



**CITY OF
West Linn**

**STAFF REPORT
FOR THE PLANNING COMMISSION**

FILE NUMBER: CDC-20-01

HEARING DATE: August 5, 2020

REQUEST: To consider a recommendation to City Council for adoption of proposed text amendments to the 2016 West Linn Transportation System Plan and to West Linn Community Development Code Chapters 2 and 85.

APPROVAL CRITERIA: Community Development Code (CDC) Chapters 98, 100, and 105

STAFF REPORT PREPARED BY: Darren Wyss, Acting Planning Manager

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GENERAL INFORMATION

APPLICANT: City of West Linn

DESCRIPTION: The proposal includes amendments to implement a minimum paved width for public streets in new subdivisions and updated definitions for major and minor utilities to clarify stormwater facilities associated with development are minor utilities.

**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: Legal notice was published in the West Linn Tidings on July 23, 2020 and provided to required public agencies and persons who requested notice in writing on July 16, 2020.

120-DAY RULE: Not applicable to this legislative action.

EXECUTIVE SUMMARY

Land Use File CDC-20-01 contains proposed amendments to the 2016 West Linn Transportation System Plan and to West Linn Community Development Code (CDC) Chapters 2 and 85. The proposal was brought forth in response to community concerns over the width of streets in new subdivisions and a Planning Commission request to clarify and codify whether stormwater “ponds” were a permitted use as it was not clearly defined in the code. The City Council directed staff to put together an amendment proposal and work with the Planning Commission to refine it and bring it through the legislative process.

The Planning Commission met a number of times in Spring/Summer 2020 to review and discuss a package of amendments and after finding consensus, directed staff to bring the proposal through the legislative process.

Staff is seeking a recommendation from the Planning Commission regarding CDC-20-01. This staff report details the background and intention of the proposed amendments, addresses applicable criteria, and supports the proposed amendments.

The proposed amendments address City Council’s direction to implement a standard street width for new subdivisions and clarifies the stormwater “pond” question raised by the Planning Commission. The amendments were initiated by the City Council pursuant to CDC 98.035.

RECOMMENDATION

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

PROJECT BACKGROUND

Street Width Standards in New Subdivisions

The proposed amendments are in response to community concerns, previously brought to the Planning Commission (PC), over lack of adequate street parking in new subdivisions. The Transportation System Plan (TSP) and Community Development Code (CDC) currently allow a 24-Foot Local (No Parking) street cross-section that is typically utilized in subdivisions with steep cross-slopes or for protection of natural resources.

The PC forwarded this concern to City Council and discussed at a joint worksession in February 2019. The outcome was City Council directed staff to amend street cross-section standards to require the 28-Foot Local (Parking on One-Side) as the default in new subdivisions moving forward. Staff implemented this direction through a policy memorandum in April 2019 until an amendment could be brought forward.

City Council and the PC discussed this issue once again at a joint worksession on October 21, 2019. The group reached consensus that the policy memorandum needed codified so it could be easily found and implemented into the future. The group reiterated that the 28-Foot Local (Parking on One-Side) would be the default for new subdivisions and not in older, existing neighborhoods. City Council directed staff to put together an amendment proposal and bring it through the legislative process.

Staff explored options to codify the policy direction and brought a proposal to a joint meeting of the PC and the Transportation Advisory Board (TAB) on February 19, 2020. The proposal did not eliminate the 24-Foot Local (No Parking) cross-section, but it created clear direction to applicants on expectations for new street cross-sections in a subdivision proposal. Staff felt keeping the 24-Foot Local (No Parking) option in the TSP and CDC was important to maintain flexibility in older, established neighborhoods where street and right-of-way widths can vary significantly.

These older neighborhoods also have varied levels of stormwater infrastructure available to collect and treat run-off from impervious surfaces. Having flexibility for pavement widths will ensure the stormwater is handled appropriately and effectively. In addition, mature trees are often seen as valuable amenities of these older neighborhoods and have existed with the current right-of-way configuration for many years. Providing some flexibility in the design of street improvements can lead to the retention of mature trees and maintaining the feel of the neighborhood.

After discussion, the PC and TAB found consensus on four items and requested the proposed amendments be updated accordingly and brought back for review and further discussion. The four items:

1. Clarify the 34-Foot Local cross-section can still be utilized in new subdivisions.
2. Both internal streets and streets adjacent to the new subdivision should be subject to the minimum width standard.
3. Create clear and objective standards the PC can utilize to review and make findings against in order to approve a new subdivision proposal with street pavement width less than 28-feet. For example, standards to protect natural resources or steep slopes.
4. Private streets in a new subdivision should also be subject to the minimum 28-foot width standard.

The PC held a second work session on April 15, 2020 where it reviewed the first three items listed above that were incorporated into the proposed CDC and TSP amendments. The PC also discussed the fourth

item above to clarify the definition of a private street and provide direction on how to implement the request. To help with the discussion, staff provided background information on the terminology in the CDC, recent subdivision approvals, and how the design relates to the terminology. Staff presented options for the PC to consider. The outcome of the meeting was:

1. The PC found consensus the proposed CDC and TSP amendments were ready for the legislative process, with one minor change to correct a code reference;
2. The PC agreed that the CDC should be amended to make access to more than three lots/parcels by a public street built to public street standards. The code currently allows a private street or shared driveway for up to four lots/parcels and requires a public street built to public street standards for access to five or more lots/parcels. The PC asked for a companion proposal to be brought forward with the proposed amendments; and
3. The PC agreed that private streets should be prohibited and to amend the CDC to remove all references to and definitions of private streets.

After the April meeting, the PC was advised that because items two and three would create additional maintenance costs for the public and they are outside the original project approval from Council, the Council would need to provide policy direction on this issue before proceeding. The Council appointed Mixed-Use Working Group faced a similar situation in 2018 where code improvements were identified but outside of the direction given by City Council. The working group recommended the specific code amendments as directed by Council and also recommended five items to add to and prioritize on the docket for future amendments.

On June 3, 2020, the PC held its third and final work session on proposed amendments to the CDC and TSP to implement minimum pavement width standards for streets in new subdivisions. Based on the policy implications discussed above, staff requested direction from the PC on how to proceed:

1. Commence the legislative process on the proposed amendments to the CDC and TSP right away. Include a recommendation on the additional items, with a description of the issue, for City Council to discuss and potentially prioritize for a subsequent amendment process.
2. Include a companion code amendment proposal by delaying the legislative process, hold a joint meeting with City Council to discuss the issue, and request Council to direct staff to delay work on another docket priority project while focusing on the companion proposal.

After discussion, the PC found consensus to move forward with Option 1 and commence the legislative process immediately. Final proposed amendments are found in Exhibits PC-1 and PC-2.

Major/Minor Utility Definitions

The Planning Commission (PC) engaged in a long running discussion on the lack of specific “use” language for stormwater detention/treatment facilities (primarily ponds) in the Community Development Code (CDC). The most closely associated “uses” listed in the CDC are major and minor utilities, however neither one directly identifies stormwater detention/treatment facilities in its definition. On December 4, 2019, the PC voted 5 to 1 in favor of requesting a CDC Chapter 80 hearing to determine if these facilities should be classified as a minor utility. CDC Chapter 80 addresses unlisted uses, with the purpose being *“determining whether certain specific uses would have been permitted in a zone had they been contemplated, and whether such unlisted uses are compatible with the listed uses”*.

The PC then held work sessions on February 5, 2020 and May 6, 2020 to discuss the Chapter 80 hearing notice requirements and process, as well as background information on stormwater planning/engineering and how the City currently addresses each. Subsequent to the latter meeting, Interim City Manager/Community Development Director Williams, Mayor Axelrod, and PC Chair Walvatne held a conference call to discuss several issues the PC wants to place on future agendas, including the purpose of the Chapter 80 hearing and whether it will constructively address the PC concerns. Based on advice from the City Attorney that the Chapter 80 hearing needs a specific proposal and not an open ended question, and in addition the result could conflict with state housing law, the conference call ended with a recommendation to hold an additional work session with the following goals:

1. Discuss state housing law and its relationship to stormwater permitting in further detail with the purpose of understanding the legal framework;
2. Review and discuss the history of major/minor definition amendments over the years and how other jurisdictions permit stormwater facilities, particularly above ground ponds in both subdivisions and commercial developments; and
3. Find consensus on whether current City process is sufficient or code amendments are necessary. If so, clearly define the problem to be solved with the amendments.

The additional work session was held on June 3, 2020. To help with the discussion, staff provided background on the history of amendments to the major and minor utility definitions, research on other jurisdiction approaches to stormwater facilities, and a series of questions for the PC to assist in building consensus and help identify the most efficient and effective path forward to address PC concerns related to the stormwater detention/treatment facility “use” discussion.

After discussion, the PC found consensus on the following:

1. An amendment to the major/minor utility definitions to clarify stormwater detention/treatment facilities are a minor utility will appropriately address the issue;
2. Both the 1983 and 2011 definitions (see below) contain language that is more clear, as opposed to the last change in 2014, in distinguishing between the two “uses”;
3. Add stormwater facility language to the minor utility definition; and
4. Staff will draft definition amendments for final review.

The final PC work session for this topic was held on July 1, 2020. Staff provided a draft of proposed amendments to the definitions based on the direction above and after discussion, the PC requested some minor word changes:

1. Add health and safety to list of impacts for both major and minor utilities;
2. Clarify an electrical power plant or substation; and
3. Change regional sewer pump station to publicly-owned sewer pump station.

With the minor word changes, the PC found consensus the definition amendments (see Exhibit PC-2) were ready for the legislative process.

PUBLIC COMMENTS

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

ADDENDUM
PLANNING COMMISSION STAFF REPORT
August 5, 2020

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.

Findings: The City Council found a working group was not necessary as a discussion forum and directed staff to draft proposed amendments for review by the Planning Commission. The Planning Commission met five six times in 2020 to discuss and find consensus on the two topics that are part of the amendment proposal.

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 and Community Development Code have been consolidated into one file as allowed. The consolidation is appropriate as all proposed amendments are the result of recommendations made by the Planning Commission on two narrowly focused improvements to the code.

2. Upon the initiation of a legislative change, pursuant to this chapter:

a. Give notice of the Planning Commission hearing as provided by CDC [98.070](#) and [98.080](#);

Findings: The Planning Commission public hearing will be held on August 5, 2020, with the City Council public hearing tentatively scheduled for September 14, 2020. Legislative notice was provided as required and documentation can be found in Exhibit PC-4. Notice was provided to the Department of Land Conservation and Development on June 9, 2020 meeting the required 35-day notice timeline. The Community Development Director determined no notice was necessary under ORS 227.186 as the proposed amendments do not limit or prohibit uses previously allowed.

b. Prepare a staff report that shall include:

1) The facts found relevant to the proposal and found by the Director to be true;

2) The Statewide planning goals and rules adopted under Chapter 197 ORS found to be applicable and the reasons why any other goal or rule is not applicable to the proposal except that goals 16 through 19 which are not applicable to the City of West Linn need not be addressed;

3) Any federal or State statutes or rules the Director found applicable;

- 4) Metro plans and rules the Director found to be applicable;
- 5) Those portions of the Comprehensive Plan found to be applicable, and if any portion of the plan appears to be reasonably related to the proposals and is not applied, the Director shall explain the reasons why such portions are not applicable;
- 6) Those portions of the implementing ordinances relevant to the proposal, and if the provisions are not considered, the Director shall explain the reasons why such portions of the ordinances were not considered; and
- 7) An analysis relating the facts found to be true by the Director to the applicable criteria and a statement of the alternatives; a recommendation for approval, denial, or approval with modifications; and at the Director's option, an alternative recommendation;

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

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

Findings: The staff report, proposed amendment, and all other associated project materials were made available on July 24, 2020, 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 August 5, 2020, with the West Linn City Council tentatively scheduled to hold its public hearing and make a final decision on September 14, 2020.

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 August 5th and one before City Council on September 14th) pursuant to CDC Chapter 98.

The Planning Commission, who recommended the proposed amendments, held four work sessions between February and July 2020. All work sessions were open to the public and noticed in accordance with City rules and regulations. All work session materials, including meeting recordings and summaries, were available throughout the process on 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 the Planning Commission public hearing were met (see Exhibit PC-4). The Council public hearing will be noticed as well. The notice was sent to persons who requested notice, affected government agencies, neighborhood associations, and was published in the July 23, 2020 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.

Statewide Planning Goal 2 – Land Use Planning:

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

Findings: The City of West Linn has an acknowledged Comprehensive Plan and enabling ordinances. The amendment to the West Linn Comprehensive Plan is to update the 2016 West Linn Transportation System Plan (TSP), which is supporting document of the Comprehensive Plan. The TSP has four cross-section options for locally designated streets and this proposal will clarify the 28-foot cross-section will be the minimum required in new subdivision proposals. The amendments to the West Linn Community Development Code are being undertaken to update the City's acknowledged land use planning program to be consistent with current conditions and citizen values. The amendments will provide updated definitions to clarify that stormwater facilities constructed as part of development are minor utilities and permitted outright. The amendments will also clarify, same as the Comprehensive Plan amendments, that the 28-foot cross-section will be the minimum required in new subdivision proposals. 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 amendment does not alter the City's acknowledged Goal 5 inventories or associated land use programs. No changes will occur to current natural resource protections. As a result, the 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 amendment does 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 amendment does not alter the City’s acknowledged Goal 7 land use programs. No changes will occur to current natural hazard protections. As a result, the 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 do not alter the City’s compliance with Goal 9.

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. No changes to permitted residential uses are proposed. The amendments clarify stormwater facilities are permitted outright during development, making the City’s code more clear and objective. 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 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). The amendments clarify the minimum pavement width for local streets in new subdivisions, but 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 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 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 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;*

Findings: The federal Clean Water Act, administered through the State Department of Environmental Quality and Department of State Lands, requires the City to comply with stormwater regulations to ensure no degradation to the waters of the state. The West Linn Stormwater Management Plan and regulations are currently in compliance with state and federal regulations. The amendments do not alter compliance, but simply clarify stormwater facilities are permitted outright as part of a development proposal. Staff is not aware of any other applicable state or federal regulations that are impacted by the proposed draft ordinance. The City has an acknowledged Comprehensive Plan and associated land use regulations that comply with applicable state statutes and administrative rules. The Oregon Department of Land Conservation and Development, Metro, and Clackamas County were sent notice of the proposed amendments and provided the opportunity to comment. The amendments do not alter the City's compliance with any state or federal statutes or rules.

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

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: Notice was sent to the president of all eleven recognized neighborhood associations for each of the four Planning Commission work sessions, as well as the August 5, 2020 public hearing. Each president had the opportunity to relay information back to the associations for feedback and comment. Meeting agendas and materials were available for review and comment on the City's website.

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 West Linn Planning Commission to work on the proposed amendments. The Planning Commission held four work sessions from February to July 2020 and reached consensus on a set of recommendations, including the proposed amendments found in Exhibits PC-1 and PC-2.

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 public hearing was sent to persons who requested notice, affected government agencies, neighborhood associations, and was published in the July 23, 2020 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 same notice will be sent for the upcoming City Council public hearing.

The Planning Commission, who recommended the proposed amendments, held four work sessions from February to July 2020. All work sessions were open to the public and noticed in accordance with City rules and regulations. All work session materials, including meeting recordings and summaries, were available throughout the process on 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 Planning Commission, who recommended the proposed amendments, held four work sessions from February to July 2020. All work sessions were open to the public and noticed in accordance with City rules and regulations. All work session materials, including meeting recordings and summaries, were available

throughout the process on 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 public hearing was sent to persons who requested notice, affected government agencies, neighborhood associations, and was published in the July 23, 2020 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. The same notice will be sent for the upcoming City Council public hearing.

Goal 2: Land Use Planning

Section 1: Residential Development

Policy 9. Foster land use planning that emphasizes livability and carrying capacity.

Finding: The amendments related to clarifying that the 28-foot pavement width will be the minimum required in new subdivision proposals is the result of citizen concerns brought to the Planning Commission. The citizens requested 28-foot pavement widths versus 24-foot pavement widths to ensure emergency responders can safely access new neighborhoods and guests to the neighborhood will have safe spaces to park when visiting friends or family.

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 Department of Land Conservation and Development, Metro, Clackamas County, 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

Goal 6: Air, Water & Land Resources Quality

Goal 7: Areas Subject to Natural Disasters and Hazards

Goal 8: Parks and Recreation

Goal 9: Economic Development

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

Goal 10: Housing

Policy 8. Adhere to clear and objective standards to promote timely and predictable plan review.

Finding: The amendments to the West Linn Community Development Code will improve the clear and objective standards by providing clarity that stormwater facilities are permitted outright with new development and that 28-foot pavement widths will be required with new subdivision proposals.

Goal 11: Public Facilities and Services

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

Goal 12: Transportation

Streets

Policy 7. Require new development to design and construct new internal streets to current city standards and existing adjacent and through streets consistent with current city standards.

Finding: The amendments to the West Linn Comprehensive Plan and Community Development Code will clarify the 28-foot cross-section will be the minimum required street width in new subdivision proposals. The 2016 West Linn Transportation System Plan (TSP), which is supporting document of the Comprehensive Plan, has four cross-section options for locally designated streets and this proposal will clarify the standard that must be met for new subdivision proposals.

Goal 13: Energy Conservation

Goal 14: Urbanization

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 amendment is consistent with applicable West Linn Comprehensive Plan policies and map.

5. *The applicable provisions of the implementing ordinance.*

Chapter 100 - Procedures for Adoption or Amendment of Supporting Plans

CDC 100.030 Initiation of Process

The procedure for adopting or amending supporting plans may be initiated by the City Council, the Planning Commission, or the Planning Director.

Finding: The West Linn City Council directed staff to initiate the 28-foot pavement width amendment at its meeting on October 21, 2019. The West Linn Planning Commission voted 5 to 1 on December 4, 2019 to initiate a process to clarify whether a stormwater “pond” was a major or minor utility.

CDC 100.530 Process

The Planning Commission shall hold at least one public hearing and shall make a recommendation to the City Council. The City Council shall hold at least one public hearing before adopting or amending any supporting plan. The City Council shall adopt any amendments or new supporting plan by resolution, but may deny a requested amendment or supporting plan by motion.

Findings: The Planning Commission public hearing will be held on August 5, 2020, with the City Council public hearing tentatively scheduled for September 14, 2020.

CDC 100.070 Notice

Notice shall be given in a newspaper of general circulation in the City at least 10 days prior to the initial hearing of the Planning Commission and at least 10 days prior to the initial hearing of the City Council.

Findings: The Planning Commission public hearing will be held on August 5, 2020 and notice was published in the West Linn Tidings on July 23, 2020. The City Council public hearing is tentatively scheduled for September 14, 2020 and notice will be published in the West Linn Tidings on September 3, 2020.

Chapter 105 – Amendments to the Code and Map

CDC 105.030 Legislative Amendments to this Code and Map

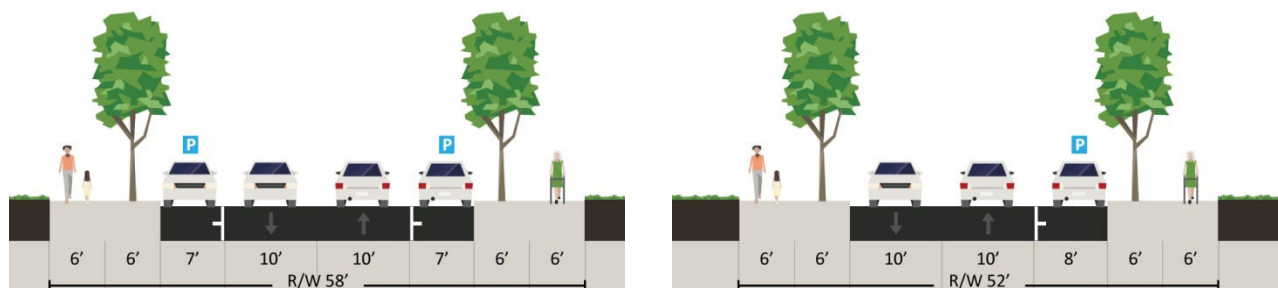
Legislative amendments to this code and to the map shall be in accordance with the procedures and standards set forth in Chapter 98 CDC.

Findings: The legislative process is being carried out in conformance with CDC Chapter 98 per Findings found on pages 7 to 15 of the Staff Report.

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

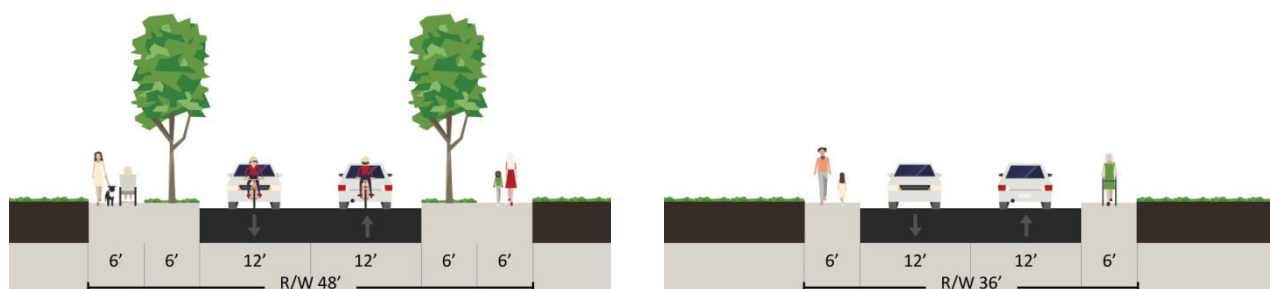
EXHIBIT PC-1 – PROPOSED TRANSPORTATION SYSTEM PLAN AMENDMENTS

Exhibit 9: Local Street Cross Sections



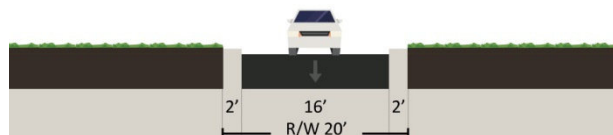
34-foot Local (Parking on Both Sides) **

28-foot Local (Parking on One Side) *



24-foot Local (No Parking)

Local Constrained



Alley

Table 30: Local Street Cross Section Standards

Standards ³	Local Streets
Vehicle Lane Widths	10-12 feet
On-Street Parking	7-8 feet ¹
Sidewalks	6 feet (4-5 feet in Willamette Historical District)
Landscape Strips	6 feet ²
Median/Turn Lane Widths	None
Neighborhood Traffic Management	At the discretion of the City Engineer

1. Allowance of on-street parking shall be based upon the nature and intensity of adjacent development and physical constraints.
2. Landscape strips may be reduced and/or removed at the discretion of the City Engineer.
3. The City Engineer or Planning Director may recommend green street variations of each cross section. These variations may include replacing the standard landscape strip with a rain garden or swale, using pervious material for the sidewalk, and in some cases providing a sidewalk on only one side of the street.

*** Standard cross-section for internal and adjacent streets in new subdivision proposals**

**** Cross-section also allowed in new subdivision proposals**

EXHIBIT PC-2 – PROPOSED COMMUNITY DEVELOPMENT CODE AMENDMENTS

Proposed Community Development Code Amendments

Chapter 85.200(A)

3. Street widths. Street widths shall depend upon which **the** classification of street is proposed. The classifications and required cross sections are established in the adopted TSP.

The following table identifies appropriate street width (curb to curb) in feet for various street classifications. The desirable width shall be required unless the applicant or his or her **their** engineer can demonstrate that site conditions, topography, or site design require the reduced minimum width. For local streets, a 12-foot travel lane may only be used as a shared local street when the available right-of-way is too narrow to accommodate bike lanes and sidewalks.

City of West Linn Roadway Cross-Section Standards

Street Element	Characteristic	Width/Options
Vehicle Lane Widths (Typical widths)	Minor Arterial	11 – 12 feet
	Collector	10 – 12 feet
	Neighborhood Route	10 – 12 feet
	Local	10 – 12 feet
On-Street Parking	Minor Arterial	Limited (in designated commercial zones)
	Collector	Optional (8 feet typical width)
	Neighborhood Route	Optional (8 feet typical width)
	Local	Optional * (8 feet typical width)
Bicycle Lanes (Typical widths)	Arterial	5 feet
	Collector	5 feet
	Neighborhood Route	5 feet
Cycle Track	Minor Arterial (30 MPH or greater)	7 feet
	Collector (30 MPH or greater)	7 feet
Sidewalks (Typical widths)	Minor Arterial	6 feet, 10 – 12 feet in commercial zones
	Collector	6 feet, 8 feet in commercial zones
	Along Cycle Track	6 feet, 10 – 12 feet in commercial zones
	Neighborhood Route/Local	6 feet (4 – 5 feet in Willamette Historical District), 8 feet in commercial zones
Landscape Strips	Can be included on all streets	6 feet typical (5 feet for minor arterials)
Raised Medians	5-Lane	Optional
	3-Lane	Optional

City of West Linn Roadway Cross-Section Standards

Street Element	Characteristic	Width/Options
	2-Lane	Consider if appropriate
Neighborhood Traffic Management	Arterials	None
	Collectors	None
	Neighborhood Route/Local	At the discretion of the City Engineer
Transit	Minor Arterial/Collector	Appropriate
	Neighborhood Route	Only in special circumstances
	Local	Not recommended

*** The minimum paved width for both internal and adjacent Local streets in new subdivision proposals shall be 28-feet, unless reduced in CDC.85.200.A(4).**

4. The decision-making body shall consider the City Engineer’s recommendations on the desired right-of-way width, pavement width and street geometry of the various street types **for streets within or adjacent to the subdivision, after consideration by the City Engineer of, the following criteria: To approve a street design less than the desirable width in CDC 85.200(3), the applicant shall demonstrate with proper documentation that one of the following applies:**

- a. The street design will help protect a Water Resource Area and complies with the submittal requirements and approval standards found in CDC Chapter 32.**
- b. The street design will help protect a Flood Management Area and complies with the submittal requirements and approval standards found in CDC Chapter 27.**
- c. The street design will help protect the Willamette River Greenway, Tualatin River Greenway, or a Habitat Conservation Area and complies with the submittal requirements and approval standards found in CDC Chapter 28.**
- d. The street design will help protect steep slopes and complies with the submittal requirements found in CDC 85.170(C) and approval standards found in CDC 85.200(E).**
- e. The street design will help protect a cluster of significant trees and complies with CDC 85.200.J(9).**

- ~~a. The type of road as set forth in the Transportation Master Plan.~~
- ~~b. The anticipated traffic generation.~~
- ~~c. On-street parking requirements.~~
- ~~d. Sidewalk and bikeway requirements.~~
- ~~e. Requirements for placement of utilities.~~
- ~~f. Street lighting.~~
- ~~g. Drainage and slope impacts.~~
- ~~h. Street trees.~~
- ~~i. Planting and landscape areas.~~
- ~~j. Existing and future driveway grades.~~
- ~~k. Street geometry.~~

~~l. Street furniture needs, hydrants.~~

5. Additionally, when determining appropriate street width, the decision-making body shall consider the following criteria:

- a. When a local street is the only street serving a residential area and is expected to carry more than the normal local street traffic load, the designs with two travel and one parking lane are appropriate.
- b. Streets intended to serve as signed but unstriped bike routes should have the travel lane widened by two feet.
- c. Collectors should have two travel lanes and may accommodate some parking. Bike routes are appropriate.
- d. Arterials should have two travel lanes. On-street parking is not allowed unless part of a Street Master Plan. Bike lanes are required as directed by the Parks Master Plan and Transportation Master Plan.

Chapter 2: Definitions

Utility, Major – **A utility facility or service that will have, or the installation of which will have, a significant impact on the surrounding uses or the community in terms of health and safety, generating or disrupting traffic, interfering with access to adjacent properties, creating noise or causing adverse visual effects.** A major utility facility or service includes, but is not limited to: **an electrical power plant or** substation; **publicly-owned sewer** pump station; water storage tank; sewerage treatment plant; water treatment plant; and transmission lines for water, drainage or sewerage collection systems, gas or electric, or other similar use.

Utility, Minor – **A utility facility or service that will have, or the installation of which will have, a minor impact on the surrounding uses or on the community in terms of health and safety, generating or disrupting traffic or access to adjacent properties, creating noise or causing adverse visual effects.** A minor utility facility or service includes, but is not limited to: overhead or underground electric, telephone or cable television poles and wires, **stormwater treatment or detention ponds as part of development,** and distribution lines for electric, gas, water, drainage or sewerage collection systems, or other similar use.

**EXHIBIT PC-3 – DRAFT PLANNING COMMISSION TRANSMITTAL LETTER TO CITY
COUNCIL**

Memorandum

Date: August 6, 2020
To: West Linn City Council
From: West Linn Planning Commission
Subject: CDC-20-01 Recommendation

The Planning Commission held a public hearing on August 5, 2020, for the purpose of making a recommendation to the City Council on adoption of the proposed 2016 West Linn Transportation System Plan and Community Development Code (CDC) amendments found in Land Use File CDC-20-01.

After conducting the public hearing, the Commission deliberated and voted (*vote count here*) to recommend City Council adoption of the proposed amendments as presented/with the following changes (*list changes if relevant*). No written testimony was submitted prior to the public hearing. (*Number*) community members provided oral testimony in favor of/opposed to the proposed amendments at the public hearing.

The proposed amendments were crafted by the Commission over the course of four work sessions from February to July 2020. In addition, the Commission discussed other changes to the CDC related to street widths. These discussions were a natural extension of the primary purpose of implementing the 28-foot pavement width standard for new subdivisions as directed by City Council.

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

1. Evaluate the impacts of making access to more than three lots/parcels by a public street built to public street standards. The code currently allows a private street or shared driveway for up to four lots/parcels and requires a public street built to public street standards for access to five or more lots/parcels. At a minimum, require a private street or shared driveway providing access to four lots/parcels to have a 28-foot pavement width.
2. Evaluate the differences between shared driveways and private streets and consider amending the CDC to prohibit future development of private streets.

On behalf of the Planning Commission, we would like to thank City Council for the opportunity to develop these recommendations for consideration.

Respectfully,

Gary Walvatne
Chair, West Linn Planning Commission

EXHIBIT PC-4 – AFFIDAVIT AND NOTICE 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. CDC-20-01 Applicant's Name City of West Linn
Development Name Text Amendments to the 2016 TSP and CDC Chapter 2 and 85
Scheduled Meeting/Decision Date Aug 5, 2020

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 Legislative X

- | | | | |
|----|--------------------------------|----------------|-----------------------------|
| A. | Metro (date) | <u>7/16/20</u> | (signed) <u>Z Schwedler</u> |
| B. | Clackamas County (date) | <u>7/16/20</u> | (signed) <u>ZS</u> |
| C. | City of Lake Oswego (date) | <u>7/16/20</u> | (signed) <u>ZS</u> |
| D. | All neighborhood assns. (date) | <u>7/16/20</u> | (signed) <u>ZS</u> |

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

Tidings (published date)	<u>7/23/20</u>	(signed) <u>ZS</u>
City's website (posted date)	<u>7/15/20</u>	(signed) <u>ZS</u>

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

(date) 7-24-2020 (signed) [Signature]

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

(date) _____ (signed) _____

**CITY OF WEST LINN
PUBLIC HEARING CDC-20-01**

**TO ADOPT TEXT AMENDMENTS TO THE 2016 WEST LINN TRANSPORTATION
SYSTEM PLAN AND COMMUNITY DEVELOPMENT CODE CHAPTERS 2 AND 85.**

The West Linn Planning Commission will hold a virtual public hearing on **Wednesday, August 5, 2020 at 6:30 p.m.** to consider adoption of text amendments to the 2016 West Linn Transportation System Plan and to West Linn Community Development Code Chapters 2 and 85. Following the legislative hearing, the Planning Commission will make a recommendation to the City Council.

The proposal includes amendments to implement a minimum paved width for public streets in new subdivisions and updated definitions for major and minor utilities to clarify stormwater facilities associated with development are minor utilities.

At least 10 days prior to the hearing, a copy of the proposed amendments and associated staff report will be available for inspection at no cost at City Hall and on the City website, <https://westlinnoregon.gov/planning/proposed-transportation-system-plan-and-community-development-code-amendments>. Alternately, copies may be obtained for a minimal charge per page.

The hearing will be conducted in accordance with the rules of CDC Section 98, 100, and 105. At the public hearing(s), the Planning Commission will receive a staff presentation, and invite both oral and written testimony. The 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.

Anyone wishing to present written testimony for consideration on this matter shall submit all material before 12:00 pm on August 5, 2020. Persons interested in party status should submit their letter and any concerns about the proposal by the comment deadline. Written comments may be submitted to dwyss@westlinnoregon.gov or askthepec@westlinnoregon.gov.

To speak during the meeting, complete the form located at <https://westlinnoregon.gov/citycouncil/meeting-request-speak-signup> by noon the day of the meeting. Instructions on how to access the virtual meeting will then be provided by email prior to the meeting. If you do not have email access please call 503-742-6013 for assistance.

For further information, please contact Darren Wyss, Acting Planning Manager, 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, July 23, 2020