



Agenda Bill 2019-03-11-01

Date: February 25, 2019

Meeting Date: March 11, 2019

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: Proposed Comprehensive Plan Map and Zoning Map Amendments for properties along 8th Avenue in the Willamette Neighborhood (PLN-18-02)

Purpose

To hold a public hearing and consider proposed amendments to the West Linn Comprehensive Plan Map (Ordinance 1688) and Zoning Map (Ordinance 1689) for properties along 8th Avenue in the Willamette Neighborhood.

Question(s) for Council:

Should the Council adopt the proposed amendments as recommended by the Willamette Neighborhood Mixed-Use Transitional Zone Working Group (MU Working Group) and the West Linn Planning Commission?

Public Hearing Required:

Yes

Background & Discussion:

PLN-18-02 is a proposal recommended by the Willamette Neighborhood Mixed-Use Transitional Zone Working Group (MU Working Group) and includes rezoning properties adjacent to 8th Avenue in the Willamette Neighborhood. The MU Working Group, appointed by the West Linn City Council in November 2017, was originally tasked with recommending updates to the permitted/conditional uses in the Mixed-Use Transitional zone. The group accomplished this task in April 2018, after four meetings, and City Council adopted the recommendations in July 2018. As part of the discussions on appropriate uses in the zone, the group also made recommendations for future consideration by the City Council. One of these recommendations was to consider rezoning properties along 8th Avenue to better align with the purposes of the zones.

The MU Working Group met again on September 19, 2018 at the request of Council. The purpose of the meeting was to discuss and make a final recommendation related to potential rezoning of properties along 8th Avenue. All property owners along 8th Avenue and all neighboring properties were invited to attend the meeting and join the discussion. The group reached consensus and made a final

recommendation to City Council. The recommendation was based on what the group felt was clear agreement from previous discussions by the MU Working Group during four meetings in January to March 2018, its initial recommendations in April 2018, outreach to property owners, responses from property owners, and careful consideration of a number of topics discussed at the September 19th meeting, including impacts on single-family homeowners.

The recommendation includes rezoning the police station and all properties on the south side of 8th Avenue from Mixed-Use or R-10 Residential zoning to General Commercial zoning and five properties on the north side of 8th Avenue from R-10 Residential to Mixed-Use.

The proposed amendments were introduced and previously discussed at the October 15, 2018 joint worksession between the City Council and Planning Commission. At the meeting, staff was directed to bring the recommendation through the legislative process with no further worksessions needed.

In late October 2018, the Oregon Department of Transportation (ODOT) requested a Transportation Planning Rule analysis be completed because of the proximity to the 10th Street interchange. The legislative process was delayed as the analysis was completed. The analysis concluded “no significant effect” to the interchange area and ODOT concurred.

The West Linn Planning Commission held a public hearing on the proposed map amendments on January 23, 2019 and voted unanimously to recommend the City Council approve the proposed map amendments. The Commission recommendation included adding two more properties (1734 and 1746 8th Avenue) to be rezoned from R-10 Residential to Mixed-Use, if the property owners agreed to the change. Staff reached out to the property owners and received confirmation that neither property wanted to be rezoned to mixed-use. The two properties are not included in the attached Ordinances.

Budget Impact:

None

Council Options:

1. Adopt Ordinances 1688 and 1689 as presented in Attachments 1 and 2;
2. Adopt Ordinances 1688 and 1689 with changes;
3. Do not adopt Ordinances 1688 and 1689.

Staff Recommendation:

Approve PLN-18-02, as recommended by the MU Working Group and Planning Commission, by adopting Ordinances 1688 and 1689 following a public hearing.

Potential Motions:

1. Move to adopt Ordinance 1688/89 as recommended by the Planning Commission
2. Move to adopt Ordinance 1688/89 with the following changes to the Planning Commission recommendation
3. Move to not adopt Ordinance 1688/89 as recommended by the Planning Commission

Attachments:

1. Ordinance 1688
2. Ordinance 1689
3. Planning Commission Recommendation Memorandum, dated January 24, 2019
4. Planning Commission Staff Report, dated January 23, 2019



5. Public Comments

ORDINANCE NO. 1688

AN ORDINANCE RELATING TO THE AMENDMENT OF WEST LINN COMPREHENSIVE PLAN MAP TO IMPLEMENT THE RECOMMENDATION 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 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 that included future consideration of zoning changes along 8th Avenue; and

WHEREAS, in August 2018, the City Council requested the Willamette Neighborhood Mixed-Use Transitional Zone Working Group reconvene and make a final recommendation on proposed zone changes along 8th Avenue; and

WHEREAS, the Willamette Neighborhood Mixed-Use Transitional Zone Working Group met on September 19, 2018 and reached consensus on recommended zone changes along 8th Avenue; and

WHEREAS, the City Council and Planning Commission held a joint worksession on October 15, 2018 to discuss the recommendation and provide direction to City staff; and

WHEREAS, the Planning Commission held a public hearing on January 23, 2019 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. West Linn Comprehensive Plan Map Amendment. The West Linn Comprehensive Plan Map shall be amended as depicted in Exhibit A.

The following properties shall be included in the Commercial Map Plan Designation:

1600 14th Street (3S 1E 02BB 06200)
1684 12th Street (3S 1E 02BA 01000)
1693 12th Street (3S 1E 02BA 00500)
1841 8th Avenue (3S 1E 02BA 01100)
1975 8th Avenue (3S 1E 02BA 00400)
1995 8th Avenue (3S 1E 02BA 00300)
2005 8th Avenue (3S 1E 02BA 00200)
2015 8th Avenue (3S 1E 02BA 00100)
1800 8th Avenue (2S 1E 35C 02200)
1741 8th Avenue (3S 1E 02BA 01600)
1755 8th Avenue (3S 1E 02BA 01500)
1720 Willamette Falls Drive (3S 1E 02BA 01800)
1793 Willamette Falls Drive (3S 1E 02BA 01400)
1820 Willamette Falls Drive (3S 1E 02BA 01300)
1832 Willamette Falls Drive (3S 1E 02BA 01200)

The following properties shall be included in the Mixed-Use Map Plan Designation:

1698 8th Avenue (3S 1E 02BB 00800)
1722 8th Avenue (3S 1E 02BB 00702)
1752 8th Avenue (3S 1E 02BB 00600)
1771 8th Avenue (3S 1E 02BB 00500)
1796 8th Avenue (3S 1E 02BB 00400)

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 _____, 2019, and duly PASSED and ADOPTED this _____ day of _____, 2019.

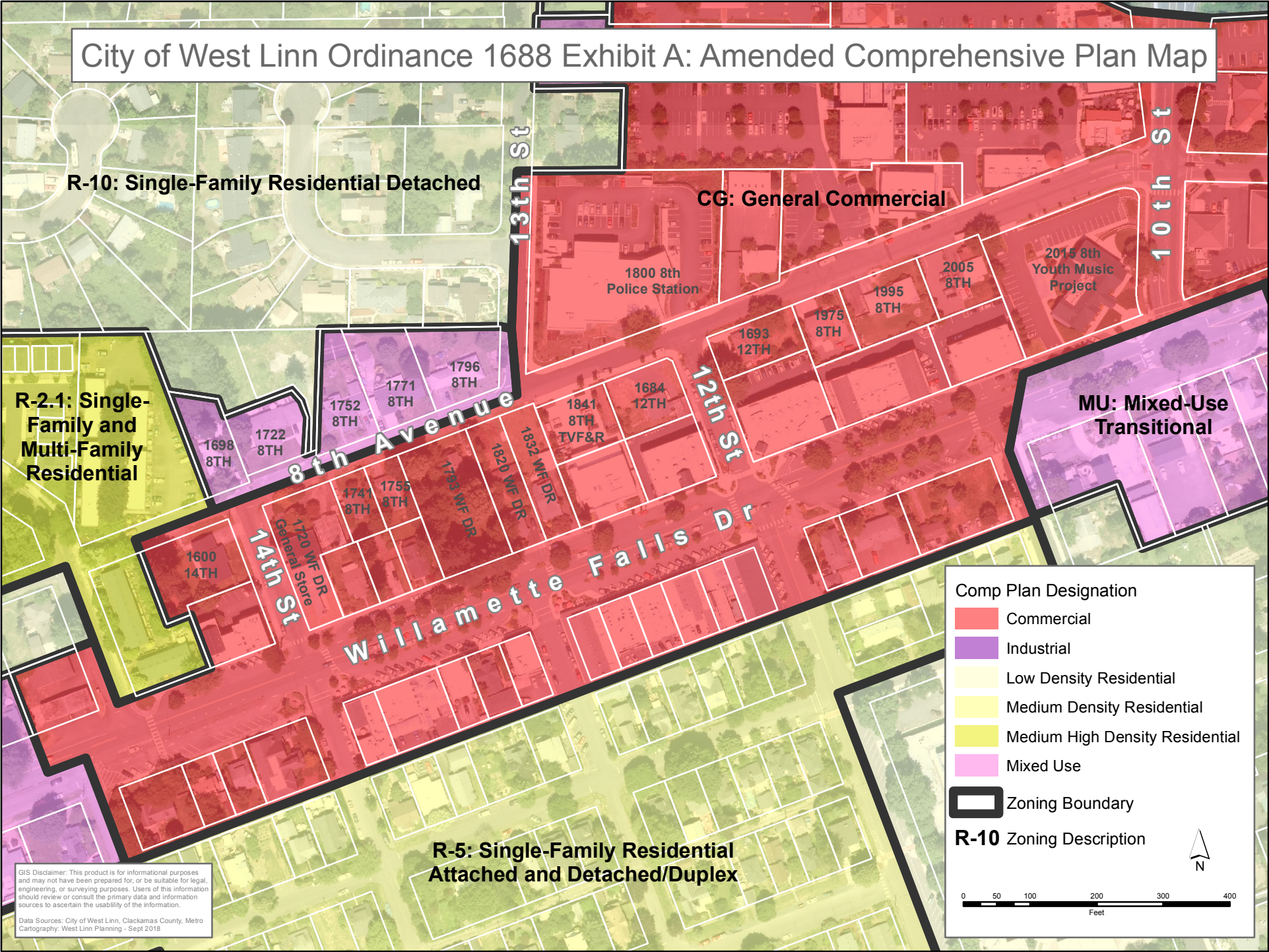
RUSSELL B. AXELROD, MAYOR

KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

City of West Linn Ordinance 1688 Exhibit A: Amended Comprehensive Plan Map



R-10: Single-Family Residential Detached

CG: General Commercial

R-2.1: Single-Family and Multi-Family Residential

MU: Mixed-Use Transitional

R-5: Single-Family Residential Attached and Detached/Duplex

Comp Plan Designation

- Commercial
- Industrial
- Low Density Residential
- Medium Density Residential
- Medium High Density Residential
- Mixed Use
- Zoning Boundary

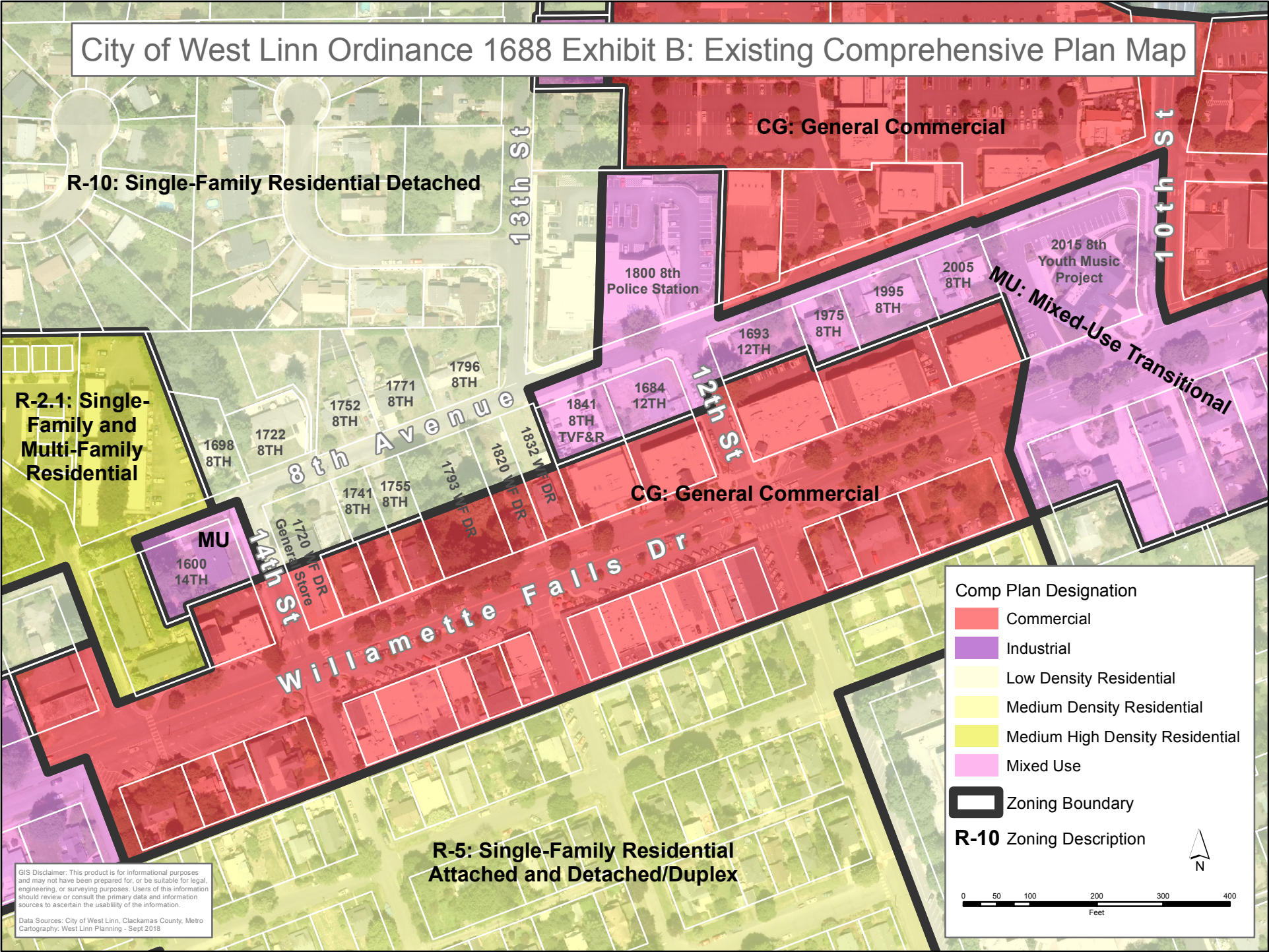
R-10 Zoning Description

N

0 50 100 200 300 400
Feet

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Data Sources: City of West Linn, Clackamas County, Metro Cartography, West Linn Planning - Sept 2018

City of West Linn Ordinance 1688 Exhibit B: Existing Comprehensive Plan Map



R-10: Single-Family Residential Detached

CG: General Commercial

R-2.1: Single-Family and Multi-Family Residential

1800 8th
Police Station

2015 8th
Youth Music
Project

MU

MU: Mixed-Use Transitional

CG: General Commercial

R-5: Single-Family Residential Attached and Detached/Duplex

Comp Plan Designation

- Commercial
- Industrial
- Low Density Residential
- Medium Density Residential
- Medium High Density Residential
- Mixed Use

Zoning Boundary

R-10 Zoning Description

0 50 100 200 300 400
Feet

N

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ORDINANCE NO. 1689

AN ORDINANCE RELATING TO THE AMENDMENT OF WEST LINN ZONING MAP TO IMPLEMENT THE RECOMMENDATION 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 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 that included future consideration of zoning changes along 8th Avenue; and

WHEREAS, in August 2018, the City Council requested the Willamette Neighborhood Mixed-Use Transitional Zone Working Group reconvene and make a final recommendation on proposed zone changes along 8th Avenue; and

WHEREAS, the Willamette Neighborhood Mixed-Use Transitional Zone Working Group met on September 19, 2018 and reached consensus on recommended zone changes along 8th Avenue; and

WHEREAS, the City Council and Planning Commission held a joint worksession on October 15, 2018 to discuss the recommendation and provide direction to City staff; and

WHEREAS, the Planning Commission held a public hearing on January 23, 2019 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. West Linn Zoning Map Amendment. The West Linn Zoning Map shall be amended as depicted in Exhibit A.

The following properties shall be included in the General Commercial Zone:

1600 14th Street (3S 1E 02BB 06200)
1684 12th Street (3S 1E 02BA 01000)
1693 12th Street (3S 1E 02BA 00500)
1841 8th Avenue (3S 1E 02BA 01100)
1975 8th Avenue (3S 1E 02BA 00400)
1995 8th Avenue (3S 1E 02BA 00300)
2005 8th Avenue (3S 1E 02BA 00200)
2015 8th Avenue (3S 1E 02BA 00100)
1800 8th Avenue (2S 1E 35C 02200)
1741 8th Avenue (3S 1E 02BA 01600)
1755 8th Avenue (3S 1E 02BA 01500)
1720 Willamette Falls Drive (3S 1E 02BA 01800)
1793 Willamette Falls Drive (3S 1E 02BA 01400)
1820 Willamette Falls Drive (3S 1E 02BA 01300)
1832 Willamette Falls Drive (3S 1E 02BA 01200)

The following properties shall be included in the Willamette Neighborhood Mixed-Use Transitional Zone:

1698 8th Avenue (3S 1E 02BB 00800)
1722 8th Avenue (3S 1E 02BB 00702)
1752 8th Avenue (3S 1E 02BB 00600)
1771 8th Avenue (3S 1E 02BB 00500)
1796 8th Avenue (3S 1E 02BB 00400)

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.

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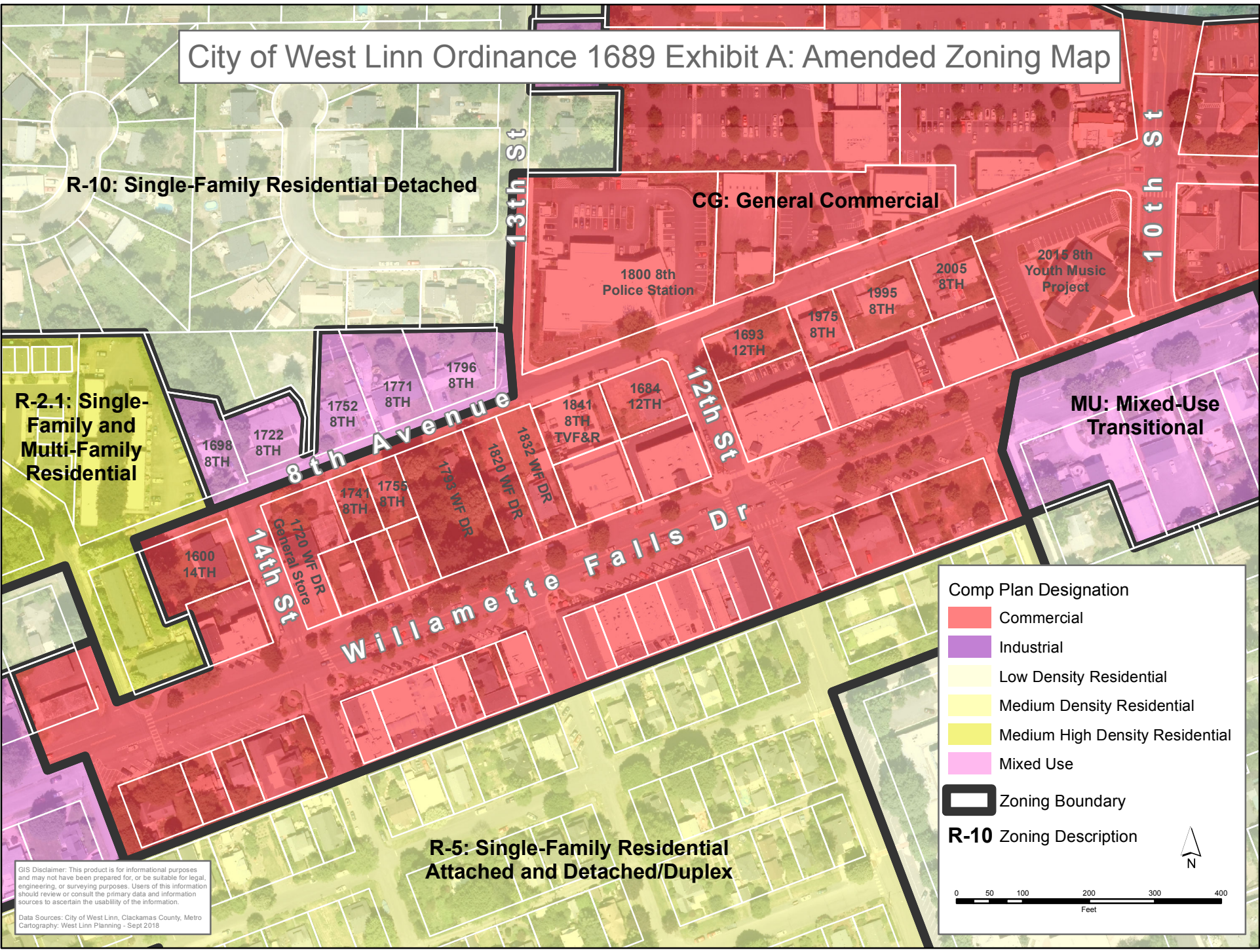
RUSSELL B. AXELROD, MAYOR

KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

City of West Linn Ordinance 1689 Exhibit A: Amended Zoning Map



R-10: Single-Family Residential Detached

CG: General Commercial

R-2.1: Single-Family and Multi-Family Residential


MU: Mixed-Use Transitional

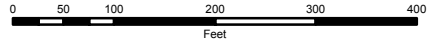
R-5: Single-Family Residential Attached and Detached/Duplex

Comp Plan Designation

- Commercial
- Industrial
- Low Density Residential
- Medium Density Residential
- Medium High Density Residential
- Mixed Use
- Zoning Boundary

R-10 Zoning Description



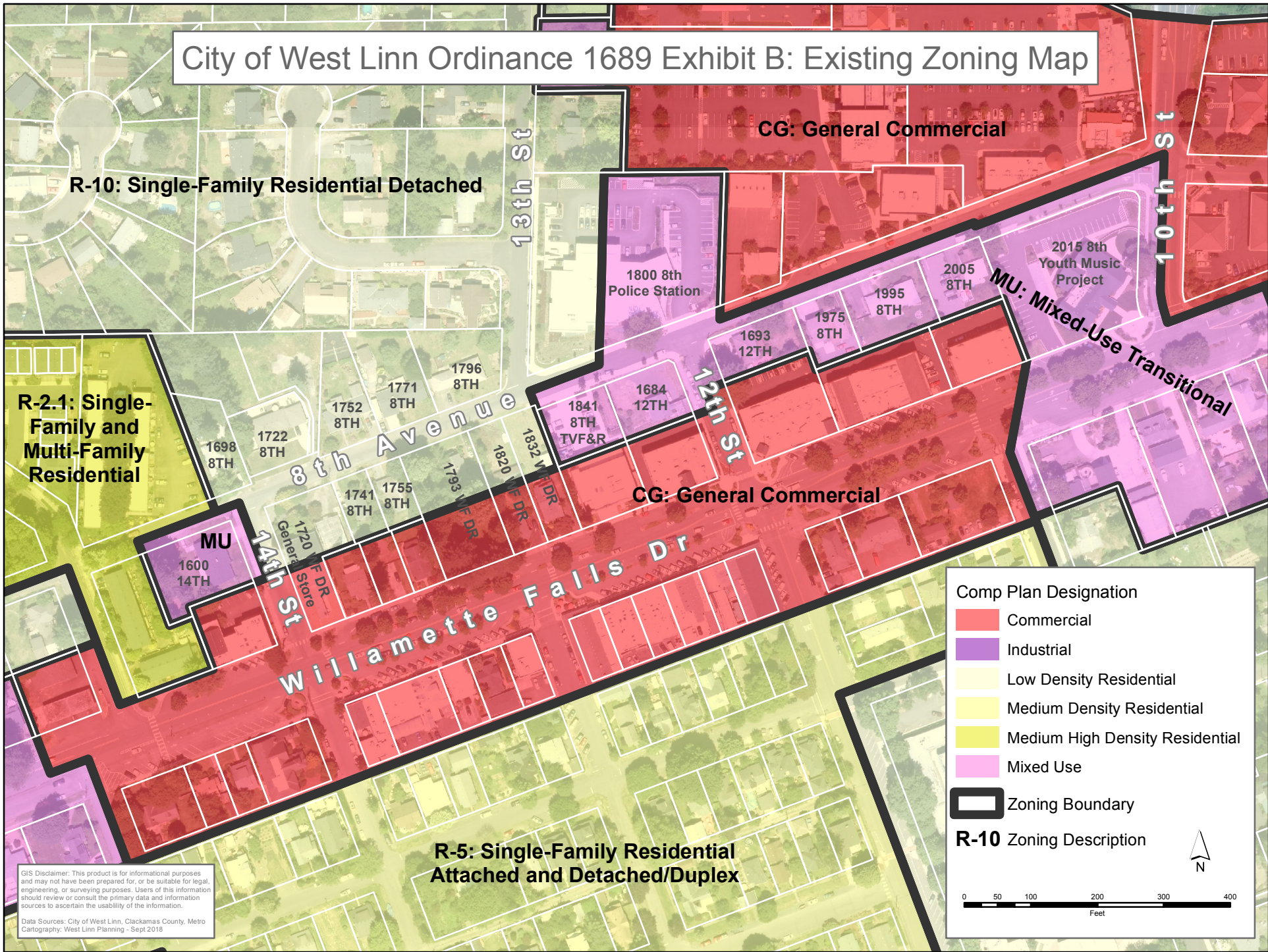


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City of West Linn Ordinance 1689 Exhibit B: Existing Zoning Map





Memorandum

Date: January 24, 2019
To: West Linn City Council
From: West Linn Planning Commission
Subject: PLN-18-02 Recommendation

The Planning Commission held a public hearing on January 23, 2019, for the purpose of making a recommendation to the City Council on the adoption of the proposed Comprehensive Plan Map and Zoning Map amendments found in Land Use File PLN-18-02. The proposed amendments were crafted by the City Council-appointed Willamette Neighborhood Mixed-Use Transitional Zone Working Group, which was tasked with recommending zoning changes along 8th Avenue. The proposal was previously discussed at a joint City Council/Planning Commission work session on October 15, 2018.

After conducting the public hearing, the Commission deliberated and voted unanimously (5 to 0) to recommend City Council adoption of the proposed Comprehensive Plan Map and Zoning Map amendments and also include 1734 8th Avenue and 1746 8th Avenue in the Mixed-Use zone if both property owners agree. These two properties are served by a flag-lot driveway from 8th Avenue, which is the reason the Planning Commission believes that both owners must agree to a change from R-10 to Mixed-Use in order to consider a change in zoning. Also, these properties were under development in early 2018 when property owners were contacted regarding the then-possible zoning change and the current owners recently learned of the possible zoning change on neighboring properties.

Two property owners and the Oregon Department of Transportation provided written testimony prior to the public hearing and had no objections. Five community members provided oral testimony in favor of the proposed amendments at the public hearing, including the property owner of 1734 8th Avenue requesting inclusion in the Mixed-Use zone as part of the proposal.

Respectfully,

Gary Walvatne

Chair, West Linn Planning Commission



CITY OF West Linn

STAFF REPORT FOR THE PLANNING COMMISSION

FILE NUMBER: PLN-18-02

HEARING DATE: January 23, 2019

REQUEST: To consider a recommendation to City Council for adoption of proposed Comprehensive Plan Map amendments and Zoning Map amendments for properties along 8th Avenue in the Willamette Neighborhood.

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 Comprehensive Plan Map amendments and Zoning Map amendments for properties along 8th Avenue in the Willamette Neighborhood.
- APPROVAL CRITERIA:** Community Development Code (CDC) Chapter 98 provides administrative procedures for legislative amendments to the Comprehensive Plan and/or 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:** Measure 56 notice was provided to impacted property owners on January 3, 2019. Legal notice was published in the West Linn Tidings on January 10, 2019 and provided to required public agencies and persons who requested notice in writing on January 3, 2019.
- 120-DAY RULE:** Not applicable to this legislative action.

BACKGROUND INFORMATION

PLN-18-02 is a proposal to adopt West Linn Comprehensive Plan Map amendments (Exhibit PC-1) and West Linn Zoning Map amendments (Exhibit PC-2). The proposal was recommended by the Willamette Neighborhood Mixed-Use Transitional Zone Working Group (MU Working Group) and includes rezoning properties adjacent to 8th Avenue in the Willamette Neighborhood. Fifteen properties currently zoned Mixed-Use Transitional or R-10: Single-Family Residential Detached are proposed to change to General Commercial zoning. Five properties currently zoned R-10: Single-Family Residential Detached are proposed to change to Mixed-Use Transitional zoning. The proposed amendments will ensure the maps are aligned with the purposes of the zones.

Rezone from Mixed-Use Transitional Zone to General Commercial

1600 14th Street (3S 1E 02BB 06200)
1684 12th Street (3S 1E 02BA 01000)
1693 12th Street (3S 1E 02BA 00500)
1841 8th Avenue (3S 1E 02BA 01100)
1975 8th Avenue (3S 1E 02BA 00400)
1995 8th Avenue (3S 1E 02BA 00300)
2005 8th Avenue (3S 1E 02BA 00200)
2015 8th Avenue (3S 1E 02BA 00100)

Rezone from R-10 to Mixed-Use Transitional Zone

1698 8th Avenue (3S 1E 02BB 00800)
1722 8th Avenue (3S 1E 02BB 00702)
1752 8th Avenue (3S 1E 02BB 00600)
1771 8th Avenue (3S 1E 02BB 00500)
1796 8th Avenue (3S 1E 02BB 00400)

Rezone from R-10 to General Commercial

1741 8th Avenue (3S 1E 02BA 01600)
1755 8th Avenue (3S 1E 02BA 01500)
1720 Willamette Falls Drive (3S 1E 02BA 01800)
1793 Willamette Falls Drive (3S 1E 02BA 01400)
1820 Willamette Falls Drive (3S 1E 02BA 01300)
1832 Willamette Falls Drive (3S 1E 02BA 01200)

Rezone from Mixed-Use Transitional/R-10 to General Commercial

1800 8th Avenue (2S 1E 35C 02200)

The MU Working Group, appointed by the West Linn City Council in November 2017, was originally tasked with recommending updates to the permitted/conditional uses in the Mixed-Use Transitional zone. The group accomplished this task in April 2018, after four meetings, and City Council adopted the recommendations in July 2018. As part of the discussions on appropriate uses in the zone, the group also made recommendations for future consideration by the City Council. One of these recommendations was to consider rezoning properties along 8th Avenue to better align with the purposes of the zones.

The MU Working Group met again on September 19, 2018 at the request of Council. The purpose of the meeting was to discuss and make a final recommendation related to potential rezoning of properties along 8th Avenue. All property owners along 8th Avenue and all neighboring properties were invited to attend the meeting and join the discussion. The group reached consensus and made a final recommendation to City Council (Exhibit PC-5). The recommendation was based on what the group felt was clear agreement from previous discussions by the MU Working Group during four meetings in January to March 2018, its initial recommendations in April 2018, outreach to property owners, responses from property owners, and careful consideration of a number of topics discussed at the September 19th meeting, including impacts on single-family homeowners.

The recommendation includes rezoning the police station and all properties on the south side of 8th Avenue from Mixed-Use or R-10 Residential zoning to General Commercial zoning and five properties on the north side of 8th Avenue from R-10 Residential to Mixed-Use.

The MU Working Group recommendation was originally scheduled for a public hearing before the Planning Commission in November 2018. After the hearing was scheduled, the Oregon Department of Transportation (ODOT) requested a Transportation Planning Rule analysis be completed because of the proximity to the 10th Street interchange. The original hearing was cancelled and the analysis was completed. The analysis concluded “no significant effect” to the interchange area and ODOT concurred (Exhibit PC-3).

Staff resent the appropriate public hearing notices for the rescheduled meeting and is seeking a recommendation from the Planning Commission regarding PLN-18-02. This staff report details the background and intention of the proposed map amendments, addresses applicable criteria, and supports the proposed map amendments.

The proposed amendments were introduced and previously discussed at the October 15, 2018 joint worksession between the City Council and Planning Commission. At the meeting, staff was directed to bring the recommendation through the legislative process with no further worksessions needed.

PUBLIC COMMENTS

At the time this Staff Report was prepared, the City had received two written comments (Exhibit PC-4) on the proposed amendments. The first from Steve Peake, the owner of 1600 14th Street, who supports the zone change from Mixed-Use Transition to General Commercial for the property. The second from Jerry and LeAnna Sparks, the owners of 1796 8th Avenue, who support the zone change from R-10 to Mixed-Use Transition for the property.

RECOMMENDATION

Staff recommends that the Planning Commission consider the proposed map amendments, if warranted, revise the amendments, and **RECOMMEND** approval of the amendments to the City Council.

ADDENDUM
PLANNING COMMISSION STAFF REPORT
January 23, 2019

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

A. Purpose. The purpose of a legislative working group is to provide a forum to discuss different points of view on a proposed land use legislative change.

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.

1. After receiving direction from the City Council, the Committee for Citizen Involvement shall recommend a purpose, goals, and a list of appointees for each proposed working group to the City Council for approval.

Findings: The City Council found a working group was necessary as a discussion forum and directed the previously appointed Willamette Neighborhood Mixed-Use Transitional Zone Working Group (MU Working Group) to reconvene and make a final recommendation on zoning changes along 8th Avenue.

2. The working group will contain interested stakeholders, a member of the Planning Commission, and a staff representative.

Findings: The City Council appointed four neighborhood association members, a member from the City's Economic Development Committee, a member from the Historic Willamette Main Street Group, a member from the West Linn Chamber of Commerce, a property owner representative, a member of the Planning Commission, and staff representative.

3. The working group shall comply with WLMC 2.060 regarding the selection of officers and the other generally applicable citizen advisory group provisions.

Findings: The MU Working Group selected a chair and vice-chair at its first meeting as prescribed in WLMC 2.060. During group meetings, it complied with WLMC 2.060 and also agreed upon a set of meeting guidelines to ensure focused, civil, open, and equal opportunity discussions.

C. Conduct of working group meetings.

1. Staff will prepare a suggested draft of the proposed changes. This draft will provide a starting point for discussion and education.

2. The working group will use the draft as a starting point for discussion, but then reconcile the implications of the draft with the goals established by the Council for the working group.

3. After each working group meeting staff will incorporate approved changes and prepare an updated working draft.

Findings: Based on the MU Working Group recommendations for future consideration in April 2018, staff prepared three draft map amendment options for review at the group's September 19, 2018 meeting. The MU Working Group then used the draft options to discuss and find consensus on the final recommendation to send to City Council. Staff incorporated the changes for final review and signature by the MU Working Group Chair.

4. *All working group meetings will be public meetings with an opportunity for anyone in attendance to provide public comment. The meetings and minutes will be conducted in accordance with the Council Rules, West Linn Municipal Code, City Charter, and State law.*

Findings: The MU Working Group met five times, with attendance from property owners at every meeting. All meetings were open to the public. Each agenda included time for public comments, but the MU Working Group also encouraged any attendees to ask questions or provide comment during its discussions. All meetings were conducted in accordance with appropriate rules. All meetings were recorded and meeting summaries were provided for review, edits, and consensus.

5. *In the event a consensus cannot be reached on an issue, the working group will prepare alternatives. Each alternative and its rationale will be presented to the Planning Commission.*

Findings: The MU Working Group reached consensus on all of its recommendations.

6. *Prior to submission to the Planning Commission, proposed code changes will be submitted to the City Attorney for review. The review should be limited to the identification of areas where the proposed language conflicts with other parts of this code, State law or Federal law. As an alternative, legal counsel may attend and advise during the creation of the draft.*

Findings: The MU Working Group proposal does not contain any code amendments. The proposal is for Comprehensive Plan Map and Zoning Map amendments, which were forwarded to the City Attorney for review. No conflicts were found with other parts of the code or with state or federal laws.

D. *Presentation to the Planning Commission. When the working group reaches consensus that the code changes are ready, the proposed code changes will be presented by the Director to the Planning Commission pursuant to CDC [98.040\(A\)\(2\)](#). If the working group fails to reach a consensus on the code changes, all proposals will be presented to the Planning Commission. Pursuant to CDC [98.110\(A\)](#), the Planning Commission shall recommend approval, denial, or approval with modifications to the Council.*

Findings: Planning staff presented the MU Working Group proposed map amendments to a joint worksession meeting of the West Linn City Council and Planning Commission on October 15, 2018. At the meeting, staff was directed to bring the proposal to a public hearing before the Planning Commission. The public hearing will be held on January 23, 2019 and findings for CDC 98.040(A)(2) can be found below. The MU Working Group reached consensus on all of its recommendations.

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;*

Findings: The proposed legislative amendments to the West Linn Comprehensive Plan Map and Zoning Map have been consolidated into one file as allowed. The consolidation is appropriate as the proposed amendments will ensure the City's zoning designations remain aligned with the corresponding Comprehensive Map plan designations as required by state law.

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 January 23, 2019, with the City Council public hearing scheduled for March 11, 2019. Legislative notice was provided as required and documentation can be found in Exhibit PC-6. The Planning Director determined notice was necessary under ORS 227.186 and a Measure 56 Notice was mailed to impacted property owners on January 3, 2019.

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 map amendments, and all other associated project materials were made available on January 11, 2019, twelve 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 January 23, 2019, with the West Linn City Council scheduled to hold its public hearing and make a final decision on March 11, 2019.

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 amendments will require two public hearings (one before the Planning Commission on January 23rd and one before City Council on March 11th) pursuant to CDC Chapter 98.

The Council appointed MU Working Group, who recommended the proposed amendments, met four times between January and April 2018. All meetings were open to the public and notice of the meetings were sent to impacted property owners. All four meetings were attended by property owners and they were given the opportunity to participate in the group discussions. All MU Working Group materials, including meeting recordings and summaries, were available throughout the process on the City's website. The MU Working Group reconvened in September 2018 to make a final recommendation on rezoning properties along 8th Avenue. All impacted property owners and neighboring property owners were invited to attend. Meeting materials were available on the project website. The City Council and Planning Commission also held a publicly noticed worksession to discuss this proposal on October 15, 2018. The worksession materials, including a link to the MU Working Group webpage, was available 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-6). The notice was sent to persons who requested notice, affected government agencies, neighborhood associations, and was published in the January 10, 2019 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 amendments can be viewed. Measure 56 Notice was sent to impacted property owners on January 3, 2019.

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 impacted low density residential properties currently do not meet the Comprehensive Plan locational criteria and a change is warranted. The impacted mixed-use properties currently do not meet the purpose statement of the zone and a change is warranted to provide appropriate zoning. The amendments to the West Linn Comprehensive Plan and Zoning Maps will ensure the impacted properties are aligned with the policies of the Comprehensive Plan and purpose of the Community Development Code. The amendments are 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 map amendments do 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 amendments are 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 map amendments do not alter the City's acknowledged land use programs regarding water quality and flood management protections. As a result, the amendments are 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 map amendments do not alter the City's acknowledged Goal 7 land use programs. No changes will occur to current natural hazard protections. As a result, the amendments are 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 amendments do not address or alter any City recreational programs or land use requirements related to parks and recreation. The amendments are 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 4: Industrial and Other Employment Areas. The amendments to the West Linn Comprehensive Plan Map and Zoning Map will not result in a loss of commercially zoned land. Only one 10,000 square foot property impacted by the proposal was identified as buildable in the 2016 West Linn Economic Opportunities Analysis. This property will change from mixed-use transitional zoning to general commercial zoning. The amendments do not alter the City's compliance with Goal 9. None of the effected properties are 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: Housing Capacity. The amendments to the Comprehensive Plan Map and Zoning Map do not include any properties that are on the City’s residential buildable lands inventory. No changes to the City’s housing capacity are proposed. The amendments do not alter the City’s compliance with Goal 10 and are 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 map amendments do not alter the City’s compliance with Goal 11 and are 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 (TPR)). The Oregon Department of Transportation requested the City conduct a TPR analysis to determine impacts to the 10th Street interchange. The City completed the analysis and found “no significant effect” to the 10th Street interchange as the City is scheduled to install improvements to the 10th Street interchange corridor as part of bond funding approved by the community in May 2018. The improvements are outlined in the 2016 West Linn Transportation System Plan. ODOT concurred with the finding of “no significant effect” based on scheduled improvements and requires no additional improvements to the interchange. The amendments do not alter the City’s compliance with Goal 12 and are 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 map amendments do not alter the City’s compliance with Goal 13 and are 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 map amendments do not alter the City's compliance with Goal 14 and are 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 map amendments do not alter the City's compliance with Goal 15 and are consistent with this goal.

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

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

Oregon Administrative Rule 660-012

Findings: The Land Conservation and Development Commission adopted Oregon Administrative Rule 660-012 (Transportation Planning Rule) to implement Statewide Planning Goal 12 and "to explain how local governments and state agencies responsible for transportation planning demonstrate compliance with other statewide planning goals." Section 10 defines transportation planning, while Section 15 describes planning role requirements under the statewide planning goals. Section 16 describes coordination with federally required regional transportation plans in metropolitan areas. The development of the West Linn Transportation System Plan (TSP) complied with the above sections through collaboration with the Oregon Department of Transportation, the Oregon Department of Land Conservation and Development (DLCD), Metro, and Clackamas County to ensure consistency with associated transportation plans required by the Transportation Planning Rule.

In addition, the Transportation Planning Rule (TPR) outlines the process to evaluate plan and land use regulation amendments for significant effect on a transportation facility in Section 60. As required by the Oregon Department of Transportation (ODOT), the City performed a TPR analysis to determine impacts to the 10th Street interchange from the proposed Comprehensive Plan Map and Zoning Map amendments and found "no significant effect" on a transportation facility. The City is scheduled to install improvements to the 10th Street interchange corridor as part of bond funding approved by the community in May 2018. The improvements are outlined in the 2016 West Linn Transportation System Plan. ODOT concurred with the finding of "no significant effect" based on scheduled improvements and requires no additional improvements to the interchange.

ODOT and the Department of Land Conservation and Development (DLCD), who administers the TPR, was provided ample opportunity to submit comments regarding compliance with the rule.

Oregon Highway Plan

Findings: The Oregon Highway Plan (OHP) delineates and expands all of the policies in the Oregon Transportation Plan related to the highway system. The development of the West Linn TSP complied with the OHP through collaboration with the Oregon Department of Transportation (ODOT), the Oregon Department of Land Conservation and Development (DLCD), Metro, and Clackamas County to

ensure consistency with associated transportation plans required by the Transportation Planning Rule (TPR). The City's transportation policy is consistent with the policy direction of the OHP.

The TPR analysis performed by the City found the Comprehensive Plan Map and Zoning Map amendments have "no significant effect" on a transportation facility and ODOT concurred. As a result, the adoption of the proposed amendments is in compliance with the OHP.

Conclusion: Based on the analysis above, the Commission finds the proposed amendments are 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 amendments will not impact compliance with requirements found in the UGMFP.

The Metro Regional Transportation System Plan

Findings: The development of the West Linn TSP was coordinated with staff from the Oregon Department of Transportation (ODOT), the Oregon Department of Land Conservation and Development (DLCD), Metro, and Clackamas County to ensure consistency across jurisdictions' plans and was found in compliance with federal, state, and regional requirements. The TPR analysis performed by the City found the Comprehensive Plan Map and Zoning Map amendments have "no significant effect" on a transportation facility and ODOT concurred. The proposed amendments will not impact compliance with the Regional Transportation System Plan.

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

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

Goal 1: Citizen Involvement

Policy 2. Support neighborhood associations as a forum for discussion and advice on issues affecting the community.

Findings: The City Council appointed four neighborhood association members to the MU Working Group. Each member had the opportunity to relay information back to the associations for feedback and comment.

Policy 3. Encourage individuals to organize and work in groups to develop recommended programs or position on various issues.

Findings: The City Council appointed the members of the MU Working Group and assigned it the task of recommending potential zoning changes along 8th Avenue. The MU Working Group met four times from

January to April 2018 and again in September 2018 and reached consensus on a final recommendation for zoning changes along 8th Avenue.

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 January 10, 2019 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 Council appointed MU Working Group, who recommended the proposed amendments, met four times between January and April 2018 and again in September 2018. All meetings were open to the public and notice of the meetings were sent to owners of all potentially impacted properties. All meetings were attended by property owners and they were given the opportunity to participate in the group discussions. All MU Working Group materials, including meeting recordings and summaries, were available throughout the process on the City's website. The City Council and Planning Commission also held a publicly noticed joint worksession to discuss this proposal on October 15, 2018. The worksession materials, including a link to the MU Working Group webpage, was available via the City's website. All of the aforementioned venues provided the opportunity for gathering feedback and comments.

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 Council appointed MU Working Group, who recommended the proposed amendments, met four times between January and April 2018 and again in September 2018. All meetings were open to the public and notice of the meetings were sent to owners of all potentially impacted properties. All meetings were attended by property owners and they were given the opportunity to participate in the group discussions. All MU Working Group materials, including meeting recordings and summaries, were available throughout the process on the City's website. The City Council and Planning Commission also held a publicly noticed joint worksession to discuss this proposal on October 15, 2018. The worksession materials, including a link to the MU Working Group webpage, was available 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 of the Planning Commission and City Council public hearings was sent to impacted property owners, persons who requested notice, affected government agencies, neighborhood associations, and was published in the January 10, 2019 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 7. The following are criteria that shall be used when designating residential areas. This list is not exhaustive, but helps determine what types of residential densities are appropriate, given topographical constraints, available public facilities, etc.

a. Low density residential lands will meet the following criteria:

- i) Areas with limited capacity for development in terms of the existing facilities such as sewer, water, and drainage; and/or*
- ii) Areas having development limitations due to the topography, soil characteristics, drainage, high water table, and flooding.*

Finding: None of the 10 properties proposed for zoning changes from a Comprehensive Plan Map designation of low-density residential meet the criteria. All 10 properties have adequate sewer, water, and drainage capacity per the City Engineer and adopted utility master plans. Additionally, none of the 10 properties have slopes above 2.5 percent, nor do they have limitations due to soil, drainage, high water table or flooding. The 10 properties are in close proximity to the commercial core of the Willamette Main Street area and are accessible by walking, biking, and public transit. Four of the properties currently have split zoning between low density residential and commercial. The amendments to the West Linn Comprehensive Plan Map and Zoning Map will correct the inconsistencies with Comprehensive Plan locational criteria.

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 amendments to the West Linn Comprehensive Plan Map and Zoning Map will appropriately use the mixed-use zoning designation, as intended, to provide a transitional buffer between commercially zoned properties and residentially zoned properties. Currently, the properties zoned mixed-use are between two commercially zoned areas. These will be changed to commercial for consistency. The properties proposed for change from low density residential to mixed-use on the north side of 8th Avenue will provide the appropriate buffer for the residential properties and the commercial properties on the south side of 8th Avenue. Current adopted design standards, including landscaping and buffering, will continue to be required.

Section 3: Mixed-Use/Commercial Development

Policy 4. Design and locate existing or proposed commercial uses in a manner that:

- b. Encourages the use of alternative transportation.*

Finding: Seven of the nine properties proposed to change from mixed-use to commercial currently contain commercial uses. Four of the six properties proposed to change from low density residential to commercial currently have split zoning with the front half of the properties zoned commercial along Willamette Falls Drive. All of the properties are accessible by pedestrians and bicyclists, as well as being within one-eighth of a mile of a public transit line, thus encouraging commercial development that has access to alternative modes of transportation.

- d. Encourages small businesses, retail establishments, and other employment activities.*

Finding: Eighteen of the twenty properties proposed to change to mixed-use or commercial are less than 15,000 square feet and currently contain development. The small size of the properties and existing buildings will encourage reuse of the properties with smaller businesses and less impact on the

neighborhood. New development, with limitations from lot coverage standards and parking requirements, will also predominately attract smaller businesses with less impact on the neighborhood.

Policy 5. Commercial rezoning that encourages strip commercial activity shall be prohibited.

Finding: Eighteen of the twenty properties proposed to change to mixed-use or commercial are less than 15,000 square feet and currently contain development. The small size of the properties and existing buildings will encourage reuse of the properties and not strip commercial activity. New development, with limitations from lot coverage standards and parking requirements, will also predominately attract smaller buildings and businesses and not strip development.

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, Oregon Department of Transportation, Oregon Department of Land Use and Development, and all West Linn Neighborhood Associations. They were provided the opportunity to review and comment on the amendments proposed for adoption.

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

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

Goal 6: Air, Water & Land Resources Quality

Section 1: Air Quality

Policy 3. Reduce pollution from vehicle emissions by pursuing an energy efficient urban form that provides for connectivity and reduces the number of vehicle miles traveled.

Policy 5. Encourage employment, mixed-uses, and home occupations within West Linn to reduce commuting and reduce the distance traveled for shopping and other essential services.

Finding: The amendments to the West Linn Comprehensive Plan Map and Zoning Map will provide more opportunity for employment by changing nine mixed-use properties and six low density properties to commercial. Additionally, five low density properties will change to mixed-use, providing more flexibility for potential commercial use. All impacted properties are located in an established neighborhood with public transit access and the amendments could help to promote walking or bicycling to services or combining trips, instead of needing to drive elsewhere.

Goal 7: Areas Subject to Natural Disasters and Hazards

Goal 8: Parks and Recreation

Finding: None of the goals or policies under Goals 7 and 8 apply to this application.

Goal 9: Economic Development

Goal 3. Promote the efficient use of commercial and industrial land adequate to serve a range of employment opportunities in the City.

Policy 1. Preserve employment (commercial and industrial) land to ensure an appropriate mix of uses and jobs-housing balance.

Finding: The amendments to the West Linn Comprehensive Plan Map and Zoning Map will provide more opportunity for employment by changing nine mixed-use properties and six low density properties to commercial. Additionally, five low density properties will change to mixed-use, providing more flexibility for potential commercial use. The small sizes of the properties, 18 of the 20 are less than 15,000 square feet, and most of them being developed already, will promote a mix of uses in a well-established commercial core of the City. Both the commercial and mixed-use properties allow a balance of jobs and housing.

Goal 10: Housing

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

Finding: The amendments to the West Linn Comprehensive Plan Map and Zoning Map will appropriately use the mixed-use zoning designation, as intended, to provide a transitional buffer between commercially zoned properties and residentially zoned properties. Currently, the properties zoned mixed-use are primarily used for commercial purposes and will not alter the character or identity of the neighborhood. The properties proposed for change from low density residential to mixed-use on the north side of 8th Avenue will provide the appropriate buffer for the residential properties from the commercial properties on the south side of 8th Avenue. The mixed-use zoning will allow the current residential uses to continue to preserve the character and identity of the neighborhood.

Goal 11: Public Facilities and Services

Finding: None of the goals or policies under Goal 11 apply to this application.

Goal 12: Transportation

Goal 1. Provide a transportation system for the City of West Linn that:

- a. Provides for maximum mobility while encouraging modes of transportation other than the automobile.*

Finding: The Transportation Planning Rule (TPR) outlines the process to evaluate plan and land use regulation amendments for significant effect on a transportation facility, including mobility. The City performed a TPR analysis for the proposed Comprehensive Plan Map and Zoning Map amendments and found “no significant effect” on a transportation facility. The Oregon Department of Transportation concurred with this finding. In addition, the map amendments are in an established commercial area with pedestrian, bicycle, and public transit access. More concentration of commercial uses in the area will encourage alternative modes of transportations.

Goal 13: Energy Conservation

Goal 14: Urbanizations

Goal 15: Willamette River Greenway

Finding: None of the goals or policies under Goals 13 through 15 apply to this application.

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

5. The applicable provisions of the implementing ordinance.

Finding: Staff is not aware of 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 amendments are consistent with applicable provisions of the implementing ordinance.

EXHIBIT PC-1 – PROPOSED COMPREHENSIVE PLAN MAP AMENDMENT

ORDINANCE NO. 1688

AN ORDINANCE RELATING TO THE AMENDMENT OF WEST LINN COMPREHENSIVE PLAN MAP TO IMPLEMENT THE RECOMMENDATION 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 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 that included future consideration of zoning changes along 8th Avenue; and

WHEREAS, in August 2018, the City Council requested the Willamette Neighborhood Mixed-Use Transitional Zone Working Group reconvene and make a final recommendation on proposed zone changes along 8th Avenue; and

WHEREAS, the Willamette Neighborhood Mixed-Use Transitional Zone Working Group met on September 19, 2018 and reached consensus on recommended zone changes along 8th Avenue; and

WHEREAS, the City Council and Planning Commission held a joint worksession on October 15, 2018 to discuss the recommendation and provide direction to City staff; and

WHEREAS, the Planning Commission held a public hearing on January 23, 2019 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. West Linn Comprehensive Plan Map Amendment. The West Linn Comprehensive Plan Map shall be amended as depicted in Exhibit A.

The following properties shall be included in the Commercial Map Plan Designation:

1600 14th Street (3S 1E 02BB 06200)
1684 12th Street (3S 1E 02BA 01000)
1693 12th Street (3S 1E 02BA 00500)
1841 8th Avenue (3S 1E 02BA 01100)
1975 8th Avenue (3S 1E 02BA 00400)
1995 8th Avenue (3S 1E 02BA 00300)
2005 8th Avenue (3S 1E 02BA 00200)
2015 8th Avenue (3S 1E 02BA 00100)
1800 8th Avenue (2S 1E 35C 02200)
1741 8th Avenue (3S 1E 02BA 01600)
1755 8th Avenue (3S 1E 02BA 01500)
1720 Willamette Falls Drive (3S 1E 02BA 01800)
1793 Willamette Falls Drive (3S 1E 02BA 01400)
1820 Willamette Falls Drive (3S 1E 02BA 01300)
1832 Willamette Falls Drive (3S 1E 02BA 01200)

The following properties shall be included in the Mixed-Use Map Plan Designation:

1698 8th Avenue (3S 1E 02BB 00800)
1722 8th Avenue (3S 1E 02BB 00702)
1752 8th Avenue (3S 1E 02BB 00600)
1771 8th Avenue (3S 1E 02BB 00500)
1796 8th Avenue (3S 1E 02BB 00400)

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 _____, 2019, and duly PASSED and ADOPTED this _____ day of _____, 2019.

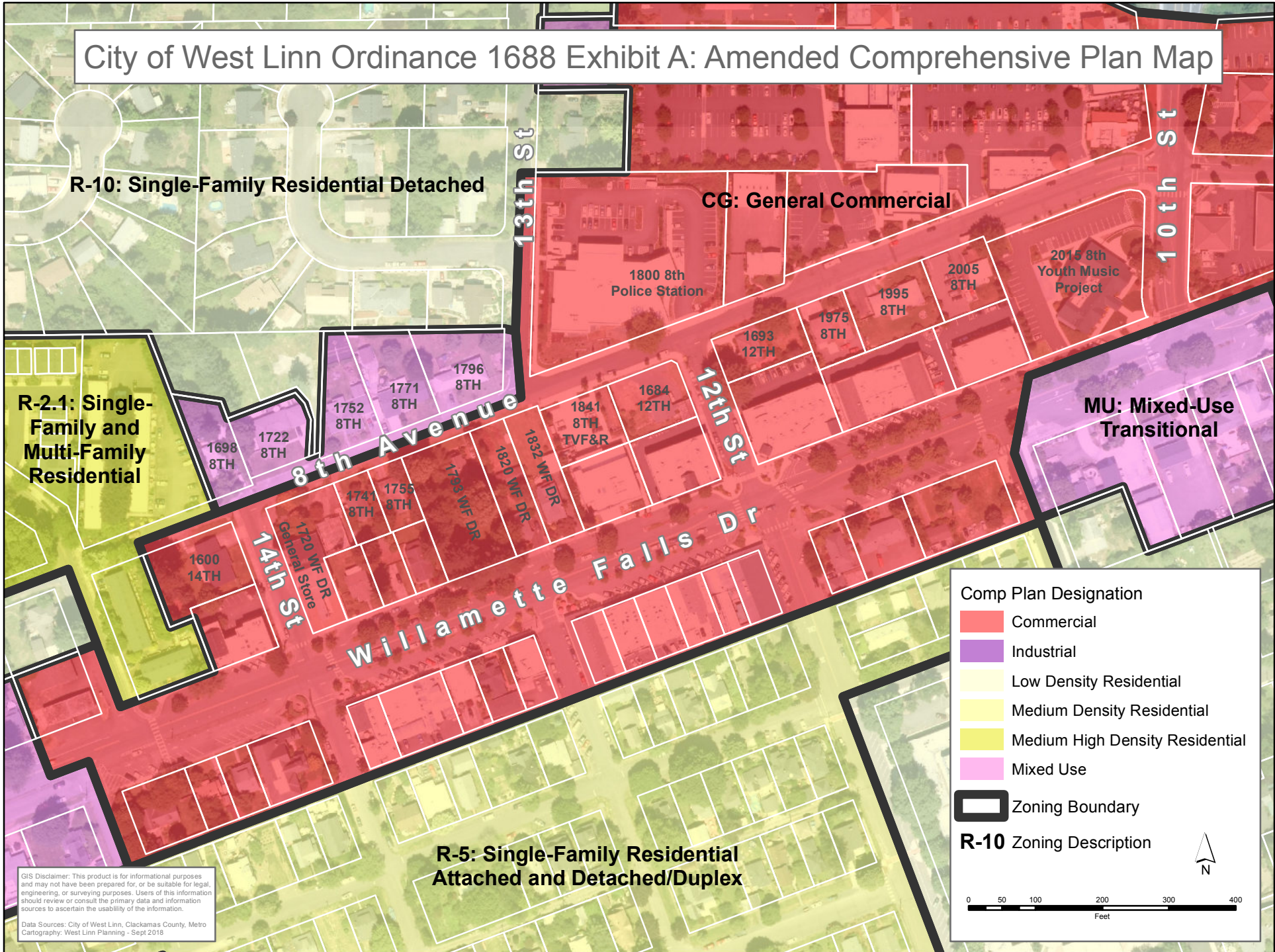
RUSSELL B. AXELROD, MAYOR

KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

City of West Linn Ordinance 1688 Exhibit A: Amended Comprehensive Plan Map



R-10: Single-Family Residential Detached

CG: General Commercial

R-2.1: Single-Family and Multi-Family Residential

MU: Mixed-Use Transitional

R-5: Single-Family Residential Attached and Detached/Duplex

Comp Plan Designation

- Commercial
- Industrial
- Low Density Residential
- Medium Density Residential
- Medium High Density Residential
- Mixed Use
- Zoning Boundary

R-10 Zoning Description

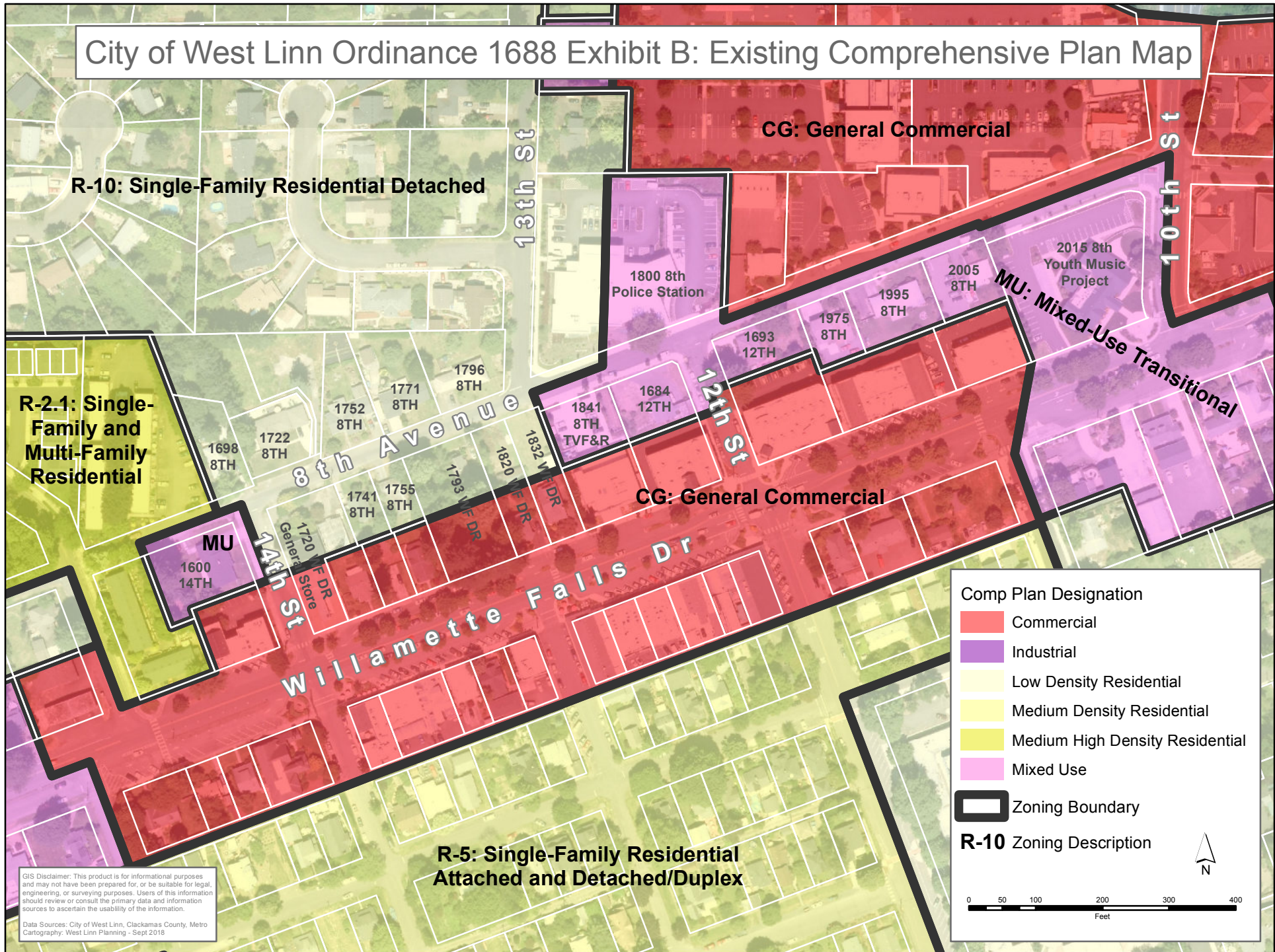
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Data Sources: City of West Linn, Clackamas County, Metro Cartography, West Linn Planning - Sept 2018

City of West Linn Ordinance 1688 Exhibit B: Existing Comprehensive Plan Map



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 - Sept 2018

EXHIBIT PC-2 – PROPOSED ZONING MAP AMENDMENT

ORDINANCE NO. 1689

AN ORDINANCE RELATING TO THE AMENDMENT OF WEST LINN ZONING MAP TO IMPLEMENT THE RECOMMENDATION 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 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 that included future consideration of zoning changes along 8th Avenue; and

WHEREAS, in August 2018, the City Council requested the Willamette Neighborhood Mixed-Use Transitional Zone Working Group reconvene and make a final recommendation on proposed zone changes along 8th Avenue; and

WHEREAS, the Willamette Neighborhood Mixed-Use Transitional Zone Working Group met on September 19, 2018 and reached consensus on recommended zone changes along 8th Avenue; and

WHEREAS, the City Council and Planning Commission held a joint worksession on October 15, 2018 to discuss the recommendation and provide direction to City staff; and

WHEREAS, the Planning Commission held a public hearing on January 23, 2019 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. West Linn Zoning Map Amendment. The West Linn Zoning Map shall be amended as depicted in Exhibit A.

The following properties shall be included in the General Commercial Zone:

1600 14th Street (3S 1E 02BB 06200)
1684 12th Street (3S 1E 02BA 01000)
1693 12th Street (3S 1E 02BA 00500)
1841 8th Avenue (3S 1E 02BA 01100)
1975 8th Avenue (3S 1E 02BA 00400)
1995 8th Avenue (3S 1E 02BA 00300)
2005 8th Avenue (3S 1E 02BA 00200)
2015 8th Avenue (3S 1E 02BA 00100)
1800 8th Avenue (2S 1E 35C 02200)
1741 8th Avenue (3S 1E 02BA 01600)
1755 8th Avenue (3S 1E 02BA 01500)
1720 Willamette Falls Drive (3S 1E 02BA 01800)
1793 Willamette Falls Drive (3S 1E 02BA 01400)
1820 Willamette Falls Drive (3S 1E 02BA 01300)
1832 Willamette Falls Drive (3S 1E 02BA 01200)

The following properties shall be included in the Willamette Neighborhood Mixed-Use Transitional Zone:

1698 8th Avenue (3S 1E 02BB 00800)
1722 8th Avenue (3S 1E 02BB 00702)
1752 8th Avenue (3S 1E 02BB 00600)
1771 8th Avenue (3S 1E 02BB 00500)
1796 8th Avenue (3S 1E 02BB 00400)

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 _____, 2019, and duly PASSED and ADOPTED this _____ day of _____, 2019.

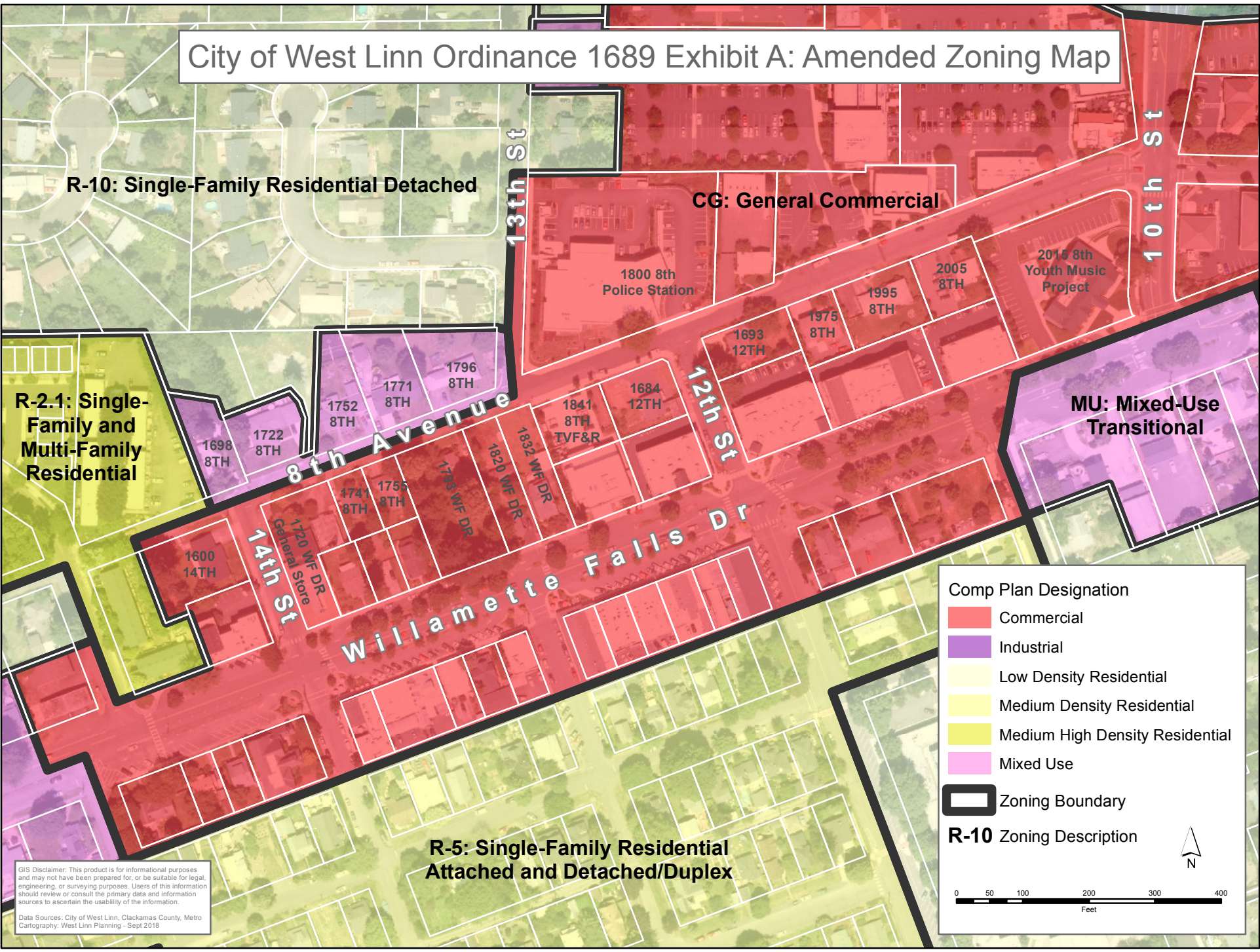
RUSSELL B. AXELROD, MAYOR

KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

City of West Linn Ordinance 1689 Exhibit A: Amended Zoning Map



R-10: Single-Family Residential Detached

CG: General Commercial

R-2.1: Single-Family and Multi-Family Residential

MU: Mixed-Use Transitional

R-5: Single-Family Residential Attached and Detached/Duplex

Comp Plan Designation

- Commercial
- Industrial
- Low Density Residential
- Medium Density Residential
- Medium High Density Residential
- Mixed Use
- Zoning Boundary

R-10 Zoning Description

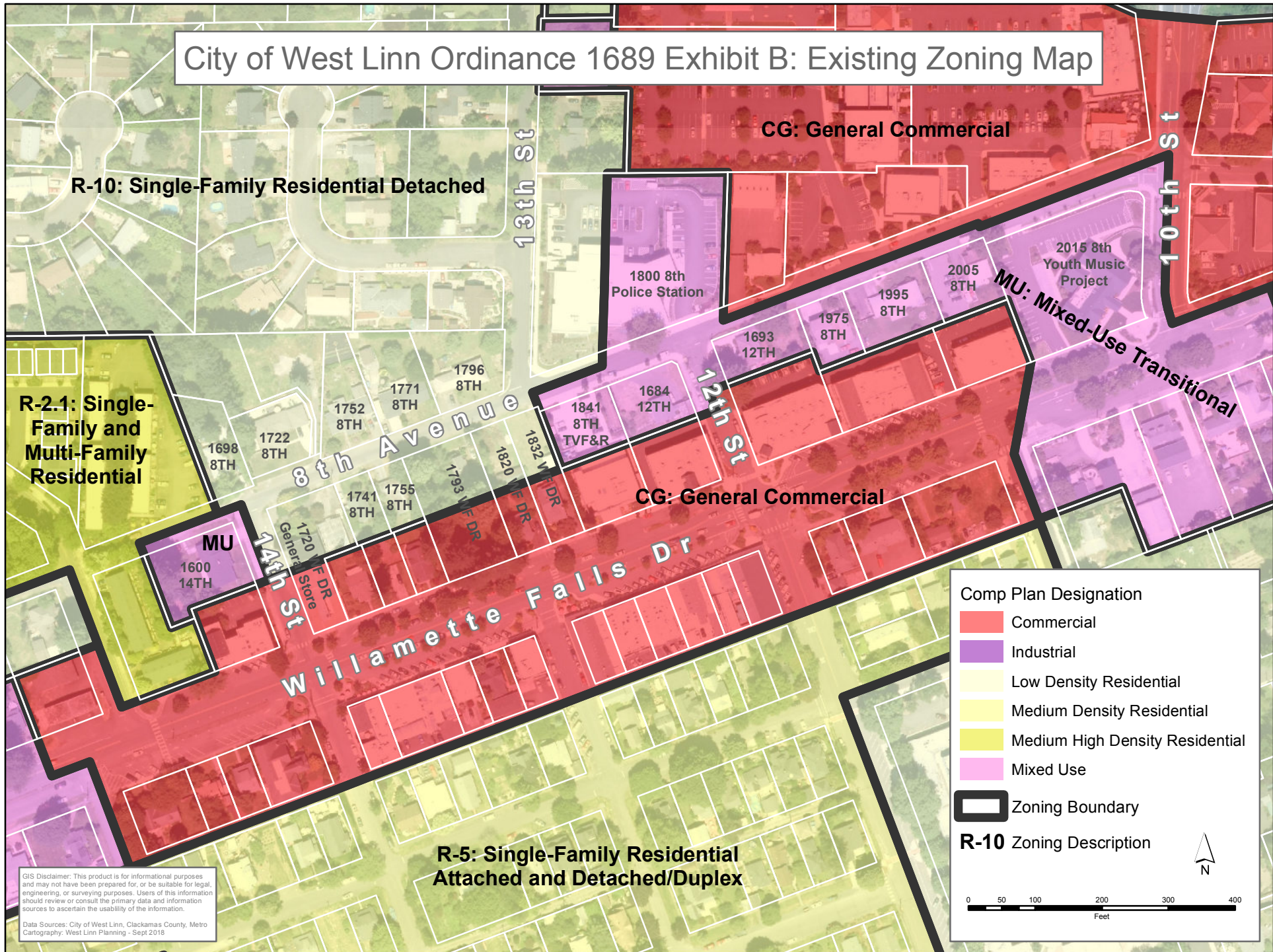
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Data Sources: City of West Linn, Clackamas County, Metro Cartography, West Linn Planning - Sept 2018

City of West Linn Ordinance 1689 Exhibit B: Existing Zoning Map



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Data Sources: City of West Linn, Clackamas County, Metro Cartography, West Linn Planning - Sept 2018

EXHIBIT PC-3 – TRANSPORTATION PLANNING RULE ANALYSIS



Oregon

Kate Brown, Governor

Department of Transportation

Region 1 Headquarters
123 NW Flanders Street
Portland, Oregon 97209
(503) 731.8200
FAX (503) 731.8259

December 27, 2018

ODOT #8689

ODOT Response

Project Name: City of West Linn Comp Plan Amendments-Zone Change	Applicant: City of West Linn
Jurisdiction: City of West Linn	Jurisdiction Case #: Public Hearing PLN-18-02
Site Address: site specific, West Linn, OR	Legal Description: 03S 01E 02BA Tax Lot(s): 00100
State Highway: I-205/10 th St Interchange	Mileposts: _____

The site of this proposed land use action is in the vicinity of the I-205/10th St interchange. ODOT has permitting authority for this facility and an interest in ensuring that this proposed land use is compatible with its safe and efficient operation.

- ODOT has determined there will be no significant impacts to state highway facilities and no additional state review is required.

COMMENTS

Thank you for providing the updated Transportation Planning Rule memo. We have determined that there will not be a significant effect on the interchange.

Please send a copy of the Notice of Decision including conditions of approval to:

ODOT Region 1 Planning
Development Review
123 NW Flanders St
Portland, OR 97209

Region1_DEVREV_Applications@odot.state.or.us

Development Review Planner: Marah Danielson	503.731.8258, marah.b.danielson@odot.state.or.us
Traffic Contact: Avi Tayar, P.E.	503.731.8221



1970 Broadway, Suite 740
Oakland, CA 94612-2219
510.763.2061
www.dksassociates.com

MEMORANDUM

DATE: December 21, 2018

TO: Darren Wyss, City of West Linn

FROM: Garth Appanaitis, DKS Associates

SUBJECT: West Linn 8th Avenue Rezone TPR Findings

This memorandum summarizes the Transportation Planning Rule (TPR) findings for a proposed rezone of 20 parcels along 8th Avenue, west of 10th Street, in West Linn related to proposed Ordinances 1688 and 1689. The TPR assessment indicates that the nominal trip potential for the proposed zoning would be mitigated by the recent funding actions of planned transportation improvements in the 10th Street Corridor area, and that the proposed zone changes would not create a significant effect.

The 20 parcels are currently zoned either R-10 or mixed-use (figure attached). The proposed zoning would include general commercial and mixed-use (figure attached). Due to the majority of the properties already being zoned mixed-use (similar permitted uses to commercial zoning) and proposed changes from residential to commercial/mixed-use being limited to approximately two acres with many small lots, the additional trip potential for the area would be nominal.

The West Linn Transportation System Plan (TSP) identifies several transportation improvements near the subject parcels that assume varying priorities and implementation schedules for each project over the planning horizon. However, in May 2018 the voters of West Linn approved Ballot Measure 3-527, which authorized up to \$20 million of general obligation bonds to improve city infrastructure, including roads¹. The package of improvements includes the Historic Willamette Main Street and 10th Street Interchange Streetscape Improvements, which collectively includes the transportation improvements identified in the TSP for this area. The improvements to be designed and constructed by 2021 include:

- Widen 10th Street between the I-205 NB Ramps and the I-205 SB Ramps to provide two through lanes in each direction.
 - This allows for one left-turn lane and one continuous through lane in both directions between the ramps (the left-turn lanes between the ramps would be

¹ <https://westlinnoregon.gov/go-bond>



side-by-side instead of back-to-back allowing for twice the amount of queue storage).

- Widen 10th Street between the I-205 NB Ramps and Willamette Falls Drive to provide two lanes in each direction.
- Provide continuous sidewalks and bicycle facilities along 10th Street from Blankenship-Salamo Road to Willamette Falls Drive. The bicycle facilities should be designed to be low-stress and provide separation for bicycles from vehicles.
- Widen Blankenship-Salamo Road to provide dual left-turn lanes from Salamo Road and dual left-turn lanes from 10th Street at the 10th Street/Blankenship-Salamo Road intersection.
- Add a second exclusive right turn lane to the eastbound approach to the 10th Street/Blankenship-Salamo Road intersection if necessary to address queuing; however, the need for this improvement would be eliminated by realigning Tannler Drive with the commercial driveway located approximately 350 feet west of its current alignment.
- Install channelization at the 10th Street/8th Avenue-Court intersection to restrict the eastbound left, eastbound-through, northbound left, and westbound-through movements.
 - The channelization would result in an increase in the southbound left-turn volume at the 12th Street/Willamette Falls Drive intersection and the eastbound left-turn volume at the 10th Street/Willamette Falls Drive intersection. Traffic signals are warranted at the intersections under existing traffic conditions with channelization at the 10th Street/8th Avenue-Court intersection.
- Install dual eastbound left-turn lanes at 10th Street/Willamette Falls Drive intersection.
- Install traffic signals at 12th Street/Willamette Falls Drive and at 10th Street/Willamette Falls Drive intersections. Coordinate the traffic signals along 10th Street and Willamette Falls Drive to minimize queuing and delay at each approach to the I-205 Ramp terminals.
- During preliminary design of the 10th Street Corridor, further evaluate traffic operations, the feasibility of the signal coordination, and identify the project footprint.

In addition to the funding and construction of these improvements along the Willamette Falls Drive and 10th Street corridors, Metro's Regional Transportation Plan (RTP) identifies that improvements along I-205 in the area will be funded. These collective transportation improvements will offset any nominal impacts to the transportation system due to the proposed rezoning of properties along 8th Avenue.

Attachments:

- 8th Avenue Rezone – Affected Properties Rezone Summary
- Current and Proposed Zoning Map

City of West Linn – Proposed 8th Avenue Rezone
Affected Properties

Rezone from Mixed-Use Transitional Zone to General Commercial

1600 14th Street (3S 1E 02BB 06200) – 0.34 acres w/commercial business
1684 12th Street (3S 1E 02BA 01000) – 0.23 acres w/empty single-family home
1693 12th Street (3S 1E 02BA 00500) – 0.22 acres w/new single-family home under construction
1841 8th Avenue (3S 1E 02BA 01100) – 0.23 acres w/Fire Station parking lot
1975 8th Avenue (3S 1E 02BA 00400) – 0.17 acres w/commercial business
1995 8th Avenue (3S 1E 02BA 00300) – 0.29 acres w/commercial businesses
2005 8th Avenue (3S 1E 02BA 00200) – 0.23 acres w/single-family home & commercial parking lot
2015 8th Avenue (3S 1E 02BA 00100) – 0.94 acres w/commercial business

Rezone from Mixed-Use Transitional/R-10 to General Commercial

1800 8th Avenue (2S 1E 35C 02200) – 1.67 acres w/West Linn Police Station

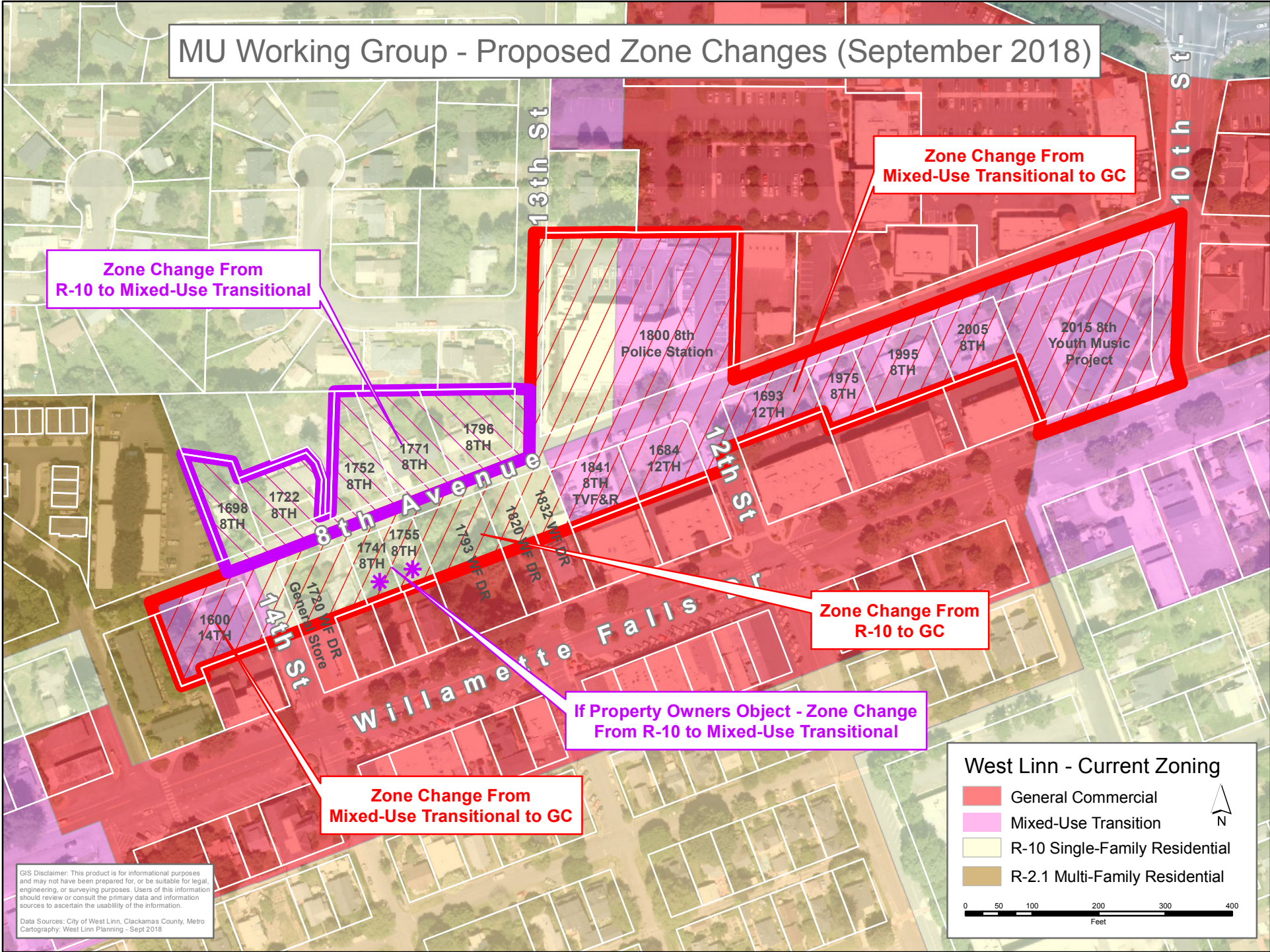
Rezone from R-10 to General Commercial

1741 8th Avenue (3S 1E 02BA 01600) – 0.13 acres w/single-family home
1755 8th Avenue (3S 1E 02BA 01500) – 0.13 acres w/empty single-family home
1720 Willamette Falls Drive (3S 1E 02BA 01800) – 0.25 acres w/commercial structure
1793 Willamette Falls Drive (3S 1E 02BA 01400) – 0.25 acres w/single-family home
1820 Willamette Falls Drive (3S 1E 02BA 01300) – 0.13 acres w/no development
1832 Willamette Falls Drive (3S 1E 02BA 01200) – 0.13 acres w/no development

Rezone from R-10 to Mixed-Use Transitional Zone

1698 8th Avenue (3S 1E 02BB 00800) – 0.23 acres w/single-family home
1722 8th Avenue (3S 1E 02BB 00702) – 0.24 acres w/single-family home
1752 8th Avenue (3S 1E 02BB 00600) – 0.27 acres w/single-family home
1771 8th Avenue (3S 1E 02BB 00500) – 0.31 acres w/single-family home
1796 8th Avenue (3S 1E 02BB 00400) – 0.31 acres w/single-family home

MU Working Group - Proposed Zone Changes (September 2018)



Zone Change From R-10 to Mixed-Use Transitional

Zone Change From Mixed-Use Transitional to GC

Zone Change From R-10 to GC

If Property Owners Object - Zone Change From R-10 to Mixed-Use Transitional

Zone Change From Mixed-Use Transitional to GC

West Linn - Current Zoning

- General Commercial
- Mixed-Use Transition
- R-10 Single-Family Residential
- R-2.1 Multi-Family Residential

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Feet

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Data Sources: City of West Linn, Clackamas County, Metro Cartography: West Linn Planning - Sept 2018



Oregon

Kate Brown, Governor

Department of Transportation

Region 1 Headquarters
123 NW Flanders Street
Portland, Oregon 97209
(503) 731.8200
FAX (503) 731.8259

October 25, 2018

ODOT Case No: 8689

To: Darren Wyss, Associate Planner

From: Marah Danielson, Senior Planner

Subject: Public Hearing PLN-18-02: City of West Linn Comp Plan Amendments-
Zone Change
I-205/10th St Interchange

We have reviewed the City's proposed ordinances number 1688 and 1689 to do comprehensive map and zoning map amendments for properties along 8th Ave, Willamette Falls Dr, 12th St and 14th St. These properties are located in the vicinity of the I-205/10th St interchange. ODOT has permitting authority for this facility¹ and an interest in assuring that the proposed zone change/comprehensive plan amendment is consistent with the identified function, capacity and performance standard of this facility. According to the 1999 Oregon Highway Plan (OHP), this facility is classified an Interstate highway and the performance standard is .85 volume to capacity (v/c) ratio.

For zone changes and comprehensive plan amendments, local governments must make a finding that the proposed amendment complies with the Transportation Planning Rule (TPR), OAR 660-012-0060. There must be substantial evidence in the record to either make a finding of "no significant effect" on the transportation system, or if there is a significant effect, require assurance that the land uses to be allowed are consistent with the identified function, capacity, and performance standard of the transportation facility.

In order to determine whether or not there will be a significant effect on the State transportation system, ODOT requests that (auto entry field) require the applicant to prepare a traffic impact study (TIS) prepared by a transportation engineer registered in Oregon. The analysis should address the following:

1. A comparison between the land use with the highest trip generation rate allowed outright under the proposed zoning/comp plan designation and the land use with the highest trip generation rate allowed outright under the existing zoning/comprehensive plan designation (this is commonly referred to as the "reasonable worst case" traffic analysis). The analysis should utilize the current edition of Institute of Transportation Engineers (ITE) *Trip Generation* manual, unless otherwise directed. To determine the maximum amount of

¹ OAR 734-051 website: http://arcweb.sos.state.or.us/rules/OARS_700/OAR_734/734_051.html

building square footage that could be put on the site the analyst should look at the number of parking spaces, building height, and required landscaping in the local development code.

Note: It is important that the applicant's transportation engineer provide ODOT the opportunity to review and concur with the mix of land uses and square footage they propose to use for the "reasonable worst case" traffic analysis for both existing and proposed zoning prior to commencing the traffic analysis, particularly if the applicant chooses to perform their analysis using a trip generation rate determined by any means other than *ITE Trip Generation*.

2. Analysis may rely on existing and planned transportation improvements in which a funding mechanism is in place including but not limited to projects identified in:
 - State Transportation Improvement Program (STIP),
 - Local/County Capital Improvement Plans (CIP),
 - Financially constrained Regional Transportation System Plan (RTP),
3. The analysis should apply the highway mobility standard (volume-to-capacity ratio) identified in the OHP over the planning horizon in the adopted local transportation system plan of the area or 15 years from the proposed date of amendment adoption, whichever is greater (OHP Action 1F2).
4. In situations where the highway facility is operating above the OHP mobility standard and transportation improvements are not anticipated within the planning horizon to bring performance to standard, the performance standard is to avoid further degradation. If the proposed zone change or comprehensive plan amendment increases the volume-to-capacity ratio further, it will significantly affect the facility (OHP Action 1F6).
5. The analysis should not include any existing or proposed approaches on the highway unless the proposed site is landlocked². If landlocked, the analysis should only use one approach to the highway.

Prior to commencing the TIS, the applicant should contact Avi Tayar, ODOT Region 1 Development Review Engineer Lead at 503.731.8221 to obtain ODOT concurrence with the scope of the study.

Thank you for providing ODOT the opportunity to participate in this land use review. If you have any questions regarding this matter, please contact me at 503.731.8258.

C: Avi Tayar, P.E., ODOT Engineer Lead

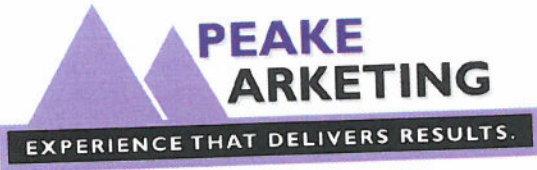
² A parcel is considered 'landlocked' if it has no other reasonable access other than to a state highway. Burden of proof is on the applicant to provide justification as to why access to a road other than a state highway is not reasonable.

EXHIBIT PC-4 – PUBLIC COMMENT

From: [Jerry Sparks](#)
To: [Wyss, Darren](#)
Subject: 8th ave rezoning
Date: Thursday, January 10, 2019 4:24:09 PM

We support the rezoning of our property 1796. 8th ave. Thank
you.

Jerry & LeAnna Sparks



1600 14th Street
West Linn, OR 97068

Phone: 503.650.1616
Fax: 503.650.8630

www.peakemarketing.com

November 15, 2018

Darren Wyss
City of West Linn
22500 Salamo Rd
West Linn OR 97068

Darren

Regarding your letter of October 10, 2018, we would like the zone changed for 1600 14th Street to General Commercial. I was going to attend the meeting on October 15th, but it was cancelled.

I discussed this with Mayor Axelrod last night at the Willamette Neighborhood Association meeting, as I had not received any updates since your letter. He informed me that the plan was moving forward, and that 1600 14th Street should be and can be included.

Thank you for your assistance,


Steve Peake

CC Mayor Axelrod

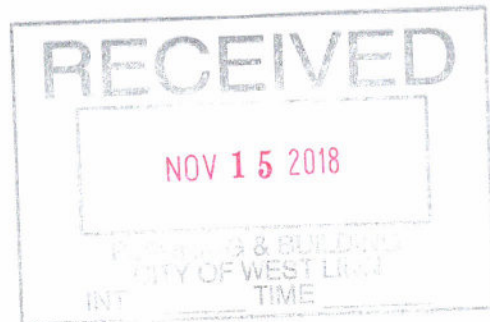


EXHIBIT PC-5 – MU WORKING GROUP MEMO/RECOMMENDATION

Memorandum

Date: September 27, 2018

To: West Linn City Council and West Linn Planning Commission

From: Willamette Neighborhood Mixed-Use Transitional Zone Working Group

Subject: 8th Avenue Rezone Proposal – Final Recommendation

The Willamette Neighborhood Mixed-Use Transitional Zone Working Group (MU Working Group) met on September 19, 2018 for the purpose of making a final recommendation on rezoning properties along 8th Avenue. The meeting was requested by City Council to follow-up on two of the five recommendations for future consideration made in April 2018 by the MU Working Group:

- 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.

Present at the meeting were four MU Working Group members and two property owners. Primary topics of discussion included: likelihood of redevelopment (size, current improvements, parking needs), properties with frontage on both Willamette Falls Drive and 8th Avenue, purpose of each zone, and potential impacts to single-family homeowners. Based on the group discussion and feedback received from property owners, both previously and at the meeting, the MU Working Group made a final recommendation to consider rezoning 8th Avenue as follows (please also see attached map):

Rezone from Mixed-Use Transitional Zone to General Commercial

1600 14 th Street	1975 8 th Avenue
1684 12 th Street	1995 8 th Avenue
1693 12 th Street	2005 8 th Avenue
1841 8 th Avenue (TVF&R Parking Lot)	2015 8 th Avenue

Rezone from Mixed-Use Transitional/R-10 to General Commercial

1800 8th Avenue (West Linn Police Station)

Rezone from R-10 to General Commercial

1741 8th Avenue

1755 8th Avenue

1720 Willamette Falls Drive*

1793 Willamette Falls Drive*

1820 Willamette Falls Drive*

1832 Willamette Falls Drive*

*Property contains frontage on both 8th Avenue and Willamette Falls Drive

Rezone from R-10 to Mixed-Use Transitional Zone

1698 8th Avenue

1722 8th Avenue

1752 8th Avenue

1771 8th Avenue

1796 8th Avenue

Since the City received no feedback from the property owners at 1741 and 1755 8th Avenue, the group agreed a change from R-10 to Mixed-Use Transitional Zone would be acceptable if the property owners objected to the proposed change to General Commercial. This decision was based on the properties containing single-family homes and the impact moving to the General Commercial zone.

On behalf of the MU Working Group, we would like to thank City Council for the opportunity to follow-up on previous discussions and develop this recommendation for consideration. We would also like to remind City Council of the group's other three recommendations for future consideration from April 2018 and hope they will get addressed in a timely manner.

- 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.

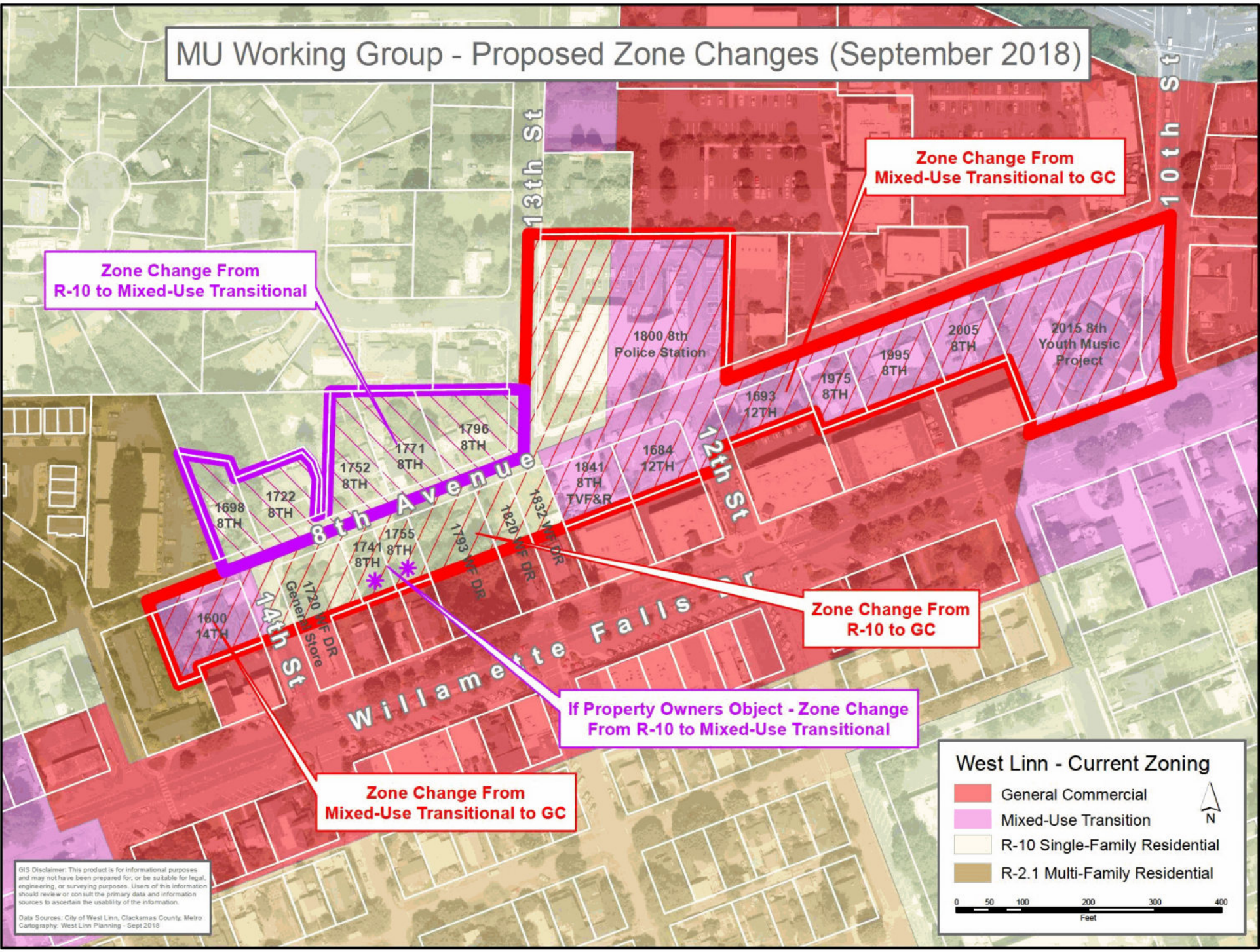
Respectfully,



Shannen Knight

Chair, MU Working Group

MU Working Group - Proposed Zone Changes (September 2018)



West Linn - Current Zoning

- General Commercial
- Mixed-Use Transition
- R-10 Single-Family Residential
- R-2.1 Multi-Family Residential

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Feet

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Data Sources: City of West Linn, Clackamas County, Meiro Cartography: West Linn Planning - Sept 2018

EXHIBIT PC-6 – 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. PLN-18-02 Applicant's Name COWL
Development Name _____
Scheduled Meeting/Decision Date 1-23-19 (PC) 3-11-19 (CC)

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) 1-3-19 in mass (signed) S. Shroyer
- C. School District/Board (date) 1-3-19 (signed) S. Shroyer
- D. Other affected gov't. agencies (date) 1-3-19 (signed) S. Shroyer
- E. Affected neighborhood assns. (date) 1-3-19 (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) 1-10-19 (signed) S. Shroyer
City's website (posted date) 1-3-19 (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) 1/11/2019 (signed) Don S. Wagoner

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 PLN-18-02**

This is to notify you that the City of West Linn has proposed Comprehensive Plan Map and Zoning Map changes that may affect the permissible uses of your property.

On **January 23, 2019, at 6:30 p.m.** in the Council Chambers of City Hall, 22500 Salamo Road, the West Linn Planning Commission will hold a public hearing regarding the adoption of Ordinance Numbers 1688 and 1689. The City of West Linn has determined that adoption of these ordinances may affect the permissible uses of your property and may change the value of your property.

Ordinance Numbers 1688 and 1689 are available for inspection at the West Linn City Hall located at 22500 Salamo Road. Copies of Ordinance Numbers 1688 and 1689 are also available for purchase at a cost of \$0.25 a page after the first five pages. The information is also available on the West Linn website at <https://westlinnoregon.gov/planning/8th-avenue-rezone>. For additional information concerning Ordinance Numbers 1688 and 1689, you may call the West Linn Planning Department at 503-742-6060.

Ordinance Number 1688 proposes amendments to the West Linn Comprehensive Plan Map and Ordinance 1689 proposes amendments to the West Linn Zoning Map.

You are receiving this notice because you own property along 8th Avenue where the proposed map amendments are located. Some properties are proposed to be rezoned from R-10: Single-Family Residential Detached and Mixed-Use Transitional to General Commercial, while other properties are proposed to be rezoned from R-10: Single-Family Residential Detached to Mixed-Use Transitional.

The hearing will be conducted in accordance with the rules of CDC Section 98.120. Written testimony on this proposed action may be submitted prior to, or at the public hearing. Oral testimony may be presented at the public hearing. At the public hearing, the Planning Commission will receive a staff presentation, and invite both oral and written testimony. The Planning Commission 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.

At least 10 days prior to the hearing, a copy of the proposed amendments and associated staff report will be available for inspection. In addition, the project file PLN-18-02 containing the proposed amendments and related information is available for review at the Planning Department.

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 March 11, 2019 at 6:30 p.m., in the Council Chambers of City Hall, 22500 Salamo Road, West Linn.** 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
PUBLIC HEARING PLN-18-02**

**TO ADOPT COMPREHENSIVE PLAN MAP AMENDMENTS AND ZONING MAP
AMENDMENTS FOR PROPERTIES ALONG 8TH AVENUE IN THE WILLAMETTE
NEIGHBORHOOD.**

The West Linn Planning Commission will hold a public hearing on **Wednesday, January 23, 2019 at 6:30 p.m.** in the Council Chambers of City Hall, 22500 Salamo Road, West Linn, to consider adoption of the Council appointed Mixed-Use Working Group recommendation for rezoning properties along 8th Avenue. 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, March 11, 2019 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.

The recommendation includes amendments to West Linn Comprehensive Plan Map and West Linn Zoning Map for properties located along 8th Avenue. Some properties are proposed to be rezoned from R-10: Single-Family Residential Detached and Mixed-Use Transitional to General Commercial, while other properties are proposed to be rezoned from R-10: Single-Family Residential Detached to Mixed-Use Transitional.

At least 10 days prior to the hearing, a copy of the proposed amendments 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 <https://westlinnoregon.gov/planning/8th-avenue-rezone>. 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.

Publish: West Linn Tidings, January 10, 2019

MAILED
1-23-19 55
Tidings : others



CITY OF West Linn

CITY OF WEST LINN NOTICE OF UPCOMING PLANNING COMMISSION HEARING

**PROJECT # PLN-18-02
MAIL: 1/3/19 TIDINGS: 1/10/19**

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.

From: [John Christiansen](#)
To: [Wyss, Darren](#)
Cc: rose4278@gmail.com
Subject: FW: Rezoning of Properties
Date: Monday, February 18, 2019 1:54:31 PM
Attachments: [PLN-18-02 ORD 1689 Exhibit A.PDF](#)
[PLN-18-02 ORD 1689 Exhibit B.PDF](#)

Hi Darren,

My wife and I are the owners of the property located at 1746 8th Avenue, West Linn. I'm writing to inform you that we do not wish to have our property rezoned and instead would like to remain under the current R-10 zoning designation. I believe our neighbors Tim and Susan McFee have conveyed a similar message. Thanks for your consideration on this matter.

Regards,

John P. Christiansen

From: Rose Christiansen <rose4278@gmail.com>
Sent: Monday, February 18, 2019 1:48 PM
To: John Christiansen <johnc@aks-eng.com>
Subject: Fwd: Rezoning of Properties

EXTERNAL EMAIL: This email originated from outside of AKS Engineering & Forestry. Do not click links or open attachments unless you recognize the sender and know the content is safe.

----- Forwarded message -----

From: **Wyss, Darren** <dwyss@westlinnoregon.gov>
Date: Thu, Jan 24, 2019 at 9:45 AM
Subject: Rezoning of Properties
To: susanmcphee@comcast.net <susanmcphee@comcast.net>
Cc: rose4278@gmail.com <rose4278@gmail.com>

Susan,

It was a pleasure to meet you last night. Thanks for attending the Planning Commission meeting and letting the City know of your interest in potentially rezoning your property to Mixed-Use as part of the 8th Avenue zoning change proposal that will be going to City Council for adoption on March 11, 2019. As you know, the Planning Commission recommended including your property (1734 8th Ave) as well as your neighbors at 1746 8th Ave., if both of you agree to the change. I have attached the existing and proposed zoning map so you can see what changes are proposed.

Rose, I was given your email address by your neighbors. The Planning Commission did not want to recommend this zone change on your property without your support, hence this email since you

were not at the meeting last night.

I would be more than happy to meet with all of you if you have any questions/concerns about a zone change on your property. Otherwise, please send me an email outlining either your support or for a change to Mixed-Use for your properties, or your preference to remain zoned R-10: Single-Family Residential.

Feel free to give me a call if you have questions. Thanks and I look forward to hearing from you.

Darren Wyss

Associate Planner

Planning

22500 Salamo Rd.

West Linn, Oregon 97068

dwyss@westlinnoregon.gov

westlinnoregon.gov

503-742-6064



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Please consider the impact on the environment before printing a paper copy of this email.
This e-mail is subject to the State Retention Schedule and may be made available to the public

From: [Susan D McPhee](#)
To: [Wyss, Darren](#)
Cc: [Rose Christiansen](#)
Subject: Re: Rezoning of Properties
Date: Thursday, February 7, 2019 8:35:50 AM

Darren,

After much research and debate, both households would like to remain R-10; single family residential.

Thank you so much for giving us the option!

Susan McPhee
susanmcphee@comcast.net
503-349-2498

On Jan 25, 2019, at 11:52 AM, Wyss, Darren <dwyss@westlinnoregon.gov> wrote:

Susan,

If you are referring to the property at the corner of 8th Avenue and 12th Street, the owners received approval for a new house while it was zoned mixed-use. Single-family homes are permitted in the mixed-use zone. A legally built single-family home can continue to be used in that manner in the general commercial zone until the use is abandoned for one-year. At that point the structure would not be allowed to be used as single-family again.

The deadline for getting me a response is February 18th. You have some time ☺ And again, if you have questions, I would be happy to meet with everyone if necessary. Thanks.

From: Susan D McPhee [<mailto:susanmcphee@comcast.net>]
Sent: Friday, January 25, 2019 9:37 AM
To: Wyss, Darren <dwyss@westlinnoregon.gov>
Cc: Rose Christiansen <rose4278@gmail.com>
Subject: Re: Rezoning of Properties

Hello Darren,

I have a few questions. This has to do with other properties on 8th Ave. Can people live on properties zoned commercial? I ask because it looks like Icon received a permit to build a house or houses on property that will be re-zoned to commercial.

Also, what is the deadline to give you our response? I think both families need time to get information to make this decision.

Thank you,

Susan McPhee
susanmcphee@comcast.net
503-349-2498

On Jan 25, 2019, at 7:59 AM, Wyss, Darren
<dwyss@westlinnoregon.gov> wrote:

Thanks for the response. If you have any questions about the mixed-use zone & how a change would impact your property, just let me know.

From: Rose Christiansen [<mailto:rose4278@gmail.com>]
Sent: Thursday, January 24, 2019 9:58 PM
To: Wyss, Darren <dwyss@westlinnoregon.gov>
Cc: susanmcphee@comcast.net
Subject: Re: Rezoning of Properties

Darren,
Thank you so much for reaching out. I really appreciate the information and including us in this decision. Susan and I will connect and let you know our decision.

On Thu, Jan 24, 2019 at 9:45 AM Wyss, Darren
<dwyss@westlinnoregon.gov> wrote:

Susan,
It was a pleasure to meet you last night. Thanks for attending the Planning Commission meeting and letting the City know of your interest in potentially rezoning your property to Mixed-Use as part of the 8th Avenue zoning change proposal that will be going to City Council for adoption on March 11, 2019. As you know, the Planning Commission recommended including your property (1734 8th Ave) as well as your neighbors at 1746 8th Ave., if both of you agree to the change. I have attached the existing and proposed zoning map so you can see what changes are proposed.

Rose, I was given your email address by your neighbors. The Planning Commission did not want to recommend this zone change on your property without your support, hence this email since you were not at the meeting last night.

I would be more than happy to meet with all of you if you have any questions/concerns about a zone change on your property. Otherwise, please send me an email outlining either your support or for a change to Mixed-Use for your properties, or your preference to remain zoned R-10: Single-Family Residential.

Feel free to give me a call if you have questions. Thanks and I look forward to hearing from you.

Darren Wyss

Associate Planner

Planning

22500 Salamo Rd.

West Linn, Oregon 97068

dwyss@westlinnoregon.gov

westlinnoregon.gov

503-742-6064

[<image001.jpg>](#)

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