

Narrative to Accompany Zoning Request from R-10 to R7

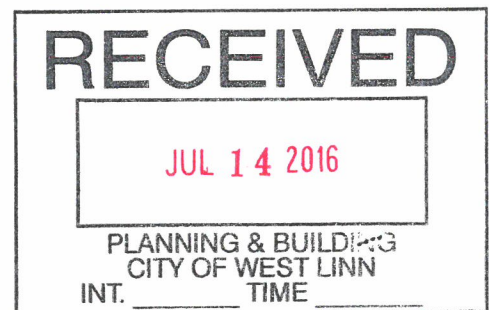
The applicants at 1983 13th Avenue and 1943 13th Avenue have a long history and involvement in West Linn and specifically in the Willamette neighborhood.

The applicants request a zoning change from R10 to R7 to correct a zoning mistake, a lack of a buffer zone between the Willamette residential neighborhood and the neighboring mixed use property. These properties are located on the edge of an R10 neighborhood and are part of what is an incomplete transition zone (other R7 properties) between the larger R10 residential neighborhood and the MU property which is currently a commercial parking lot. Both of these zones are considered Low Density Residential and would be considered a minor change and not would not deviate from the Comprehensive Plan. Nearby R-7 re-zoning occurred in 2007 at 2011 13th St, West Linn and 2008 13th St., West Linn.

If granted as other neighboring properties have in the recent past, the zoning change would allow for the subsequent partition of the the oversized lot (approximately 14,374 sq ft) located at 1943 13th St. Once partitioned, the future lots will be slightly larger than 7,000 square feet each in keeping with other lots in the neighborhood.

Some examples of these smaller lots in the same Comprehensive Map Zone and even in the same City R10 zone (without having undergone the rezoning process are:

- 1442 15th Street (5,000 sq ft built in 1920)
- 1490 15th Street (6,098 sq ft built in 1994)
- 1741 8th Ave (5,662 sq ft built in 1920)
- 1755 8th Ave (5,450 sq ft built in 1962)
- 1444 15th St (6,000 sq ft built in 1994)
- 1420 15th St (5,001 sq ft built in 1933)



In essence, there is nothing new or unusual involved with granting this zoning change and in fact, is consistent with current development in the same R10 neighborhood as well.

These properties lies at the the intersection of an existing R-10 neighborhood, a mixed-use zone and a commercial zone. The existing R10 neighborhood will be insulated from this minor change in zoning with the existing and future house better screening the neighbors from the MU zoning. Approving this application

would support the neighborhood's stated desire in the Willamette Neighborhood Vision Statement to be buffered from Mixed-use and Commercial activities.

In addition to information above, you will find below specific West Linn city code and narrative that supports our application for the zoning change.

We look forward to your timely approval of our application.

Respectfully submitted,

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West Linn - Community Development Code

Chapter 105

AMENDMENTS TO THE CODE AND MAP

Sections:

<u>105.010</u>	PURPOSE
<u>105.030</u>	LEGISLATIVE AMENDMENTS TO THIS CODE AND MAP
<u>105.040</u>	QUASI-JUDICIAL AMENDMENTS AND PROCEDURES
<u>105.050</u>	QUASI-JUDICIAL AMENDMENTS AND STANDARDS FOR MAKING DECISION
<u>105.060</u>	CONDITION OF APPROVAL
<u>105.070</u>	RECORD OF AMENDMENTS

105.010 PURPOSE

The purpose of this chapter is to set forth the standards and procedures for legislative amendments to this code and to the map and for the quasi-judicial changes to the map as provided by the code chapters setting forth the procedures and by the Comprehensive Plan.

Amendments may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes or to address changes in the law.

Response: Applicants request an amendment in the current zoning “to correct mistakes” as allowed in the purpose statement. Applicants request a correction in

the current zoning to (without any changes to the comprehensive plan) allow better screening of R10 neighborhood from the neighboring MU use (Les Schwab).

105.030 LEGISLATIVE AMENDMENTS TO THIS CODE AND MAP

Legislative amendments to this code and to the map shall be in accordance with the procedures and standards set forth in Chapter [98](#) CDC.

Response: No legislative amendments are requested to the zoning map at this time.

105.040 QUASI-JUDICIAL AMENDMENTS AND PROCEDURES

Quasi-judicial amendments to this code and to the map shall be in accordance with the procedures set forth in this code and the following:

Response: a quasi-judicial amendment to the code and map are requested and consequently, this code is applicable. See further answers below.

A. The Planning Commission shall make a recommendation to the Council on a zone change application which does not involve Comprehensive Plan Map amendments as provided by CDC [99.060](#)(B).

Response: Applicants request of a zone change which meets applicable Comp Plan policies and does not change the Comprehensive Plan Map. In fact, changes are encouraged, allowed and expected so long as they are consistent with the Comprehensive Plan Map and the Willamette Neighborhood Plan - 2003. See additional responses below.

B. The Planning Commission shall make a recommendation to the Council on an application for a Comprehensive Plan Map amendment. The Council shall decide the application on the record as provided by CDC [99.060](#)(C).

Response: Applicants are not requesting a comp plan change. The current low density residential designation allows R-7 zoning.

C. The Planning Commission shall make a recommendation to the Council on a zone change application which also involves a concurrent application for a Comprehensive Plan Map amendment. The Council shall decide the applications on the record as provided by CDC 99.060(C). (Ord. 1401, 1997; Ord. 1613 § 26, 2013; Ord. 1635 § 44, 2014)

Response: Applicants are not requesting a change to the Comprehensive Plan Map. This criteria does not apply.

105.050 QUASI-JUDICIAL AMENDMENTS AND STANDARDS FOR MAKING DECISION

A decision to approve, approve with conditions, or to deny an application for a quasi-judicial amendment shall be based on all of the following standards:

A. The standards set forth in CDC 99.110(A), which provide that the decision shall be based on consideration of the following factors:

1. The applicable Comprehensive Plan policies as identified in subsection C of this section and map designation.

Response: Applicants request of a zone change which meets applicable Comp Plan policies and does not change the Comprehensive Plan Map. The Comp Plan encourages, allows and expects changes so long as they are consistent with the Comprehensive Plan Map and the Willamette Neighborhood Plan - 2003. This rezoning is consistent with both. Relevant policies will be found in Goals 2, 6, 10, and 13 of the Comprehensive Plan as explained in more detail below. See additional responses below.

Goal 2 of the West Linn Comprehensive Plan. Granting the change in zoning would maintain the land use and zoning policies, conform with the neighborhood plan and complement the variety of lots sizes in the existing neighborhood, not overburden existing transportation, storm, sewer and water systems and result in a net increase in energy efficient houses in West Linn

"1. Maintain land use and zoning policies that continue to provide for a variety of living environments and densities within the city limits.

2. Allow mixed residential and commercial uses in existing commercial areas only in conjunction with an adopted neighborhood plan designed to ensure compatibility and maintain the residential character of existing neighborhoods.

3. Consideration of the concept of carrying capacity should also include the transportation network, storm water management, air quality, and overall quality of life.

4. Encourage energy efficient-housing (e.g., housing with solar energy, adequate insulation, weatherproofing, etc.).” - West Linn Comprehensive Plan Goal 2

No comprehensive plan change is requested by requesting a change in zoning from R10 to R7. In addition, the change in zoning moves toward correcting the mistake in the original zoning and even meets the Goal 2, Policy 7 better due to the extra capacity for additional development and being within one-half-mile of public transportation:

“b. Medium density residential lands will meet all of the following criteria: i) Areas that are not subject to development limitations such as topography, ii) Areas where the existing services and facilities have the capacity for additional development; iii) Areas within one-half mile of public transportation.” - West Linn Comprehensive Plan Goal 2, Policy 7

Goal 6 of the West Linn Comprehensive Plan has as its aim to increase air and water quality, and to reduce noise all of which will be better met by increasing density, reducing overall travel mileage of the future residents and taking advantage of existing infrastructure and services. This goal is met.

Goal 10 of the West Linn Comprehensive Plan is to “encourage the development of affordable housing for West Linn residents of all income levels.” This Goal will be met with the increase in the supply of housing.

Goal 13 of the West Linn Comprehensive Plan is to “1. Promote energy efficient provision of public facilities and services; 2. Promote the retrofitting of homes, businesses, and industry for energy conservation; and 3. Promote the use of renewable energy sources.” New construction uses less energy for heating and cooling than older construction. Higher density reduces the need for fossil fuels for transport and by using existing transportation and garbage collection services. This goal is met by granting the zoning change.

2. The applicable standards of any provision of this code or other applicable implementing ordinance.

Response: Applicants request of a zone change which meets applicable Comp Plan policies and does not change the Comprehensive Plan Map. There are no development limitations on the properties and no Type I or II lands. The slope is 3.7%. In fact, changes are encouraged, allowed and expected so long as they are consistent with the Comprehensive Plan Map and the Willamette Neighborhood Plan - 2003.

The purpose statement of the R7 zone reads “The purpose of this zone is to provide for urban development at levels which relate to the site development limitations, the proximity to commercial development, and to public facilities and public transportation. This zone is intended to implement the policies and locational criteria set forth in the Comprehensive Plan.”

The purpose statement of the R10 zone reads "The purpose of this zone is to provide for urban development at levels which relate to the site development limitations, proximity to commercial development and to public facilities and public transportation. This zone is intended to implement the Comprehensive Plan policies and locational criteria, and is applicable to areas designated as Low Density Residential on the Comprehensive Plan Map and Type I and Type II lands identified under the Buildable Lands Policy."

Since there are no Type I nor Type II lands on site, the R7 zoning classification better fits the applicants' properties and the original R10 zoning was in error.

B. The standards set forth in CDC [99.110](#)(B), which provide that, in making the decision, consideration may also be given to the following:

1. Proof of change in the neighborhood or community or a mistake or inconsistency in the Comprehensive Plan or Zoning Map as it relates to the property which is the subject of the development application.

Response: There was a mistake in the original zoning based on Goal 2, Policy 7 of the comp plan and the purpose statement of the zones. R-7 provides a buffer for R-10 from the commercial use. These properties are within ½ mile of public transport.

There is nothing new or unusual involved with granting this application. Two nearby properties were approved for rezoning from R-10 to R-7 in 2007. These approvals were for properties located at 2011 13th St and 2008 13th St. Approving this application would complete an intermediate buffer zone between the R-10 neighborhood to the west and the commercial mixed-use to the east (Les Schwab). The one island of remaining R-10 in this buffer area are in support of this application even though there is no financial incentive to do so. Please see their attached letter of support.

Some examples of nearby smaller R-10 lots (same zone and same designation on the Comprehensive Plan) are:

- 1442 15th Street (5,000 sq ft built in 1920)
- 1490 15th Street (6,098 sq ft built in 1994)
- 1741 8th Ave (5,662 sq ft built in 1920)
- 1755 8th Ave (5,450 sq ft built in 1962)
- 1444 15th St (6,000 sq ft built in 1994)
- 1420 15th St (5,001 sq ft built in 1933)

2. Factual oral testimony or written statements from the parties, other persons and other governmental agencies relevant to the existing conditions, other applicable standards and criteria, possible negative or positive attributes of the proposal or factors in sub-section A or (B)(1) of this section.

Response: Applicants are aware that public comment is part of the zoning change process and may either be in support or in opposition to the requested zoning change. We have attached a letter in support from a co-applicant who has no financial benefit from supporting the zone change.

C. The Comprehensive Plan, Plan and Ordinance Revision Process, and Specific Policy No. 4, which provides that the decision shall be based on consideration of the following criteria:

1. Conformance with the Comprehensive Plan policies and criteria.

Response: The requested zoning change conforms to Low Density Residential Designation. The Comprehensive Plan policies with regard to Residential Development is as follows:

SECTION 1: RESIDENTIAL DEVELOPMENT

POLICIES

1. Require all residential uses, except for single-family detached dwellings, to be subject to the design review process.

Response: Only one additional single-family detached dwellings is expected, so no design review process is required or expected. This criteria is met.

2. Allow clustering of residential development on land with significant environmental constraints only if:

Response: No environmental restraints are expected and no clustering is expected in future development. In fact, there is only one tree on site which likely will remain on the lot of the existing house. We expect that it will not be impacted by the new construction or be minimally impacted by the new construction. Section a and b below do not apply. This criteria is met.

- a. Such clustering can be demonstrated to protect environmental resources, not

- b. Such clustering is found to be compatible with and complementary to existing

3. Develop incentives to encourage superior design, preserve environmentally sensitive open space, and include recreational amenities.

Response: No environmental open space will be developed. Applicant will take advantage of all incentives to encourage superior design. Applicant does not propose nor is contemplating provide recreational amenities. This criteria is met.

4. Require open space to be provided in planned unit developments to allow for shared active and passive recreational opportunities and meeting areas for future residents.

Response: No planned unit developments are requested in this application or expected in the future as part of development. This criteria is met.

5. New construction and remodeling shall be designed to be compatible with the existing neighborhood through appropriate design and scale.

Response: One new construction house will result from approving this application and can be designed to be compatible with the existing neighborhood. This criteria is met.

6. Prohibit gated accessways to residential development other than to an individual single-family home.

Response: No gated accessways to residential development are requested in this application or expected in the future as part of development. This criteria is met.

"7. The following are criteria that shall be used when designating residential areas. This list is not exhaustive, but helps determine what types of residential densities are appropriate, given topographical constraints, available public facilities, etc. a. Low density residential lands will meet the following criteria: i) Areas with limited capacity for development in terms of the existing facilities such as sewer, water, and drainage; and/or, ii) Areas having development limitations due to the topography, soil characteristics, drainage, high water table, and flooding. b. Medium density residential lands will meet all of the following criteria: i) Areas that are not subject to development limitations such as topography, flooding, or poor drainage; ii) Areas where the existing services and facilities have the capacity for additional development; iii) Areas within one-half mile of public transportation. c. Medium-high density residential lands will meet all of the following criteria: i) Areas that do not rely solely on local streets for the provision of access; ii) Areas that are not subject to development limitations such as topography, flooding, or poor drainage; iii) Areas where the existing facilities have the capacity for additional development; iv) Areas within one-quarter mile of public transit; v) Areas within short distances of general commercial shopping center or office-business centers; vi) Areas in close proximity to parks and schools" - West Linn Comprehensive Plan

Response: Low density residential development is what was originally zoned even though there are no development limitations due to topography, soil, drainage, flooding etc. The original mistake was that medium density residential zoning is a better fit and was not applied. The requested increase in density requested as part of this application moves toward correcting that mistake with minimal impact to the neighborhood while providing benefits such as additional screening of the commercial zone. This criteria is met.

8. Protect residentially zoned areas from the negative impacts of commercial, civic, and mixed-use development, and other potentially incompatible land uses.

Response: Applicants' new single family home will better screen existing neighborhood from the adverse affects of the neighboring mixed use zoning (Les Schwab parking lot). This criteria is met.

9. Foster land use planning that emphasizes livability and carrying capacity.

Response: Applicants' new single family home does not adversely affect livability nor carrying capacity. In fact, a new sidewalk would provide pedestrian access to commercial services and transit service and make efficient use of land that has no development constraints. Plus it provides the buffer from commercial uses. This criteria is met.

2. There is a public need for the change or the change can be demonstrated to be in the interest of the present and future community.

Response: There is a public need for affordable housing in West Linn. This application moves to increase density which the general public, through their creation of Metro and an urban growth boundary, has expressed support. At the time of this application, the least expensive lot for sale is \$150,000. The proximity to businesses of the new lot will be affordable in comparison to one built upon other less affordable options. Increasing housing options reduces pressures on housing. Increased diversity in housing stock and housing prices contribute to a more vital neighborhood.

3. The changes will not adversely affect the health, safety and welfare of the community.

Response: Current infrastructure is sufficient to safely handle effluent, the minimal increase in traffic and will increase safety by an increased sense of stewardship.

D. Transportation Planning Rule compliance.

1. Review of applications for effect on transportation facilities. When a development application, whether initiated by the City or by a private interest, includes a proposed comprehensive plan amendment zone change or land use regulation change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule: "TPR"). "Significant" means the proposal would:

Response: Applicants request a zoning change that would add one single-family house to an already existing neighborhood. It is commonly accepted that an active household will add a maximum of 9.7 trips per day to a transportation system according to the Institute of Transportation Engineers -- ITE standards. Applicant requests that this commonly accepted standard be used in lieu of a formal traffic impact analysis. Current infrastructure is sufficient to support the minimal increase in traffic. If so granted, this criteria is met. Applicants' proposal will not "significantly" affect any transportation facilities as defined below.

Additionally, The proposed zoning is consistent with the comprehensive plan. The proposed zoning does not change the comp plan map. The city has an acknowledged TSP. The proposed zoning is consistent as general comp plan designations are used in the analysis and not specific zoning. Additionally, the

area was not exempt from a ugb amendment. OAR 660-012-0060 does allow West Linn to find that the zone change does not significantly affect any existing or planned transportation facilities because (9) a-c found below are met:

Plan and Land Use Regulation Amendments

...

(9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.

(a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;

(b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and

(c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.

- a. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
 - b. Change standards implementing a functional classification system; or
 - c. As measured at the end of the planning period identified in the adopted transportation system plan:
 - 1) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
 - 2) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or
 - 3) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.
2. Amendments that affect transportation facilities. Amendments to the Comprehensive Plan and land use regulations that significantly affect a transportation facility shall ensure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the TSP. This shall be accomplished by one or a combination of the following:

Response: As stated above, applicants' application will not significantly affect transportation facilities, so none of the subsections apply. This criteria is met.

- a. Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.
 - b. Amending the TSP or Comprehensive Plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of OAR [660-012-0060](#) of the TPR.
 - c. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation.
 - d. Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.
3. Traffic impact analysis. A traffic impact analysis shall be submitted with a plan amendment or land use district change application. (Ord. 1584, 2008)

Response: Applicant requests a zoning change that would add one single-family house to an existing neighborhood. It is commonly accepted that an extremely active household will add a maximum of 9.7 trips per day (Institute of Transportation Engineers -- ITE standards). Applicant requests that this commonly accepted standard be used in lieu of a formal traffic impact analysis. If so granted, this criteria is met.

105.060 CONDITION OF APPROVAL

A quasi-judicial decision may be for denial, approval, or approval with conditions as provided by CDC [99.110](#)(E).

Response: Applicant requests that the application be approved or approved with conditions.

