



Agenda Report 2017-10-09-01

Date: September 22, 2017

To: Russ Axelrod, Mayor
Members, West Linn City Council

From: Darren Wyss, Associate Planner, Community Development Department *DSW*

Through: John Boyd, Planning Manager *JB*
Eileen Stein, City Manager *ES*

Subject: Public Hearing on Community Development Code Amendment (CDC-17-03)//Ord. No. 1661

Purpose

To hold a public hearing and consider a proposed amendment to Community Development Code Chapter 11 to make a community building an outright permitted use on City-owned property in the R-10 zone at 3706 Cedaroak Drive.

Question(s) for Council:

Should the Council adopt the proposed Community Development Code amendment?

Public Hearing Required:

Yes

Background & Discussion:

The City-owned property at 3706 Cedaroak Drive was originally developed with a fire station and meeting room through a conditional use permit issued by Clackamas County in 1964, as the area had not yet been annexed into West Linn. The property and surrounding area was annexed by the City in 1967 (Ordinance 717). The fire station use was discontinued in 2010 and since then, the Friends of Robinwood Station have been operating a community building, known as Robinwood Station, on the property under a series of City issued temporary use permits. The property has a Comprehensive Plan designation of Low Density Residential and is currently zoned R-10 (Single-Family Residential Detached). The R-10 zone requires a Conditional Use Permit for a use such as Robinwood Station.

The Friends of Robinwood Station have been seeking clarity from the City regarding Conditional Use Permit requirements and requested the City Council evaluate the issue. This proposed CDC text amendment will make the community building use an outright permitted use, but any future improvements will need to be approved through the City's Design Review process, which would address a number of items, including parking, landscaping, and access.

The City Council requested the City Attorney provide available options for allowing the community building to become fully compliant with the CDC. After review and discussion, the Council directed staff to initiate the amendment found in Ordinance 1661. The proposed amendment is consistent with the approach approved earlier this year for the White Oak Savanna Park property.

Staff believes the proposed amendment will provide the necessary clarity the Friends of Robinwood Station have been seeking since 2010. During the Planning Commission (PC) public hearing, the definition of “community building” was discussed. The PC desired to ensure all historical and current uses were captured under the “or similar uses” portion of the definition. The PC recommended the amendment and its legislative intent regarding the definition is found in the attached memorandum.

The West Linn Community Development Code definition of “community building”:

A building operated by the public or a non-profit group, neighborhood or association for public assembly for meetings, arts, crafts or similar uses. Examples of a community building are a senior center or arts center.

City Council held a work session on the PC recommendation on September 18, 2017. During the discussion the Council asked for the following two changes to the ordinance before bringing it back to the public hearing:

1. Add language to a Whereas clause regarding the Council’s agreement with the Planning Commission’s legislative intent on the definition of community building.
2. Change the proposed amendment language in CDC 11.030(8) to read:

Community building on City-owned property at 3706 Cedaroak Drive and ~~only if located on the property indicated on the map below.~~

Both requests from the Council have been incorporated into Ordinance 1661, which is found as Attachment 1 of the Agenda Report.

Budget Impact:

None

Council Options:

1. Adopt Ordinance 1661 as presented in Attachment 1;
2. Adopt Ordinance 1661 with changes;
3. Do not adopt Ordinance 1661

Staff Recommendation:

Approve CDC 17-03 by adopting Ordinance 1661 following a public hearing and potential Council amendments. As a reminder, this legislative amendment is not governed by a 120-day timeline limitation so on October 9 the Council may request additional information/draft language from staff and continue discussion of this topic to future meeting dates.

Potential Motion:

“I move that the Council adopt CDC 17-03, including the Planning Commission recommendations presented in the staff report, and Ordinance No. 1662 *(or with the following changes...)*.”

Attachments:

1. Ordinance 1661
2. Planning Commission Recommendation Memorandum, dated August 25, 2017
3. Planning Commission Staff Report, dated August 16, 2017

ORDINANCE NO. 1661

AN ORDINANCE RELATING TO THE AMENDMENT OF WEST LINN COMMUNITY DEVELOPMENT CODE SECTION 11.030 TO ALLOW COMMUNITY BUILDING AS A FORM OF PERMITTED USE IN THE SINGLE-FAMILY RESIDENTIAL DETACHED, R-10 ZONE ON THE CITY-OWNED PROPERTY LOCATED AT 3706 CEDAROAK DRIVE, WEST LINN FOR PURPOSES OF PERMITTING USE OF THE ROBINWOOD FIRE STATION AS A COMMUNITY BUILDING

Annotated to show ~~deletions~~ and additions to the code sections being modified. Deletions are ~~bold lined through~~ and additions are bold underlined.

WHEREAS, Chapter II, Section 4, of the West Linn City Charter provides:

Powers of the City. The City shall have all powers which the Constitution, statutes and common law of the United States and of this State now or hereafter expressly or implied grant or allow the City, as fully as though this Charter specifically enumerated each of those powers;

WHEREAS, the fire station now known as “Robinwood Station” was constructed in 1964 on property which was, at that time, outside of the city limits of the City; and

WHEREAS, Clackamas County approved the application for a fire station and meeting room as a conditional use in the R-10, Single Family Residential Detached zone; and

WHEREAS, the property was improved with a public building in 1964 and the public use of the property has been maintained until the present; and

WHEREAS, use of the building as a fire station ended in 2010 and the building has operated as community center under a series of temporary use permits issued by the City to the Friends of Robinwood Station; and

WHEREAS, Friends of Robinwood Station wish to resolve the land use status of the property in order to have certainty as they move forward with the alteration and possible expansion of the building; and

WHEREAS, City Council’s legislative intent agrees with the Planning Commission’s CDC-17-03 Recommendation Memo dated August 25, 2017, regarding the definition of “community building” in Section 2.030 of the Community Development Code as it applies to the Robinwood Station; and

WHEREAS, adding that use to Community Development Code Section 11.030 implements the City’s Council’s direction that the property be used for a community building; and

WHEREAS, the Council’s decision is based on the findings contained in these Whereas Clauses, together with the findings, conclusions, and substantial evidence found in the associated land use record for file CDC 17-03, which is incorporated by this reference.

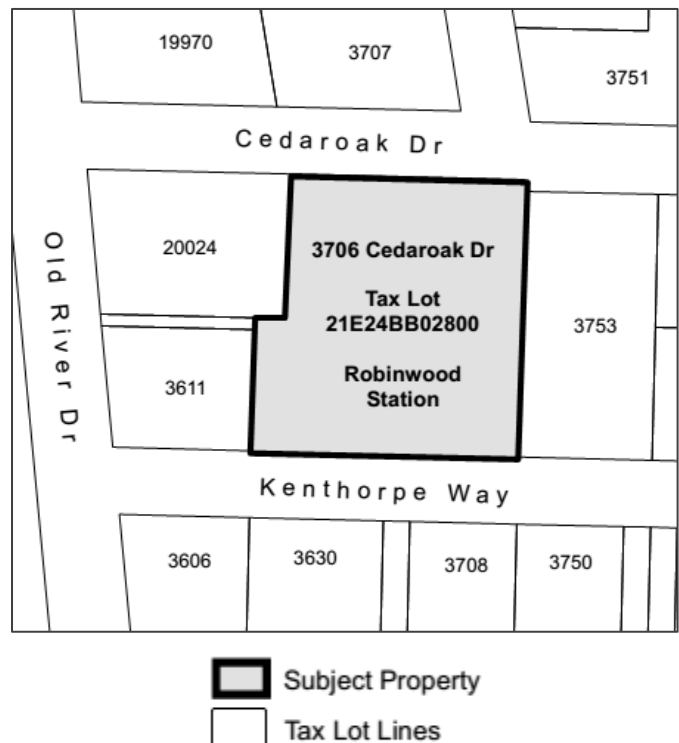
NOW, THEREFORE, THE CITY OF WEST LINN ORDAINS AS FOLLOWS:

SECTION 1. Amendment. West Linn Community Development Code Section 11.030, Permitted Uses, is amended to read as follows:

11.030 PERMITTED USES

The following are uses permitted outright in this zoning district

1. Single-family detached residential unit.
2. Community recreation.
3. Family day care.
4. Residential home.
5. Utilities, minor.
6. Transportation facilities (Type I).
7. Manufactured home.
- 8. Community building on City-owned property at 3706 Cedaroak Drive and indicated on the map below.**



SECTION 2. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 3. Savings. Notwithstanding this amendment/repeal, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinance(s) or portions of the ordinance were operative. This section simply clarifies the existing situation that nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

SECTION 4. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word “ordinance” may be changed to “code”, “article”, “section”, “chapter” or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 2-5) need not be codified and the City Recorder or his/her designee is authorized to correct any cross-references and any typographical errors.

SECTION 5. Effective Date. This ordinance shall take effect on the 30th day after its passage.

The foregoing ordinance was first read by title only in accordance with Chapter VIII, Section 33(c) of the City Charter on the 9th day of October 2017, and duly PASSED and ADOPTED this _____ day of _____, 2017.

RUSSELL B. AXELROD, MAYOR

KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY



Memorandum

Date: August 25, 2017
To: West Linn City Council
From: West Linn Planning Commission
Subject: CDC-17-03 Recommendation

The Planning Commission held a public hearing on August 16, 2017, for the purpose of making a recommendation to the City Council on the adoption of the proposed Community Development Code Amendment found in Ordinance 1661 (Land Use File CDC-17-01). The proposed amendment will make "community building" a permitted use on the City-owned property at 3706 Cedaroak Drive (Robinwood Station). The proposal was previously discussed at the Commission's July 19, 2017, worksession.

After conducting the public hearing, the Commission deliberated and voted unanimously (6 to 0) to recommend City Council adoption of the proposed amendment as presented in Ordinance 1661. No written testimony was submitted prior to or at the public hearing. One community member provided oral testimony in favor of the proposed amendment at the public hearing.

During deliberations, the Commission discussed the definition of "community building" and the past uses of the building. The City Attorney noted the current definition was broadly written, allowing it to be interpreted to permit a broad spectrum of uses, including historical and current activities at the property. It was also noted that the definition was not restricted to public uses; it allowed public assembly and similar uses. The Commission desired that all of the activities outlined in the Use and Operations Agreement between the City and Friends of Robinwood Station (FORS) be allowed by the definition. To address this goal, the Commission stated its legislative intent in making this recommendation to the City Council is to expand the interpretation of the definition of "community building" to not only cover "public assembly for meetings, arts, crafts or similar uses", but also include: 1) the historical activities related to a broad range of public assembly and similar uses on the property, and 2) any current and historical activities allowed under the Use and Operations agreement. This memorandum is provided to the City Council to recommend adopting Ordinance 1661, and to ask that the Council consider this expanded interpretation of "community building" in reaching its decision.

Respectfully,

A handwritten signature in black ink that reads "Gary Walvatne". The signature is written in a cursive style with a large, sweeping initial "G".

Gary Walvatne

Chair, West Linn Planning Commission



CITY OF
West Linn

**STAFF REPORT
FOR THE PLANNING COMMISSION**

FILE NUMBER: CDC-17-03

HEARING DATE: August 16, 2017

REQUEST: To consider a recommendation to City Council for adoption of proposed text amendment to West Linn Community Development Code Chapter 11.

APPROVAL CRITERIA: Community Development Code (CDC) Chapters 98 and 105

STAFF REPORT PREPARED BY: Darren Wyss, Associate Planner

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GENERAL INFORMATION

- APPLICANT:** City of West Linn
- DESCRIPTION:** A proposal for a text amendment to West Linn Community Development Code Section 11.030(8).
- APPROVAL CRITERIA:** Community Development Code (CDC) Chapter 98 provides administrative procedures for legislative amendments to the Community Development Code. Section 98.100 of the CDC lists the factors upon which a decision shall be based. These are briefly described below and addressed in greater detail in a separate Section of this report:
1. The Statewide Planning Goals and rules adopted under ORS Chapter 197 and other applicable state statutes;
 2. Any federal or state statutes or rules found applicable;
 3. Applicable plans and rules adopted by the Metropolitan Service District (Metro);
 4. The applicable Comprehensive Plan policies and map; and,
 5. The applicable provisions of implementing ordinances.
- PUBLIC NOTICE:** Legal notice was published in the West Linn Tidings on August 3, 2017 and provided to required public agencies and persons who requested notice in writing on July 28, 2017.
- 120-DAY RULE:** Not applicable to this legislative action.

EXECUTIVE SUMMARY

CDC-17-03 is a proposed Community Development Code (CDC) amendment to address the use of Robinwood Station on City-owned property at 3706 Cedaroak Drive. This proposal adds Community Buildings to the list of permitted issues, but only for this particular property. The result will be the use is allowed outright on the property and no land use application/action is required (expansion/improvements to the buildings/grounds would require a land use action in the future). The term Community Building is defined in the CDC.

Staff is seeking a recommendation from the Planning Commission regarding CDC-17-03. This staff report details the background and intention of the proposed amendment, addresses applicable criteria, and supports the proposed amendment.

Generally, this proposed amendment addresses City Council's direction to amend Community Development Code Section 11.030(8) to allow the Robinwood Station to continue operating as a permitted use in the R-10 zone only on this site. The amendment was initiated by the City Council pursuant to CDC 98.030(B).

RECOMMENDATION

Staff recommends that the Planning Commission consider the proposed CDC amendment, if warranted, revise the amendment, and **RECOMMEND** approval of the draft ordinance to the City Council.

PROJECT BACKGROUND

The City-owned property at 3706 Cedaroak Drive was originally developed with a fire station and community room through a conditional use permit issued by Clackamas County in 1964, as the area had not yet been annexed into West Linn. The property and surrounding area was annexed by the City in 1967 (Ordinance 717). The fire station use was discontinued in 2010 and since then, the Friends of Robinwood Station have been operating a community building, known as Robinwood Station, on the property under a series of City issued temporary use permits. The property has a Comprehensive Plan designation of Low Density Residential and is currently zoned R-10 (Single-Family Residential Detached). The R-10 zone requires a Conditional Use Permit for a use such as Robinwood Station.

The Friends of Robinwood Station (FORS) have a master plan for improvements to the buildings and grounds. FORS has been working with the City to address the Conditional Use Permit requirements and requested the City Council evaluate the issue. This proposed CDC text amendment will make the community building use an outright permitted use, but any future improvements will need to be approved through the City's Design Review process, which would address a number of items, including parking, landscaping, and access.

The proposed amendment will provide the necessary clarity the Friends of Robinwood Station have been seeking since 2010. The West Linn City Council discussed the options for allowing the community building to become fully compliant with the CDC, and directed staff to initiate such an amendment. Staff and City Attorney recommend the attached amendment to implement the direction given by the City Council.

The proposed amendment was introduced and discussed at a July 19, 2017 work session of the Planning Commission.

PUBLIC COMMENTS

At the time this Staff Report was prepared, the City had received no written comment on the proposed CDC amendment.

ADDENDUM
PLANNING COMMISSION STAFF REPORT
August 3, 2017

APPLICABLE CRITERIA AND COMMISSION FINDINGS

West Linn Community Development Code

Chapter 98 - Procedures for Decision Making: Legislative

CDC 98.035 Citizen Engagement in Legislative Changes

B. New and modified land use legislative changes to this code will be developed by a representative working group of citizens and assisted by planning staff, unless the City Council determines that a working group is not necessary...

Findings: The City Council found that a working group was not necessary and directed staff to prepare a proposed amendment and bring it through the legislative process, with the Planning Commission making a recommendation to Council.

CDC 98.040 Duties of Director

A. The Director shall:

- 1. If appropriate, or if directed by the City Council or Planning Commission in their motion, consolidate several legislative proposals into a single file for consideration;*
- 2. Upon the initiation of a legislative change, pursuant to this chapter:*
 - a. Give notice of the Planning Commission hearing as provided by CDC [98.070](#) and [98.080](#);*

Findings: The Planning Commission public hearing will be held on August 16, 2017, with the City Council public hearing scheduled for October 9, 2017. Legislative notice was provided as required and documentation can be found in Exhibit PC-1.

b. Prepare a staff report that shall include:

- 1) The facts found relevant to the proposal and found by the Director to be true;*
- 2) The Statewide planning goals and rules adopted under Chapter 197 ORS found to be applicable and the reasons why any other goal or rule is not applicable to the proposal except that goals 16 through 19 which are not applicable to the City of West Linn need not be addressed;*
- 3) Any federal or State statutes or rules the Director found applicable;*
- 4) Metro plans and rules the Director found to be applicable;*
- 5) Those portions of the Comprehensive Plan found to be applicable, and if any portion of the plan appears to be reasonably related to the proposals and is not applied, the Director shall explain the reasons why such portions are not applicable;*
- 6) Those portions of the implementing ordinances relevant to the proposal, and if the provisions are not considered, the Director shall explain the reasons why such portions of the ordinances were not considered; and*
- 7) An analysis relating the facts found to be true by the Director to the applicable criteria and a statement of the alternatives; a recommendation for approval, denial, or approval with modifications; and at the Director's option, an alternative recommendation;*

Findings: Relevant facts and associated analysis for applicable Statewide Planning Goals, federal and state statutes and rules, Metro plans and rules, West Linn Comprehensive Plan goals and policies, and West Linn Community Development Code criteria are found in the sections of the Staff Report below.

c. *Make the staff report and all case file materials available 10 days prior to the scheduled date of the public hearing under CDC [98.070](#);*

Findings: The staff report, proposed amendment, and all other associated project materials were made available on August 3, 2017, thirteen days prior to the hearing.

d. *Cause a public hearing to be held pursuant to CDC [98.070](#);*

Findings: The West Linn Planning Commission is scheduled to hold the first evidentiary public hearing on August 16, 2017, with the West Linn City Council scheduled to hold its public hearing and make a final decision on October 9, 2017.

CDC 98.100 Standards for Decision

A. *The recommendation of the Planning Commission and the decision by the City Council shall be based on consideration of the following factors:*

1. *The Statewide planning goals and rules adopted under Chapter 197 ORS and other applicable State statutes;*

Statewide Planning Goal 1 – Citizen Involvement:

This goal outlines the citizen involvement requirement for the adoption of Comprehensive Plans and changes to the Comprehensive Plan and implementing documents.

Findings: The City has a citizen involvement program which has been acknowledged by the State. This legislative process to review the proposed amendment will require two public hearings (one before the Planning Commission on August 16th and one before City Council on October 9th) pursuant to CDC Chapter 98.

The Planning Commission held a publicly notice worksession to discuss this proposal on July 19, 2017. In addition, information was distributed and available throughout the process via the City's website. All of the aforementioned venues provided the opportunity for gathering feedback and comments.

As part of the legislative process, public notice requirements for both the Planning Commission and City Council public hearings were met (see Exhibit PC-1). The notice was sent to persons who requested notice, affected government agencies, neighborhood associations, and was published in the August 3, 2017 issue of the West Linn Tidings. The notice invited public input and included the phone number of a contact person to answer questions. The notice also included the address of the City's webpage where the draft of the proposed amendment can be viewed.

Statewide Planning Goal 2 – Land Use Planning:

This goal outlines the land use planning process and policy framework. The Comprehensive Plan was acknowledged by DLCD as being consistent with the statewide planning goals.

Findings: The City of West Linn has an acknowledged Comprehensive Plan and enabling ordinances. The amendment to the West Linn Community Development Code is being undertaken to update the

City's acknowledged land use planning program in a manner consistent with current conditions and citizen values. The amendment is being processed in accordance to the City's adopted procedures, which requires any applicable statewide planning goals, federal or state statutes or regulations, Metro regulations or plans, comprehensive plan policies, and the City's implementing ordinances be addressed as part of the decision-making process. The amendment is being processed as a post-acknowledgement plan amendment (PAPA) and noticing requirements have been met. All applicable review criteria have been addressed within this staff report; therefore, the requirements of Goal 2 have been met.

Statewide Planning Goal 5 – Natural Resources:

This goal requires the inventory and protection of natural resources, open spaces, historic sites and areas.

Findings: The City is currently in compliance with the State's Goal 5 program and Metro's Title 13: Nature in Neighborhoods program, which implements Goal 5. The amendment does not alter the City's acknowledged Goal 5 inventories or associated land use programs. No changes will occur to current natural resource protections. As a result, the amendment is in compliance with Goal 5 process requirements.

Statewide Planning Goal 6 – Air, Water, and Land Resource Quality:

To maintain and improve the quality of air, water, and land resources of the state.

Findings: The City is currently in compliance with Metro's Title 3: Water Quality and Flood Management program, which implements Goal 6. The amendment does not alter the City's acknowledged land use programs regarding water quality and flood management protections. As a result, the amendment is in compliance with Goal 6.

Statewide Planning Goal 7 – Areas Subject to Natural Hazards:

To protect people and property from natural hazards.

Findings: The City is currently in compliance with Goal 7 and Metro's Title 3: Water Quality and Flood Management program. The amendment does not alter the City's acknowledged Goal 7 land use programs. No changes will occur to current natural hazard protections. As a result, the amendment is in compliance with Goal 7.

Statewide Planning Goal 8 – Recreational Needs:

This goal requires the satisfaction of the recreational needs of the citizens of the state and visitors.

Findings: The proposed amendment does not address or alter any City recreational programs or land use requirements related to parks and recreation. The proposed amendment will clarify the Robinwood Station, which has been in use since 2010 through a series of City-issued Temporary Use Permits, as an outright permitted use. The amendment is in compliance with Goal 8.

Statewide Planning Goal 9 – Economic Development:

To provide adequate opportunities for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Findings: The City is currently in compliance with Goal 9 and Metro's Title 1: Requirements for Housing and Employment Accommodation and Title 4: Industrial and Other Employment Areas. The amendment does not alter the City's compliance with Goal 9. The property is not shown on Metro's Title 4 map.

Statewide Planning Goal 10 – Housing:

To provide adequate housing for the needs of the community, region and state.

Findings: The City is currently in compliance with Goal 10 and the Metropolitan Housing Rule (OAR 660-007/Division 7), and Metro’s Title 1: Requirements for Housing and Employment Accommodation. The subject property has been developed and in use as a fire station and community building since 1964. The proposed amendment does not decrease the City’s amount of buildable land. The amendment does not alter the City’s compliance with Goal 10 and is consistent with this goal.

Statewide Planning Goal 11 – Public Facilities and Services:

To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as framework for urban and rural development.

Findings: The City is currently in compliance with Goal 11 through its acknowledged Comprehensive Plan. This includes an adopted Public Facility Plan as required by Oregon Revised Statute 197.712 and Oregon Administrative Rule 660-011. The amendment does not alter the City’s compliance with Goal 11 and is consistent with this goal.

Statewide Planning Goal 12 – Transportation:

To provide and encourage a safe, convenient, and economic transportation system.

Findings: The City is currently in compliance with Goal 12 and Metro’s Regional Transportation Plan through its acknowledged Comprehensive Plan and TSP as required by Oregon Administrative Rule 660-012 (Transportation Planning Rule). The amendment does not alter the City’s compliance with Goal 12 and is consistent with this goal.

Statewide Planning Goal 13 – Energy Conservation:

Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based on sound economic principles.

Findings: The City is currently in compliance with Goal 13 through its acknowledged Comprehensive Plan. The amendment does not alter the City’s compliance with Goal 13 and is consistent with this goal.

Statewide Planning Goal 14 – Urbanization:

To provide for orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Findings: The City is currently in compliance with Goal 14 and Metro’s Title 11: Planning for New Urban Areas through its acknowledged Comprehensive Plan and land use regulations. The City also has a signed Urban Growth Management Agreement with Clackamas County as required by ORS 195.065. The amendment does not alter the City’s compliance with Goal 14 and is consistent with this goal.

Statewide Planning Goal 15 – Willamette River Greenway:

To provide for keeping the land green along the banks of the river and providing for recreation access.

Findings: The City is currently in compliance with Goal 15 through its acknowledged Comprehensive Plan and land use regulations. The amendment does not alter the City’s compliance with Goal 15 and is consistent with this goal.

Conclusion: Based on the analysis above, the Commission finds the proposed amendment is consistent with applicable Statewide Planning Goals.

2. *Any federal or State statutes or rules found applicable;*

Findings: Staff is not aware of any applicable state or federal regulations that are impacted by the proposed draft ordinance. The City has an acknowledged Comprehensive Plan and associated land use regulations that comply with applicable state statutes and administrative rules. The Oregon Department of Land Conservation and Development and the Oregon Department of Transportation were sent notice of the proposed amendment and provided the opportunity to comment. The amendment does not alter the City’s compliance with any state or federal statutes or rules.

Conclusion: Based on the analysis above, the Commission finds the proposed amendment is consistent with applicable federal or state statutes or rules.

3. *Applicable plans and rules adopted by the Metropolitan Service District;*

The Metro Urban Growth Management Functional Plan

Findings: The City of West Linn is currently in compliance with the Metro Urban Growth Management Functional Plan (UGMFP). Metro staff was sent notice of the proposed amendment and provided the opportunity to comment. The proposed change will not impact compliance with requirements found in the UGMFP.

Conclusion: Based on the analysis above, the Commission finds the proposed amendment is consistent with applicable plans and rules adopted by Metro.

4. *The applicable Comprehensive Plan policies and map;*

Goal 1: Citizen Involvement

Policy 4. Provide timely and adequate notice of proposed land use matters to the public to ensure that all citizens have an opportunity to be heard on issues and actions that affect them.

Findings: As part of the legislative process, public notice of the Planning Commission and City Council public hearings was sent to persons who requested notice, affected government agencies, neighborhood associations, and was published in the August 3, 2017 issue of the West Linn Tidings. The notice invited public input and included the phone number of a contact person to answer questions. The notice also included the address of the City’s webpage where the entire draft of the proposed amendment could be viewed.

Policy 5. Communicate with citizens through a variety of print and broadcast media early in and throughout the decision-making process.

Findings: Information was distributed throughout the process via the City website. The Planning Commission held a work session on July 19, 2017 to discuss the proposal.

As part of the legislative process, public notice of the Planning Commission and City Council public hearings was sent to persons who requested notice, affected government agencies, neighborhood associations, and was published in the August 3, 2017 issue of the West Linn Tidings. The notice invited public input and included the phone number of a contact person to answer questions. The notice also included the address of the City's webpage where the entire draft of the proposed amendment could be viewed. The aforementioned venues provided the opportunity for gathering feedback and comments.

Goal 2: Land Use Planning

Section 1: Residential Development

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

Finding: The proposed amendment is to make Robinwood Station an outright permitted use on the City-owned property at 3706 Cedaroak Drive. Located in the R-10 zone, this use requires the approval of a conditional use permit at this time. Robinwood Station has been in operation at this location for seven years, and before that the property was utilized as a fire station through a conditional use permit approved by Clackamas County in 1964. The property has never been used for residential development. This proposed amendment will not change the City's ability to protect residentially zoned areas from civic development as the City will remain the owner of the property. By owning the property, the City will continue to set the allowed uses, hours of operation, and control any improvements made to the property. Any future improvements will need to go through the City's design review process, where the public will be given the opportunity to provide input. The proposed amendment will not alter the protection of the surrounding residentially zoned areas.

Section 5: Intergovernmental Coordination

Policy 1. Maintain effective coordination with other local governments, special districts, state and federal agencies, Metro, the West Linn-Wilsonville School District, and other governmental and quasi-public organizations.

Policy 4. Coordinate with Metro planning activities on all areas in which Metro has jurisdiction and as specified in Goal 14 of this Plan.

Finding: Notice was sent to West Linn-Wilsonville School District, Metro, Clackamas County, TriMet, ODOT, and all West Linn Neighborhood Associations. They were provided the opportunity to review and comment on the amendment proposed for adoption.

Goal 5: Open Spaces, Scenic and Historic Areas & Natural Resources

Goal 6: Air, Water & Land Resources Quality

Goal 7: Areas Subject to Natural Disasters and Hazards

Goal 8: Parks and Recreation

Goal 9: Economic Development

Finding: None of the goals or policies under Goals 5 through 9 apply to this application.

Goal 10: Housing

Goal 1. Preserve the character and identity of established neighborhoods.

Finding: The proposed amendment is to make Robinwood Station an outright permitted use on the City-owned property at 3706 Cedaroak Drive. Located in the R-10 zone, this use requires the approval of a conditional use permit at this time. Robinwood Station has been in operation at this location for seven years, and before that the property was utilized as a fire station through a conditional use permit approved by Clackamas County in 1964. The property has never been used for residential development. This proposed amendment will not change the character and identity of the established neighborhood, as the use will remain the same. The City will remain the owner of the property and will continue to set the allowed uses, hours of operation, and control any improvements made to the property. Any future improvements will need to go through the City's design review process, where the public will be given the opportunity to provide input. This will ensure the preservation of the character and identity of the neighborhood surrounding Robinwood Station.

Goal 11: Public Facilities and Services

Section 5: Government Administration Facilities

Policy 1. Encourage the development of public meeting spaces in community interest areas and neighborhood centers.

Finding: The proposed amendment is to make the use of Robinwood Station as a community building an outright permitted use on the City-owned property at 3706 Cedaroak Drive. This is consistent with the policy encouraging public meeting spaces. The fire station use was discontinued in 2010 and since then, the Friends of Robinwood Station have been operating a community building, known as Robinwood Station, on the property under a series of City issued temporary use permits. Permitted use of Robinwood Station as a community building will address a key concern of developing community meeting space in a neighborhood center. The City will remain the owner of the property and will continue to set the allowed uses and hours of operation, thereby ensuring continued use of the property for both civic and private functions.

Goal 12: Transportation

Goal 13: Energy Conservation

Goal 14: Urbanizations

Goal 15: Willamette River Greenway

Finding: None of the goals or policies under Goals 12 through 15 apply to this application.

Robinwood Neighborhood Plan (adopted as part of the West Linn Comprehensive Plan)

Goal 3: Preserve the character of existing single-family residential neighborhoods in Robinwood.

Policy 3.10: Make better use of the existing Robinwood Fire Station Site for neighborhood purposes.

Finding: The Robinwood Neighborhood Plan, adopted by the City Council on May 12, 2008 and made a part of the Comprehensive Plan, lists as Policy 3.10, a policy to “make better use of the existing Robinwood Fire Station Site for neighborhood purposes.” Under “Action Measures,” the Plan has as an option to “Consider use of the Robinwood Fire Station site as a neighborhood community center.” Permitted use of Robinwood Station as a community building will address Policy 3.10 and the related Action Measure by providing certainty that the Robinwood Fire Station site will be used as a community building in the Robinwood neighborhood. Under the West Linn Community Development Code, a community building is defined as “a building operated by the public or a non-profit group, neighborhood or association for public assembly for meetings, arts, crafts, or similar uses.” The City will remain the owner of the property and will continue to set the allowed uses and hours of operation, thereby ensuring continued use of the property for both civic and private functions and making better use of the site.

Conclusion: Based on the analysis above, the Commission finds the proposed amendment is consistent with applicable West Linn Comprehensive Plan policies and map.

5. The applicable provisions of the implementing ordinance.

Finding: Staff is not aware of any additional applicable provisions, which are not found above, of the implementing ordinances related to the proposed amendment.

Conclusion: Based on the analysis above, the Commission finds the proposed amendment is consistent with applicable provisions of the implementing ordinance.

EXHIBIT PC-1 – AFFIDAVIT OF NOTICE AND MAILING PACKET

AFFIDAVIT OF NOTICE

We, the undersigned do hereby certify that, in the interest of the party (parties) initiating a proposed land use, the following took place on the dates indicated below:

GENERAL

File No. CD-17-03 Applicant's Name COWL
Development Name _____
Scheduled Meeting/Decision Date PC 8-16-17 CC 10-9-17

NOTICE: Notices were sent at least 20 days prior to the scheduled hearing, meeting, or decision date per Section 99.080 of the Community Development Code. (check below)

TYPE A

- A. The applicant (date) _____ (signed) _____
- B. Affected property owners (date) _____ (signed) _____
- C. School District/Board (date) 7-28-17 (signed) S. Shroyer
- D. Other affected gov't. agencies (date) 7-28-17 (signed) S. Shroyer
- E. Affected neighborhood assns. (date) 7-28-17 (ALL) (signed) S. Shroyer
- F. All parties to an appeal or review (date) _____ (signed) _____

At least 10 days prior to the scheduled hearing or meeting, notice was published/posted:

Tidings (published date) 8-3-17 (signed) S. Shroyer
City's website (posted date) 7-28-17 (signed) S. Shroyer

SIGN

At least 10 days prior to the scheduled hearing, meeting or decision date, a sign was posted on the property per Section 99.080 of the Community Development Code.

(date) _____ (signed) _____

NOTICE: Notices were sent at least 14 days prior to the scheduled hearing, meeting, or decision date per Section 99.080 of the Community Development Code. (check below)

TYPE B _____

- A. The applicant (date) _____ (signed) _____
- B. Affected property owners (date) _____ (signed) _____
- C. School District/Board (date) _____ (signed) _____
- D. Other affected gov't. agencies (date) _____ (signed) _____
- E. Affected neighborhood assns. (date) _____ (signed) _____

Notice was posted on the City's website at least 10 days prior to the scheduled hearing or meeting.
Date: _____ (signed) _____

STAFF REPORT mailed to applicant, City Council/Planning Commission and any other applicable parties 10 days prior to the scheduled hearing.

(date) 8-3-2017 (signed) [Signature]

FINAL DECISION notice mailed to applicant, all other parties with standing, and, if zone change, the County surveyor's office.

(date) _____ (signed) _____

**CITY OF WEST LINN
PUBLIC HEARING CDC-17-03**

**TO ADOPT TEXT AMEMNDMENTS TO COMMUNITY DEVELOPMENT CODE
CHAPTER 11.**

The West Linn Planning Commission will hold a public hearing on **Wednesday, August 16, 2017, at 6:30 p.m.** in the Council Chambers of City Hall, 22500 Salamo Road, West Linn, to consider adoption of Ordinance Number 1661. Following the hearing, the Planning Commission will make a recommendation to the City Council. The Council will make a final decision regarding the Planning Commission recommendation following its own public hearing on **Monday, October 9, 2017 at 6:30 p.m.**, in the Council Chambers of City Hall, 22500 Salamo Road, West Linn.

The hearings will be conducted in accordance with the rules of CDC Section 98 and 105. Anyone wishing to present written testimony on this proposed action may do so prior to, or at the public hearings. Oral testimony may be presented at the public hearings. At the public hearing(s), the Planning Commission and City Council will receive a staff presentation, and invite both oral and written testimony. The Commission or Council may continue the public hearing to another meeting to obtain additional information, leave the record open, or close the public hearing and take action on the proposed amendments as provided by state law. Failure to raise an issue in person or by letter at some point prior to the close of the hearing, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes an appeal to the Land Use Board of Appeals (LUBA) based on that issue.

Ordinance Number 1661 proposes an amendment to allow Community Buildings as a permitted use in Community Development Code Chapter 11, but only on the City-owned property at 3706 Cedaroak Dr. The amendment would allow for the continued use of the Robinwood Station at its current location in the R-10 residential zone.

At least 10 days prior to the hearing, a copy of Ordinance 1661 and associated staff report will be available for inspection or purchase at a cost of \$0.25 a page after the first five pages at the Planning Department, 22500 Salamo Road. The information is also available on the West Linn website at <http://westlinnoregon.gov/planning/community-development-code-text-amendment-allow-community-building-permitted-use-r-10-zone>

For further information, please contact Darren Wyss, Associate Planner, at City Hall, 22500 Salamo Road, West Linn, OR 97068, phone (503)742-6064, or via e-mail at dwyss@westlinnoregon.gov.



CITY OF West Linn

CITY OF WEST LINN NOTICE OF UPCOMING PLANNING COMMISSION AND CITY COUNCIL DECISION

**PROJECT # CDC-17-03
MAIL: 7/28/17 TIDINGS: 8/3/17**

CITIZEN CONTACT INFORMATION

To lessen the bulk of agenda packets, land use application notice, and to address the worries of some City residents about testimony contact information and online application packets containing their names and addresses as a reflection of the mailing notice area, this sheet substitutes for the photocopy of the testimony forms and/or mailing labels. A copy is available upon request.

EXHIBIT PC-2 – PROPOSED AMENDMENT (ORD 1661)

ORDINANCE NO. 1661

AN ORDINANCE RELATING TO THE AMENDMENT OF WEST LINN COMMUNITY DEVELOPMENT CODE SECTION 11.030 TO ALLOW COMMUNITY BUILDING AS A FORM OF PERMITTED USE IN THE SINGLE-FAMILY RESIDENTIAL DETACHED , R-10 ZONE ONLY ON THE PROPERTY LOCATED AT 3706 CEDAROAK DRIVE, WEST LINN FOR PURPOSES OF PERMITTING USE OF THE ROBINWOOD FIRE STATION AS A COMMUNITY BUILDING

Annotated to show ~~deletions~~ and additions to the code sections being modified. Deletions are ~~bold lined through~~ and additions are bold underlined.

WHEREAS, Chapter II, Section 4, of the West Linn City Charter provides:

Powers of the City. The City shall have all powers which the Constitution, statutes and common law of the United States and of this State now or hereafter expressly or implied grant or allow the City, as fully as though this Charter specifically enumerated each of those powers;

WHEREAS, the fire station now known as “Robinwood Station” was constructed in 1964 on property which was, at that time, outside of the city limits of the City; and

WHEREAS, Clackamas County approved the application for a fire station and meeting room as a conditional use in the R-10, Single Family Residential Detached zone; and

WHEREAS, the property was improved with a public building in 1964 and the public use of the property has been maintained until the present; and

WHEREAS, use of the building as a fire station ended in 2010 and the building has operated as community center under a series of temporary use permits issued by the City to the Friends of Robinwood Station; and

WHEREAS, Friends of Robinwood Station wish to resolve the land use status of the property in order to have certainty as they move forward with the alteration and possible expansion of the building; and

WHEREAS, staff indicates that the current and future use of the Robinwood Fire Station will most closely align with the definition of a “community building” as defined by Section 2.030 of the Community Development Code; and

WHEREAS, adding that use to Community Development Code Section 11.030 implements the City’s Council’s direction that the property be used for a community building;

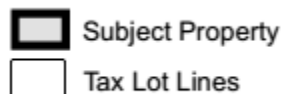
NOW, THEREFORE, THE CITY OF WEST LINN ORDAINS AS FOLLOWS:

SECTION 1. Amendment. West Linn Community Development Code Section 11.030, Permitted Uses, is amended to read as follows:

11.030 PERMITTED USES

The following are uses permitted outright in this zoning district

1. Single-family detached residential unit.
2. Community recreation.
3. Family day care.
4. Residential home.
5. Utilities, minor.
6. Transportation facilities (Type I).
7. Manufactured home.
8. **Community building only if located on the property indicated on the map below.**



SECTION 2. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 3. Savings. Notwithstanding this amendment/repeal, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinance(s) or portions of the ordinance were operative. This section simply clarifies the existing situation that nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

SECTION 4. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 2-5) need not be codified and the City Recorder or his/her designee is authorized to correct any cross-references and any typographical errors.

SECTION 5. Effective Date. This ordinance shall take effect on the 30th day after its passage.

The foregoing ordinance was first read by title only in accordance with Chapter VIII, Section 33(c) of the City Charter on the ____ day of _____, 2017, and duly PASSED and ADOPTED this ____ day of _____, 2017.

RUSSELL B. AXELROD, MAYOR

KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY