



Agenda Report

Date: August 31, 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: Community Development Code Amendment (CDC-17-03)

Purpose

To receive a briefing on the proposed Community Development Code (CDC) amendment recommended by the Planning Commission at its August 16, 2017 public hearing. The proposed change would allow the Robinwood Station to continue operating as an outright permitted use.

Council will hold its public hearing on October 9, 2017. The proposed amendment will permit “community building” in the R-10 zone, but only on the City-owned property at 3706 Cedaroak Drive.

Question(s) for Council:

Does the Council need additional background information regarding the proposed CDC amendment?

Public Hearing Required:

None required.

Background & Discussion:

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 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.

A copy of Ordinance 1661 is also included for Council’s reference.

Budget Impact:

None

Council Options:

1. Receive briefing and discuss proposed amendments.

Staff Recommendation:

Receive briefing and discuss.

Potential Motions:

N/A

Attachments:

1. Planning Commission Recommendation Memorandum
2. Ordinance 1661



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,

Gary Walvatne

Chair, West Linn Planning Commission

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