-scale projects or items requiring Planning Commission approval.
17. Simplify the detailed requirements for applicants to notify NA's about meetings.
18. Allow more flexibility for modifications to an approved CUP.
19. Require protection of 20 percent of significant trees on site rather than 20 percent of the site area.
20. Eliminate the lot coverage requirement in commercial districts.
21. Eliminate permit requirements for A-frame signs.
22. Expand list of permitted uses in commercial zones (GC and OBC).
23. Remove arbitrary standards from Chapter 55 (e.g., "manifestly superior", etc.).
24. Exempt public works projects in the public right-of-way from land use review.

Modifications to Municipal Code

1. Chapter 2 is proposed to be amended to require that all applicants for City Commissions and Boards must be current on all City fees and utilities and be in compliance with the WLMC and CDC.
2. City Staff will advise that they be responsible for setting agendas for individual committees (currently established by the Chair of the respective board or committee).
3. WLMC 8.650 Tree Removal Permit is proposed to be amended to remove automatic approval of permit in 20 days and make it longer.
4. WLMC sections and CDC is proposed to be amended to clarify circumstances in which poultry is allowed.
5. Remove the requirement for each Board to meet with the Council annually. This will be an annual report instead.
6. Remove requirement for monthly meetings of all Boards, they should meet when necessary.
7. Eliminate the need for neighborhood associations to meet unless necessary.

Fees

1. Increasing the fees for appealing land use decisions.
2. Moving some of the current deposit requirements for planning applications to set fees.
3. Allow system development charges (SDC's) to be payable prior to the issuance of a certificate of occupancy rather than at building permit issuance.
4. Setting a minimum amount for bonding requirements of public improvements.
5. Modifying the City's standard language for performance bonds to reduce costs.
6. Remove the fee for temporary A-frame signs.
7. Eliminate the 5/8" water meter and establish a standard size (3/4") which will lower the connection fee for homes.

Procedures

1. The PC is advised to adopt all or part of the City Council's rules, especially those that focus discussions by requiring the PC to deliberate on a motion as opposed to round table discussions before a motion is proposed.
2. Allow outdoor seating to be permitted to be extended beyond the building's storefront with permission from the adjacent property owner..

This list is not exhaustive; other changes, mostly related to removing ambiguous/subjective criteria are also being considered.

Please keep in mind that just as important as this list of proposed changes is a separate group of changes that I am assembling that are NOT proposed as part of this project due to expediency. However, there is consensus that these are just as crucial to creating a vibrant pro-business environment in the City. Therefore, I am assembling this separate list ("next steps") for your review (and the City Council) with the recommendation that these items be addressed as soon as this current streamline project is completed. Fortunately, several are already priorities for the PC and Council – however, following through and completing them is critical. This **Next Steps** list (in no particular order) includes:

1. Re-writing the Mixed Use, or transitional zoning, district regulations.
2. Consideration of reductions to the City's SDC's.
3. Re-organizing the CDC in its entirety. Piecemeal changes are always helpful, but it is still extremely confusing, with antiquated and conflicting requirements.
4. Creating Public Use/ROW zoning district to address uses in public facilities, parks, schools, etc.
5. Re-write our non-conforming chapters for legal consistency.
6. Re-implementing the past practice of using a hearings officer for certain land use decisions.
7. If portions of the Stafford Triangle are designated "Urban Reserve": Immediately establish a policy for how the City would like to work with the property owners and surrounding communities to ensure that our City's interests are represented as development of this area begins.