

Memorandum

Date: November 9, 2016

To: West Linn Planning Commission

From: Darren Wyss, Associate Planner

Subject: CDC-16-03 - Response to Comments

At its November 16, 2016 meeting, the West Linn Planning Commission will hold a public hearing to make a recommendation to the City Council on CDC-16-03. The proposed amendments were discussed at the Commission's November 2, 2016 worksession. Staff mailed the proposed Community Development Code amendments (Ordinance 1655) and the staff report to the Commission on November 4, 2016. At the time of the mailing, no public comments had been received. Since the mailing, one letter has been received and is attached. This memorandum provides a summary of comments, along with staff responses and recommendations.

Comments Related to "Eating and Drinking Establishments" Definition

The comments support the amendment to resolve the issue related to brewing beer or producing cider for on-site sales.

Staff Response: Staff agrees with the commenter and Planning Commission that the definition amendment will clarify that a brewpub or cider house is a permitted use and in what zones they are allowed.

Staff Recommendation: Adopt the proposed amendment as presented in Sections 1, 2, 3, 4, and 6 of Ordinance 1655.

Comments Related to "Small Scale Enterprises"

The comments recommend adding the definition for "small scale enterprises" to the Community Development Code now, based on the support shown at the Planning Commission worksession on November 2, 2016. The comments also support that type of use be permitted outright and not require a conditional use permit.

Staff Response: Staff intention at the worksession was to introduce the concept of "small scale enterprises" as a new use category in the Community Development Code and gauge the Commission's support bringing a thoroughly flushed out amendment back to it in the future.

The memo from Ms. Thornton, dated October 27, 2016, and discussed at the worksession, proposes that if “small scale enterprises” were added to use categories in the Community Development Code, they would be required to apply for a conditional use permit. The thought being that “any possible adverse effect from the use on surrounding properties or uses” could be mitigated through the conditional use permit review by the Commission.

Staff Recommendation: Make a recommendation on the proposed amendments in Ordinance 1655 and do not expand the scope at this point in time. A more in depth conversation needs to take place regarding in what zones the “small scale enterprises” would be allowed and whether they be permitted outright, permitted under prescribed conditions, or by conditional use.

Wyss, Darren

From: Shroyer, Shauna
Sent: Monday, November 07, 2016 8:17 AM
To: Wyss, Darren
Subject: FW: CDC Amendments

From: A Sight for Sport Eyes [mailto:sporteyes@yahoo.com]
Sent: Friday, November 04, 2016 5:26 PM
To: #Board - Planning Commission 2016 <PlanningCommission2016@westlinnoregon.gov>
Cc: Stein, Eileen <estein@westlinnoregon.gov>
Subject: CDC Amendments

I attended the meeting last night on behalf of Main Street to support of the eating/drinking establishments language change so the General Store can re-open as a cidery. I really liked the language of the "small scale enterprises" being added to the code along with the changes to the eating/drinking establishments to make our code more clear. However, in your packet for the public hearing to approve the CDC changes, I don't see this language in there. I only see the eating/drinking establishment language. From what I heard at the meeting, it seemed that the planning commission was on board with the idea of "small scale enterprises" definition to the code as it would allow home based businesses to expand their current operations and not cause confusion for those trying to bring their craft or other type of "gray area" business to West Linn.

As a board member of Main Street, this would really open up the area to allow more types of businesses. We are a district of small businesses and the cost for obtaining a conditional use permit is prohibitive for many small business. I thought the code was pretty clear that the cidery should be allowed as it is not what we generally think of as "manufacturing". At the scale she wants to do it, it is cooking on the stove, putting it in barrels, not bottling it, but dispensing it from taps on site. It is more a cooking process. If she was bottling or having large scale equipment, I could understand the interpretation. But since the code wasn't clear, this "cooking" process was being interpreted as "manufacturing" which is only allowable in industrial zones. The language planning commission did add should resolve the issue with her business, but still leaves the door open to other potential problems with other types of businesses.

I can't think of anywhere in the city that we have "industrial zoning" aside from maybe the paper mill. If the code is so strictly interpreted, many of the businesses that want to come into the city can't because we have no developed area they could put their business in under the current definition of "manufacturing". Under their current reading, dentists, for instance, should only be located in industrial zones. They make molds of teeth and create dentures, mouthpieces, etc. on site grinding them with grinding wheels (a manufacturing process). Jewelry shops that make the settings for stones should also be considered "manufacturing" because they use wax "molds" that are put into kilns and melted at high temperatures. They then may also use a tool similar to a welding gun to adhere parts together, sand it and polish it with a finishing wheel. When you explain the process out like this, it starts to sound like manufacturing. But common sense tells you that a dentist and a jewelry shop should not be required to be in an industrial zone. Commercial zones best fit these type of businesses even though they do a little bit of small scale "manufacturing" on site. I don't want us to have to go through another lengthy code change process to get a business approved which, by all common sense, fits "commercial" zoning in other cities.

I am asking you to please consider clarifying this part of the code with the current batch of changes. When I originally contacted the city manager about the issues with the General Store, I found this in Portland's code in the definitions section: "Manufacturing of goods to be sold primarily on-site and to the general public are classified as Retail Sales And Service." Retail Sales and Service are allowed in most of the commercial type zones. A simple definition like that would

clear up a lot of these issues and allow more options for businesses in all the commercial type zones. We have a couple of vacancies in Main Street right now that our economic development committee can try to fill if our code is more clear on what will be allowed in the zone. We need to make it easier for businesses to come here and not stand in their way simply because our code is poorly written and interpreted. It is really frustrating that our code can be so loosely interpreted for developers (a la Con Am where 300 square feet on the bottom floor met the “above the first floor criteria”). But when it comes to a business wanting to open here, we force them to spend thousands of dollars on a conditional use permit for “manufacturing” when most other cities would correctly classify a brew pub, a dentist and a jeweler as a retail business and allowable in the zone.

Thank you for your time.

Shannen
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