



Agenda Report Work Session

Date: June 11, 2018

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

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

Through: John Williams, Deputy City Manager/Community Development Director *JRW*
Eileen Stein, City Manager *ES*

Subject: Willamette Neighborhood Mixed-Use Transitional Zone Working Group Proposal (CDC-18-02)

Purpose

To receive a briefing on the proposed Comprehensive Plan and Community Development Code (CDC) amendments recommended by the Planning Commission at its June 6, 2018 public hearing. The proposed changes were developed by the City Council appointed Willamette Neighborhood Mixed-Use Transitional Zone Working Group.

Council will hold its public hearing on July 9, 2018. The proposed amendments will update various definitions and also the permitted/conditional uses found in the mixed-use zoning chapter.

Question(s) for Council:

Does the Council need additional background information regarding the proposed amendments?

Public Hearing Required:

None required.

Background & Discussion:

The Willamette Neighborhood Mixed-Use Transitional Zone Working Group (MU Working Group), appointed by the West Linn City Council in November 2017, has reached consensus on a final recommendation related to the two purposes assigned by City Council:

1. To review and update as necessary the list of permitted and conditional uses in the Willamette Neighborhood Transitional Zone (Chapter 59: MU Zone).
2. Consider a definition of mixed-use.

The MU Working Group met four times from early January to late March 2018. The meetings were well organized and the discussions efficient and effective. A good number of property owners attended the meetings, which was not only helpful to them, but assisted the group in further understanding the current limitations of the zone. The full text of recommendations for the two purposes are found in Attachments 2 and 3, but here is a brief description of the proposal:

- Minor amendment to definition of “mixed-use” that is located in the West Linn Comprehensive Plan and add this amended definition to the West Linn Community Development Code (CDC) Chapter 2: Definitions.
- Amendments to the Permitted, Accessory, Permitted with Prescribed Conditions, and Conditional Uses found in CDC Chapter 59: MU Zone.
- Minor amendments to four current use definitions, and the addition of one new use definition, into CDC Chapter 2: Definitions.
- Addition of a new accessory use in CDC Chapter 19: General Commercial Zone to provide consistency with the recommendation to CDC Chapter 59: MU Zone.

In addition, the MU Working Group discussed other changes related to Chapter 59: MU Zone. These discussions were a natural extension of the group’s purpose and intended to identify additional measures to improve the function and economic potential of the zone. The topics were tied to the location of all 30 properties currently in the MU Zone, the transitional purpose of the zone, and the design/dimensional restrictions in the zone. These can be found in Attachment 4.

As the first step in the legislative adoption process, the Planning Commission held a work session to discuss the proposed amendments on May 2, 2018 and a public hearing where it recommended approval (see Attachment 1) of the proposal on June 6, 2018.

Budget Impact:

None

Sustainability 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. West Linn Comprehensive Plan Amendment Ordinance
3. West Linn Community Development Code Amendments Ordinance
4. MU Working Group Recommendations Memorandum



Memorandum

Date: June 7, 2018
To: West Linn City Council
From: West Linn Planning Commission
Subject: CDC-18-02 Recommendation

The Planning Commission held a public hearing on June 6, 2018, for the purpose of making a recommendation to the City Council on the adoption of the proposed Comprehensive Plan and Community Development Code Amendments found in Land Use File CDC-18-02. The proposed amendments were crafted by the City Council appointed Willamette Neighborhood Mixed-Use Transitional Zone Working Group, which was tasked with a goal of updating the permitted/conditional use lists in CDC Chapter 59 to reflect current business culture and categories, and to facilitate compatible mixed-use, commercial, and residential uses. The proposal was previously discussed at the Commission's May 2, 2018, worksession.

After conducting the public hearing, the Commission deliberated and voted unanimously (5 to 0) to recommend City Council adoption of the proposed amendments as presented. The Oregon Department of Transportation provided written testimony prior to the public hearing and had no objections. Two community members provided oral testimony in favor of the proposed amendment at the public hearing.

Respectfully,

Gary Walvatne

Chair, West Linn Planning Commission

ORDINANCE NO. XXXX

**AN ORDINANCE RELATING TO THE AMENDMENT OF WEST LINN COMPREHENSIVE PLAN
INTRODUCTION GLOSSARY TO IMPLEMENT THE RECOMMENDATIONS FROM THE CITY
COUNCIL APPOINTED WILLAMETTE NEIGHBORHOOD MIXED-USE TRANSITIONAL ZONE
WORKING GROUP**

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 City Council held a worksession with the Economic Development Committee and Planning Commission on July 17, 2017 and discussed the need to evaluate the permitted and conditional uses in the Willamette Neighborhood Mixed-Use Transitional Zone; and

WHEREAS, the City Council directed the Community Development Department to prioritize an evaluation of the Willamette Neighborhood Mixed-Use Transitional Zone and work with the Citizen Involvement Committee to recommend a working group per Community Development Code Chapter 98.035; and

WHEREAS, the Citizen Involvement Committee discussed the working group at meetings in September and October 2017 and forwarded its recommendation to City Council; and

WHEREAS, the City Council appointed the Willamette Neighborhood Mixed-Use Transitional Zone Working Group at its November 14, 2017 meeting and assigned specific purposes and goals; and

WHEREAS, the Willamette Neighborhood Mixed-Use Transitional Zone Working Group met four times between January and April 2018 to discuss, hear from property owners, and reach final consensus on a set of recommendations to forward to the Planning Commission; and

WHEREAS, the Planning Commission held a worksession on May 2, 2018 and a public hearing on June 6, 2018 where it voted unanimously to recommend the City Council adopt the proposed amendments;

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

SECTION 1. Amendment. West Linn Comprehensive Plan Introduction, Glossary, is amended to read as follows:

INTRODUCTION

...

GLOSSARY

For the purpose of the Comprehensive Plan, the following terms or words are defined as follows:

...

Mixed-Use Development. A combination of different types of uses **that are complementary and integrated**. This ~~most frequently~~ refers to allowing ~~homes~~ **residential** and businesses to be located in the same area (e.g. apartments over shops or other businesses or apartments adjacent to grocery stores or other commercial establishments).

...

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 _____, 2018, and duly PASSED and ADOPTED this _____ day of _____, 2018.

RUSSELL B. AXELROD, MAYOR

KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

ORDINANCE NO. XXXX**AN ORDINANCE RELATING TO THE AMENDMENT OF WEST LINN COMMUNITY DEVELOPMENT CODE CHAPTERS 2, 19, AND 59 TO IMPLEMENT THE RECOMMENDATIONS FROM THE CITY COUNCIL APPOINTED WILLAMETTE NEIGHBORHOOD MIXED-USE TRANSITIONAL ZONE WORKING GROUP**

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 City Council held a worksession with the Economic Development Committee and Planning Commission on July 17, 2017 and discussed the need to evaluate the permitted and conditional uses in the Willamette Neighborhood Mixed-Use Transitional Zone; and

WHEREAS, the City Council directed the Community Development Department to prioritize an evaluation of the Willamette Neighborhood Mixed-Use Transitional Zone and work with the Citizen Involvement Committee to recommend a working group per Community Development Code Chapter 98.035; and

WHEREAS, the Citizen Involvement Committee discussed the working group at meetings in September and October 2017 and forwarded its recommendation to City Council; and

WHEREAS, the City Council appointed the Willamette Neighborhood Mixed-Use Transitional Zone Working Group at its November 14, 2017 meeting and assigned specific purposes and goals; and

WHEREAS, the Willamette Neighborhood Mixed-Use Transitional Zone Working Group met four times between January and April 2018 to discuss, hear from property owners, and reach final consensus on a set of recommendations to forward to the Planning Commission; and

WHEREAS, the Planning Commission held a worksession on May 2, 2018 and a public hearing on June 6, 2018 where it voted unanimously to recommend the City Council adopt the proposed amendments;

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

SECTION 1. Amendment. West Linn Community Development Code Chapter 2: Definitions, Section 2.030, Specific Words and Terms, is amended to read as follows:

2.030 SPECIFIC WORDS AND TERMS

...

Business support services. Establishments primarily engaged in the provision of service, **including instructional**, of a clerical, employment, protective, or minor processing nature to firms rather than individuals and where the storage of goods other than samples is prohibited. Typical uses include: secretarial services, telephone answering services, or blueprint services.

...

Convenience sales and personal services. Small neighborhood-oriented retail businesses (retail commercial and personal services) which provide for the daily needs of nearby residents. It includes uses such as grocery stores, drug stores, laundromats, **and** dry cleaners, ~~barber shops and beauty salons.~~

...

Hotel/motel. Establishments primarily engaged in the provision of lodging on a temporary basis with incidental food, drink, and other sales and services intended for the convenience of guests. Typical uses include hotels, motels, or bed and breakfast houses.

...

Manufacture or repackaging of goods for on-site sale. Small-scale manufacturing use, limited to 5,000 square feet of building area, and commonly associated with general retail services where products are sold on-site.

...

Mixed-use development. A combination of different types of uses that are complementary and integrated. This refers to allowing residential and businesses to be located in the same area (e.g. apartments over shops or other businesses or apartments adjacent to grocery stores or other commercial establishments).

...

Personal service facilities. Establishments primarily engaged in the provision of informational, instructional, personal improvement, and similar services ~~of a non-professional nature. Typical uses include:~~ **It includes uses such as** photography studios, **barbershops, salons,** ~~driving schools and trade schools, or~~ **and fitness studios** ~~reducing salons.~~

...

SECTION 2. Amendment. West Linn Community Development Code Chapter 19: General Commercial, Section 19.040, Accessory Uses, is amended to read as follows:

19.040 ACCESSORY USES

~~Repealed by Ord. 1622.~~

1. Manufacture or repackaging of goods for on-site sale.

SECTION 3. Amendment. West Linn Community Development Code Chapter 59: Willamette Neighborhood Mixed-Use Transitional Zone, Section 59.030, Permitted Uses, is amended to read as follows:

59.030 PERMITTED USES

The following are uses permitted outright in this zone:

1. Single-family detached dwelling;
2. Multi-family dwelling;
3. Common-wall single-family dwellings above a permitted use;
4. Residential use of the second floor or a portion of the ground floor of a permitted use;
5. Residential home;
6. Family day care;
7. Bed and breakfast lodging.

8. Animal sales and services, grooming.

9. Business support services.

10. Cultural exhibits and library services.

11. General retail services.

12. Medical and dental services.

13. Personal service facilities.

14. Professional and administrative services.

15. Transportation facilities (Type I).

16. Utility, minor.

SECTION 4. Amendment. West Linn Community Development Code Chapter 59: Willamette Neighborhood Mixed-Use Transitional Zone, Section 59.040, Accessory Uses, is amended to read as follows:

59.040 ACCESSORY USES

1. Accessory uses are allowed in this zone as provided by Chapter [34](#) CDC.

2. Manufacture or repackaging of goods for on-site sale.

SECTION 5. Amendment. West Linn Community Development Code Chapter 59: Willamette Neighborhood Mixed-Use Transitional Zone, Section 59.050, Uses and Development Permitted Under Prescribed Conditions, is amended to read as follows:

59.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

The following uses are allowed in this zone under prescribed conditions:

1. Signs, subject to the following provisions:

...

2. Temporary use, subject to the provisions of Chapter [35](#) CDC.

3. Home occupations, subject to the provisions of Chapter [37](#) CDC.

4. Consumer repair services, as prescribed with no exterior storage.

5. Animal sales and services: veterinary (small animals), as prescribed with no exterior runs or storage.

6. Financial and insurance, as prescribed with no drive-through service.

7. Building maintenance services, as prescribed with no exterior storage.

8. Wireless communication facilities, subject to the provisions of Chapter [57](#) CDC.

SECTION 6. Amendment. West Linn Community Development Code Chapter 59: Willamette Neighborhood Mixed-Use Transitional Zone, Section 59.060, Conditional Uses, is amended to read as follows:

59.060 CONDITIONAL USES

Only the following conditional uses are allowed in this zone subject to the provisions of Chapter [60](#) CDC, Conditional Uses:

1. Children's day care center.

2. Community **building** center for civic or cultural events.

~~3. Small appliance repair services.~~

~~4. Governmental offices.~~

~~5~~ **3.** Religious institution.

~~6~~ **4.** Senior or community center.

~~7~~ **5.** Public support and public safety facilities, including public parking lots.

- ~~8~~ **6.** Nursery.
- 9** ~~7.~~ Parks and open space.
- ~~10.~~ Boutiques.
- ~~11.~~ Small Business equipment sales and service.
- ~~12.~~ Craft shops.
- ~~13.~~ Cultural exhibits and library services.
- 14** ~~8.~~ Eating and drinking establishments.
- ~~15.~~ Retail sales and service, except no drive through service.
- ~~16.~~ Professional and administrative services.
- ~~17.~~ Medical or dental offices or clinics.
- ~~18.~~ Financial, insurance, and real estate services, except no drive through service.
- 9. Food and beverage retail sales.**
- 11. Hotel/motel.**
- 12. Construction sales and services.**
- 13. Parking Facilities.**

SECTION 7. 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 8. 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 9. 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 10. 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 _____, 2018, and duly PASSED and ADOPTED this _____ day of _____, 2018.

RUSSELL B. AXELROD, MAYOR

KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY



Memorandum

Date: April 16, 2018

To: West Linn Planning Commission

From: Willamette Neighborhood Mixed-Use Transitional Zone Working Group

Subject: Final Recommendations

The Willamette Neighborhood Mixed-Use Transitional Zone Working Group (MU Working Group), appointed by the West Linn City Council on November 7, 2017, has reached consensus on a final recommendation related to the two purposes assigned by City Council:

1. To review and update as necessary the list of permitted and conditional uses in the Willamette Neighborhood Transitional Zone (Chapter 59: MU Zone).
2. Consider a definition of mixed-use.

The MU Working Group met four times from early January to late March 2018. The meetings were well organized and the discussions efficient and effective. A good number of property owners attended the meetings, which was not only helpful to them, but assisted the group in further understanding the current limitations of the zone. The full text of recommendations for the two purposes are attached, but here is a brief description of what is ready to proceed through the legislative process:

- Minor amendment to definition of “mixed-use” that is located in the West Linn Comprehensive Plan and add this amended definition to the West Linn Community Development Code (CDC) Chapter 2: Definitions.
- Amendments to the Permitted, Accessory, Permitted with Prescribed Conditions, and Conditional Uses found in CDC Chapter 59: MU Zone.
- Minor amendments to four current use definitions, and the addition of one new use definition, into CDC Chapter 2: Definitions.
- Addition of a new accessory use in CDC Chapter 19: General Commercial Zone to provide consistency with the recommendation to CDC Chapter 59: MU Zone.


In addition, the MU Working Group discussed other changes related to Chapter 59: MU Zone. These discussions were a natural extension of the group’s purpose and intended to identify additional measures to improve the function and economic potential of the zone. The topics were tied to the location of all 30 properties currently in the MU Zone, the transitional purpose of the zone, and the design/dimensional restrictions in the zone.

Based on the discussions, the MU Working Group reached consensus on a set of recommendations for future consideration by City Council. The group proposes these recommendations be added to the planning docket for further evaluation and potential changes in the near future. They are as follows:

- Consider rezoning the properties along 8th Avenue, between 10th and 13th Streets, from Mixed-Use to General Commercial as they don't meet the transitional purpose of the zone. Staff contacted the property owners for feedback and seven of the eight responded in support of a potential change.
- Consider rezoning the properties along 8th Avenue, between 13th and 14th Streets, from R-10: Single-Family Detached Residential to at least Mixed-Use, if not some to General Commercial as these properties actually meet the transitional purpose of the zone. Staff contacted the property owners for feedback and four of the six on the south side responded in support and one each responded in support and not in support out of the five properties on the north side of 8th Avenue.
- Evaluate more appropriate zoning for MU Zone properties separated from the historic commercial core (Properties 1-2, 3-4, and 27-30 on attached map) as they do not meet the transitional purpose of the zone. This could be undertaken at the same time as 8th Avenue.
- Consider changes to the dimensional/design standards for Chap. 59: MU Zone to make them more flexible for potential redevelopment of properties in the future. Some ideas for potential changes: allowing a zero lot line at the front yard and side yard abutting a street, move from maximum building size to lot coverage standard, making maximum FAR 0.45, eliminating maximum lot size, and removing the residential style design standards.
- Consider evaluating how parking is managed in the Willamette Main Street area, especially the on-site parking exemptions found in CDC Chapter 58: Willamette Falls Drive Commercial Design District.

On behalf of the MU Working Group, we would like to thank City Council for the opportunity to develop these recommendations for consideration.

Respectfully,



Shannen Knight
Chair, MU Working Group

MU Working Group
City of West Linn

March 22, 2018 Final Recommendation for Immediate Changes

CDC CHAPTER 59: WILLAMETTE NEIGHBORHOOD MIXED-USE TRANSITIONAL ZONE

59.030 PERMITTED USES

The following are uses permitted outright in this zone:

1. Single-family detached dwelling;
2. Multi-family dwelling;
3. Common-wall single-family dwellings above a permitted use;
4. Residential use of the second floor or a portion of the ground floor of a permitted use;
5. Residential home;
6. Family day care;
7. Bed and breakfast lodging.

8. Animal sales and services, grooming.

9. Business support services.

10. Cultural exhibits and library services.

11. General retail services.

12. Medical and dental services.

13. Personal service facilities.

14. Professional and administrative services.

15. Transportation facilities (Type I).

16. Utility, minor.

59.040 ACCESSORY USES

1. Accessory uses are allowed in this zone as provided by Chapter [34](#) CDC.

2. Manufacture or repackaging of goods for on-site sale.

59.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

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1. Children's day care center.
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- ~~3. Small appliance repair services.~~
- ~~4. Governmental offices.~~
- ~~5~~ **3.** Religious institution.
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- ~~7~~ **5.** Public support and public safety facilities, including public parking lots.
- ~~8~~ **6.** Nursery.
- ~~9~~ **7.** Parks and open space.
- ~~10. Boutiques.~~
- ~~11. Small Business equipment sales and service.~~
- ~~12. Craft shops.~~
- ~~13. Cultural exhibits and library services.~~
- ~~14~~ **8.** Eating and drinking establishments.
- ~~15. Retail sales and service, except no drive-through service.~~
- ~~16. Professional and administrative services.~~
- ~~17. Medical or dental offices or clinics.~~
- ~~18. Financial, insurance, and real estate services, except no drive-through service.~~
- 9. Food and beverage retail sales.**
- 11. Hotel/motel.**
- 12. Construction sales and services.**
- 13. Parking Facilities.**

CDC CHAPTER 19: GENERAL COMMERCIAL, GC

19.040 ACCESSORY USES

~~Repealed by Ord. 1622.~~

1. Manufacture or repackaging of goods for on-site sale.

CDC CHAPTER 2: DEFINITIONS

Business support services. Establishments primarily engaged in the provision of service, **including instructional**, of a clerical, employment, protective, or minor processing nature to firms rather than individuals and where the storage of goods other than samples is prohibited. Typical uses include: secretarial services, telephone answering services, or blueprint services.

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Mixed-use development. A combination of different types of uses that are complementary and integrated. This refers to allowing residential and businesses to be located in the same area (e.g. apartments over shops or other businesses or apartments adjacent to grocery stores or other commercial establishments).

Personal service facilities. Establishments primarily engaged in the provision of informational, instructional, personal improvement, and similar services ~~of a non-professional nature. Typical uses include:~~ **It includes uses such as** photography studios, **barbershops, salons,** ~~driving schools and trade schools, or~~ **and fitness studios** ~~reducing salons.~~

WEST LINN COMPREHENSIVE PLAN INTRODUCTION: GLOSSARY

Mixed-use development. A combination of different types of uses **that are complementary and integrated**. This ~~most frequently~~ refers to allowing ~~homes~~ **residential** and businesses to be located in the same area (e.g. apartments over shops or other businesses or apartments adjacent to grocery stores or other commercial establishments).

- MU Zoning
- Comp Plan Designation
- Commercial
- Industrial
- Low Density Residential
- Medium Density Residential
- Medium High Density Residential
- Mixed Use
- WF Dr Comm Design District
- Historic District - Local
- Historic District - National

Properties 1 & 2

Properties 3 & 4

Property 12

Properties 5 - 11

Property 13

Properties 14 - 20

Properties 21 - 26

Properties 27 - 30



GIS Disclaimer: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.
 Data Sources: City of West Linn, Clackamas County, Metro
 Cartography: West Linn Planning - July 2016