



**Agenda Bill 2020-11-09-02**

Date: October 28, 2020

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

From: Chris Myers, Associate Planner, Community Development Department *CJM*

Through: John Williams, Community Development Director *JRW*  
Jerry Gabrielatos, City Manager *JG*

Subject: November 9, 2020 Public Hearing for ZC-20-01

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**Purpose**

To consider a request to amend the West Linn Comprehensive Plan and Zoning Maps for the property located at 1791 Blankenship Road.

**Question(s) for Council:**

Should the Council approve the requested zone change as recommended by the Planning Commission?

**Public Hearing Required:**

Yes

**Background & Discussion:**

The applicant is proposing a Comprehensive Plan Map amendment from Mixed-Use to Medium-High Density Residential and a corresponding Zoning Map amendment from Willamette Neighborhood Mixed-Use Transitional to R-2.1: Single-Family and Multiple-Family Residential.

The property currently contains a single-family home and is 15,315 square feet. The property is relatively flat with an approximate four percent slope from north to south. There are no environmental overlays, such as floodplain, water resource areas, habitat conservation, or wetlands. Access is from 13<sup>th</sup> Street, which dead ends to the north at the I-205 freeway.

Directly across 13<sup>th</sup> street to the east from the applicant's property is the backside of the Parkrose Hardware building as well as Dutch Bros Coffee, Subway, Chase Bank, Biscuits Café, and a few smaller businesses. The property directly south of the applicant's property is a zoned Mixed-Use. To the north, across Blankenship Road, is an Office Business Center. To the west is a residential neighborhood zoned R-2.1. In 2004, the City rezoned this property from R-2.1 to the current zone of Mixed-Use.

The West Linn Planning Commission held a public hearing on October 21, 2020 for the purpose of making a recommendation to the City Council on the requested zone change. After conducting the public hearing, the Commission deliberated and voted 4-1 to recommend City Council approve the proposed map

amendments as presented. Major topics of discussion included: the physical challenges of the site, the zoning for surrounding properties, and commercial versus residential needs of the City.

Five letters were received prior to the hearing. All letters and any concerns contained within those letters were addressed by staff and sent to Planning Commission members prior to the public hearing. Three community members provided oral testimony at the public hearing.

**Budget Impact:**

None

**Council Options:**

1. Approve the zone change and amend the West Linn Zoning Map and Comprehensive Plan Map as recommended by Planning Commission.
2. Deny the zone change and do not amend the West Linn Zoning Map and Comprehensive Plan Map as recommended by the Planning Commission.

**Staff Recommendation:**

Staff supports the Planning Commission recommendation and recommends Council approve Motion 1 below.

**Potential Motions:**

1. Move to adopt Ordinances 1716 and 1717 as recommended by the Planning Commission.

**Attachments:**

1. Ordinance 1716
2. Ordinance 1717
3. Planning Commission Recommendation
4. Planning Commission Staff Report, dated October 21, 2020
5. Public Hearing Notice Affidavits for November 9, 2020 Public Hearing

**ORDINANCE NO. 1716**

**AN ORDINANCE AMENDING THE WEST LINN COMPREHENSIVE PLAN MAP FROM MIXED-USE TO MEDIUM-HIGH DENSITY RESIDENTIAL FOR THE PROPERTY LOCATED AT 1791 BLANKENSHIP ROAD**

**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; and

**WHEREAS**, the City of West Linn Community Development Code (CDC) Chapter 99 provides approval criteria for quasi-judicial decision-making and Chapter 105 provides approval criteria for amendments to the CDC and maps; and

**WHEREAS**, the Applicant sought approval for a comprehensive plan map amendment at 1791 Blankenship Road (Clackamas County Assessor Map 2S-1E-35CB, Taxlot 2600) to change the plan designation from Mixed-Use to Medium-High Density Residential; and

**WHEREAS**, the map amendment requires a modification to the West Linn Comprehensive Plan Map, which requires a West Linn Planning Commission recommendation and the West Linn City Council to approve by ordinance; and

**WHEREAS**, the West Linn Planning Commission (PC) held a public hearing, which was noticed in accordance with City standards, on October 21, 2020, and with a 4-1 vote recommended approval of the Applicant request ; and

**WHEREAS**, the West Linn City Council held a public hearing, which was noticed in accordance with City standards, on November 9, 2020, to consider the PC recommendation, receive public testimony, and evaluate the decision-making criteria; and

**WHEREAS**, the Council decision is based on the findings contained in these Whereas Clauses, together with the findings, conclusions, and substantial evidence found in the associated land use record file ZC-20-01, which is incorporated by this reference.

**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 to show the Medium-High Density Residential and Mixed-Use boundaries as depicted in Exhibit A for the Property identified on Clackamas County Assessor Map 2S-1E-35CB, Taxlot 2600 (1791 Blankenship Road).

**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 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 designee is authorized to correct any cross-references and any typographical errors.

**SECTION 5. Effective Date.** This ordinance shall take effect on the 30<sup>th</sup> 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 \_\_\_\_\_, 2020, and duly PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
RUSSELL B. AXELROD, MAYOR

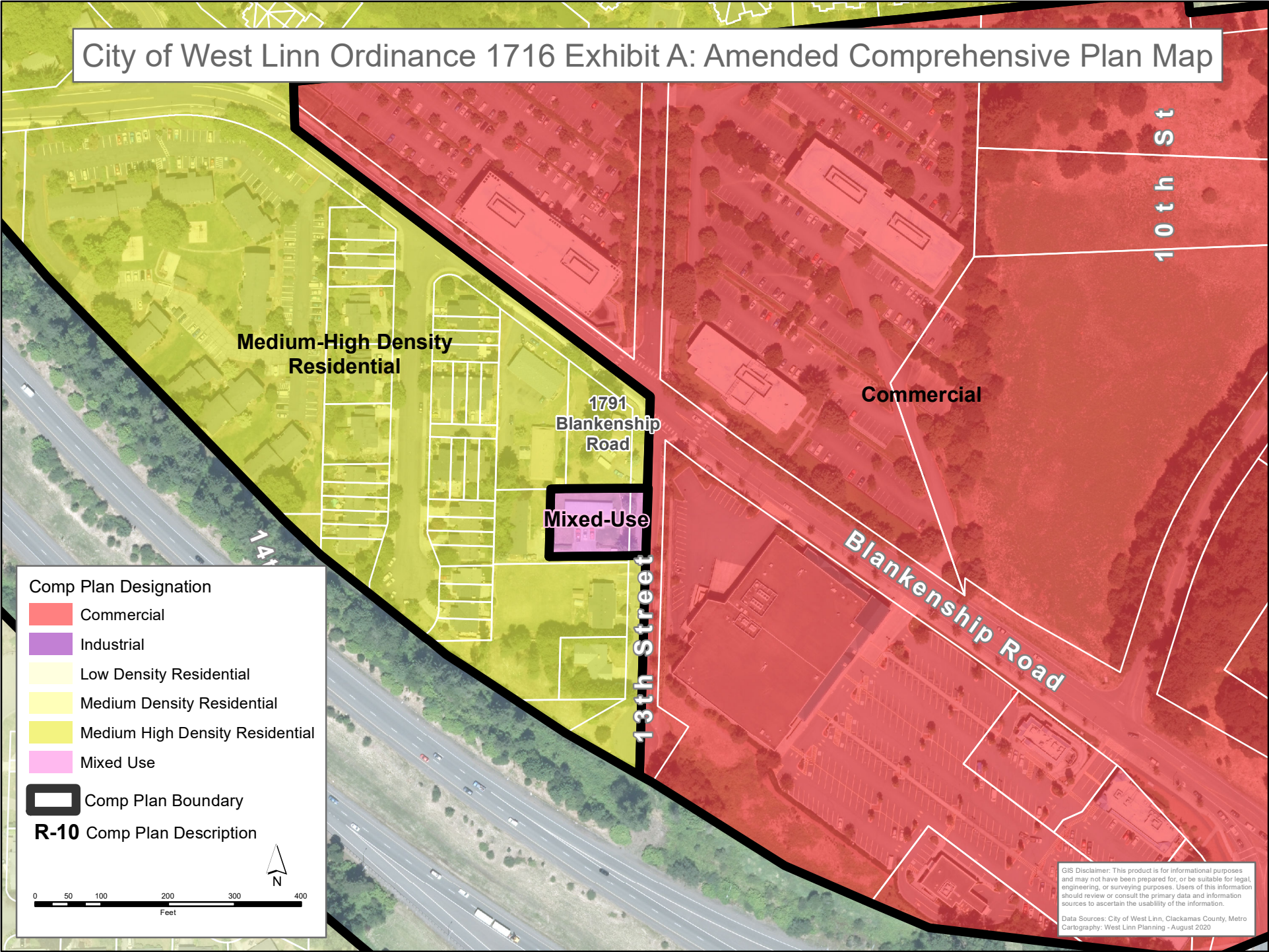
ATTEST:

\_\_\_\_\_  
KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

# City of West Linn Ordinance 1716 Exhibit A: Amended Comprehensive Plan Map



**Comp Plan Designation**

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

**Comp Plan Boundary**

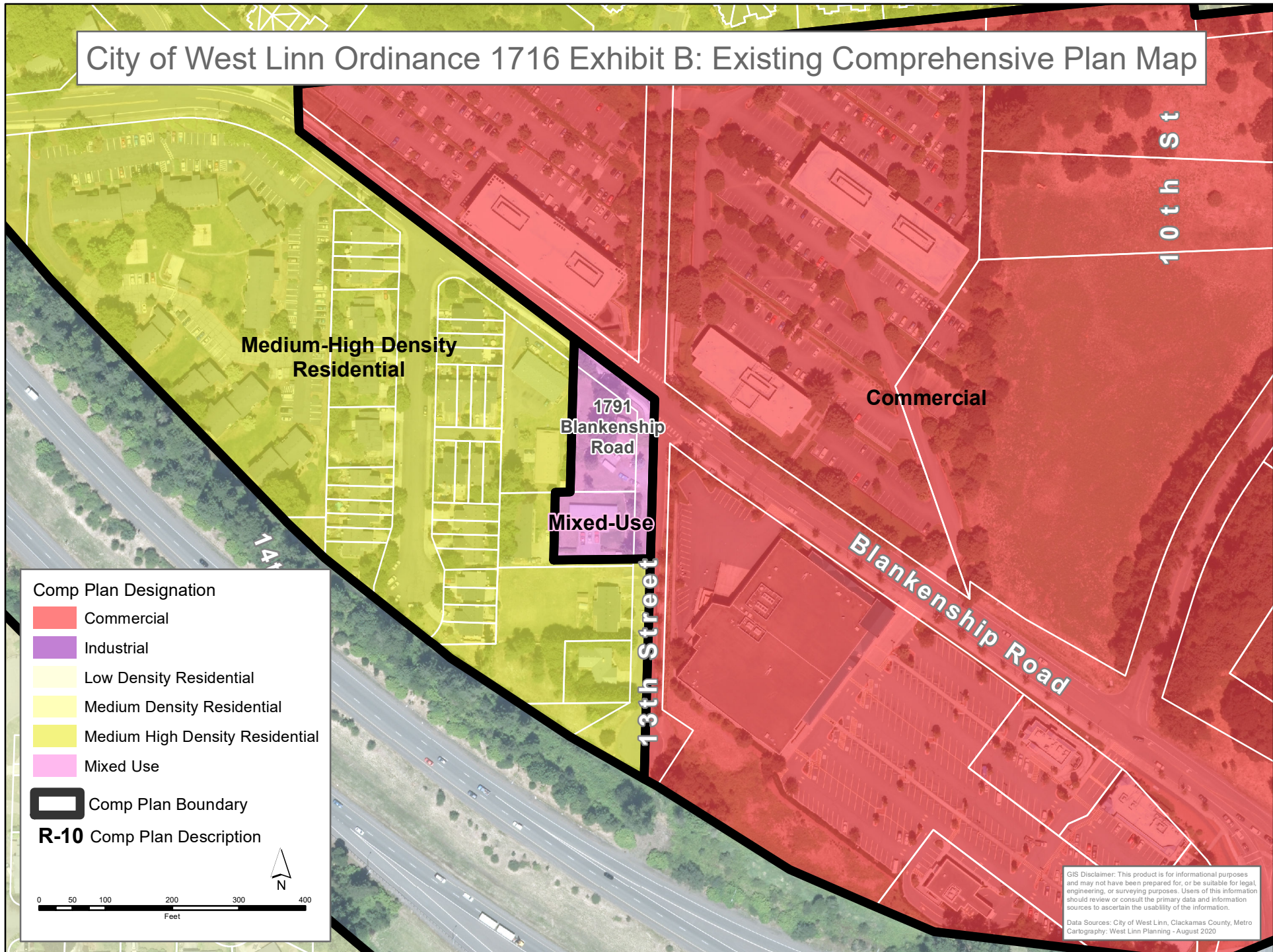
**R-10 Comp Plan Description**

0 50 100 200 300 400  
Feet

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Data Sources: City of West Linn, Clackamas County, Metro  
Cartography: West Linn Planning - August 2020

# City of West Linn Ordinance 1716 Exhibit B: Existing Comprehensive Plan Map

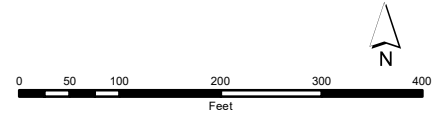


**Comp Plan Designation**

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

**Comp Plan Boundary**

**R-10** **Comp Plan Description**



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Data Sources: City of West Linn, Clackamas County, Metro  
Cartography: West Linn Planning - August 2020

**ORDINANCE NO. 1717**

**AN ORDINANCE AMENDING THE WEST LINN ZONING MAP FROM WILLAMETTE NEIGHBORHOOD MIXED-USE TRANSITIONAL TO R-2.1 FOR THE PROPERTY LOCATED AT 1791 BLANKENSHIP ROAD**

**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; and

**WHEREAS**, the City of West Linn Community Development Code (CDC) Chapter 99 provides approval criteria for quasi-judicial decision-making and Chapter 105 provides approval criteria for amendments to the CDC and maps; and

**WHEREAS**, the Applicant sought approval for a zoning map amendment at 1791 Blankenship Road (Clackamas County Assessor Map 2S-1E-35CB, Taxlot 2600) to change the zoning from Willamette Neighborhood Mixed-Use Transitional to R-2.1; and

**WHEREAS**, the zoning map amendment requires a modification to the West Linn Zoning Map, which requires a West Linn Planning Commission recommendation and the West Linn City Council to approve by ordinance; and

**WHEREAS**, the West Linn Planning Commission (PC) held a public hearing, which was noticed in accordance with City standards, on October 21, 2020, and with a 4-1 vote recommended approval of the Applicants request ; and

**WHEREAS**, the West Linn City Council held a public hearing, which was noticed in accordance with City standards, on November 9, 2020, to consider the PC recommendation, receive public testimony, and evaluate the decision-making criteria; and

**WHEREAS**, the Council decision is based on the findings contained in these Whereas Clauses, together with the findings, conclusions, and substantial evidence found in the associated land use record file ZC-20-01, which is incorporated by this reference.

**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 to show the Willamette Neighborhood Mixed-Use Transitional and R-2.1 boundaries as depicted in Exhibit A for the Property identified on Clackamas County Assessor Map 2S-1E-35CB, Taxlot 2600 (1791 Blankenship Road).

**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 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 designee is authorized to correct any cross-references and any typographical errors.

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\_\_\_\_\_  
RUSSELL B. AXELROD, MAYOR

ATTEST:

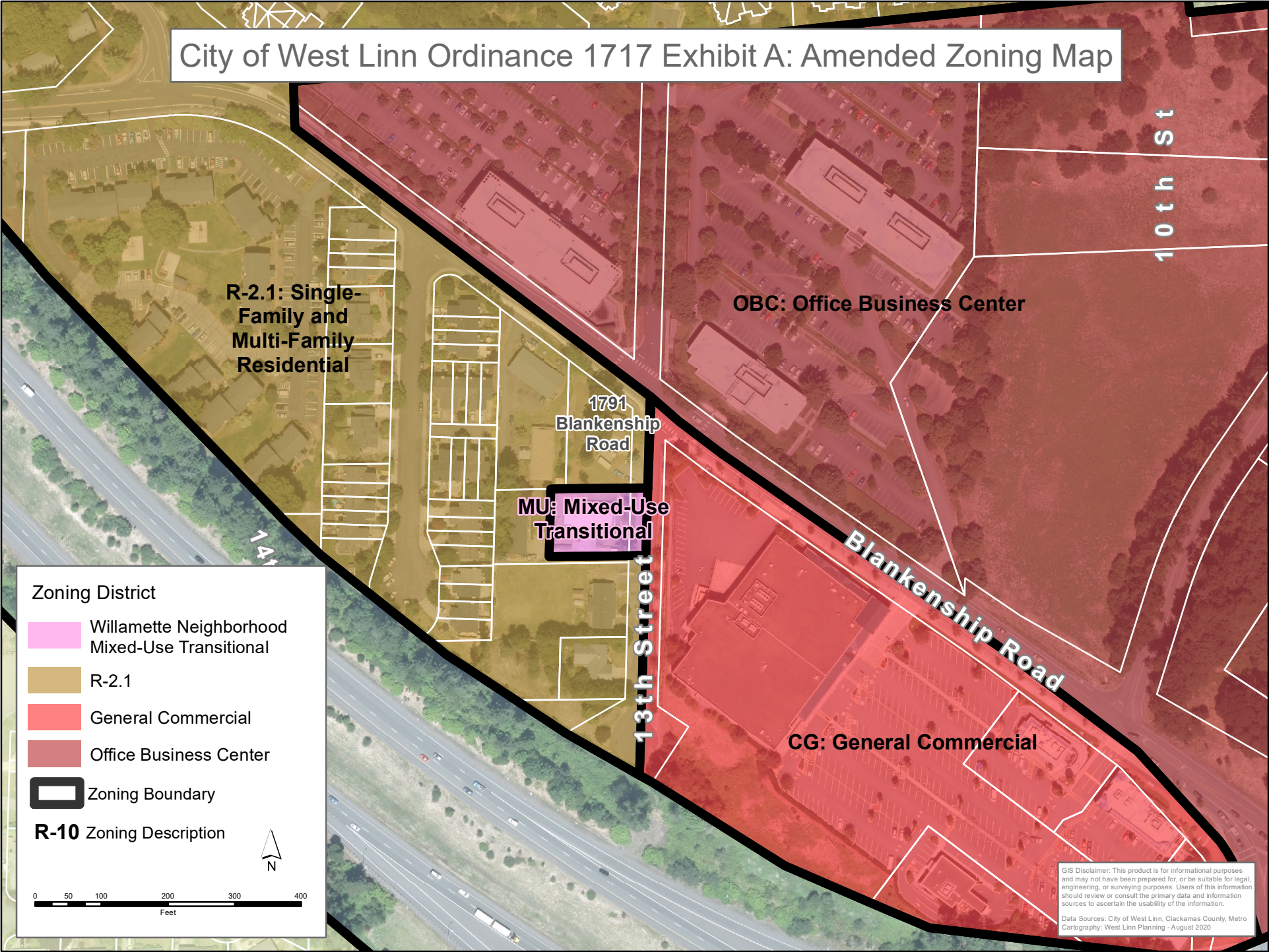
\_\_\_\_\_  
KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY



# City of West Linn Ordinance 1717 Exhibit A: Amended Zoning Map

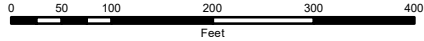


**Zoning District**

- Willamette Neighborhood Mixed-Use Transitional
- R-2.1
- General Commercial
- Office Business Center

Zoning Boundary

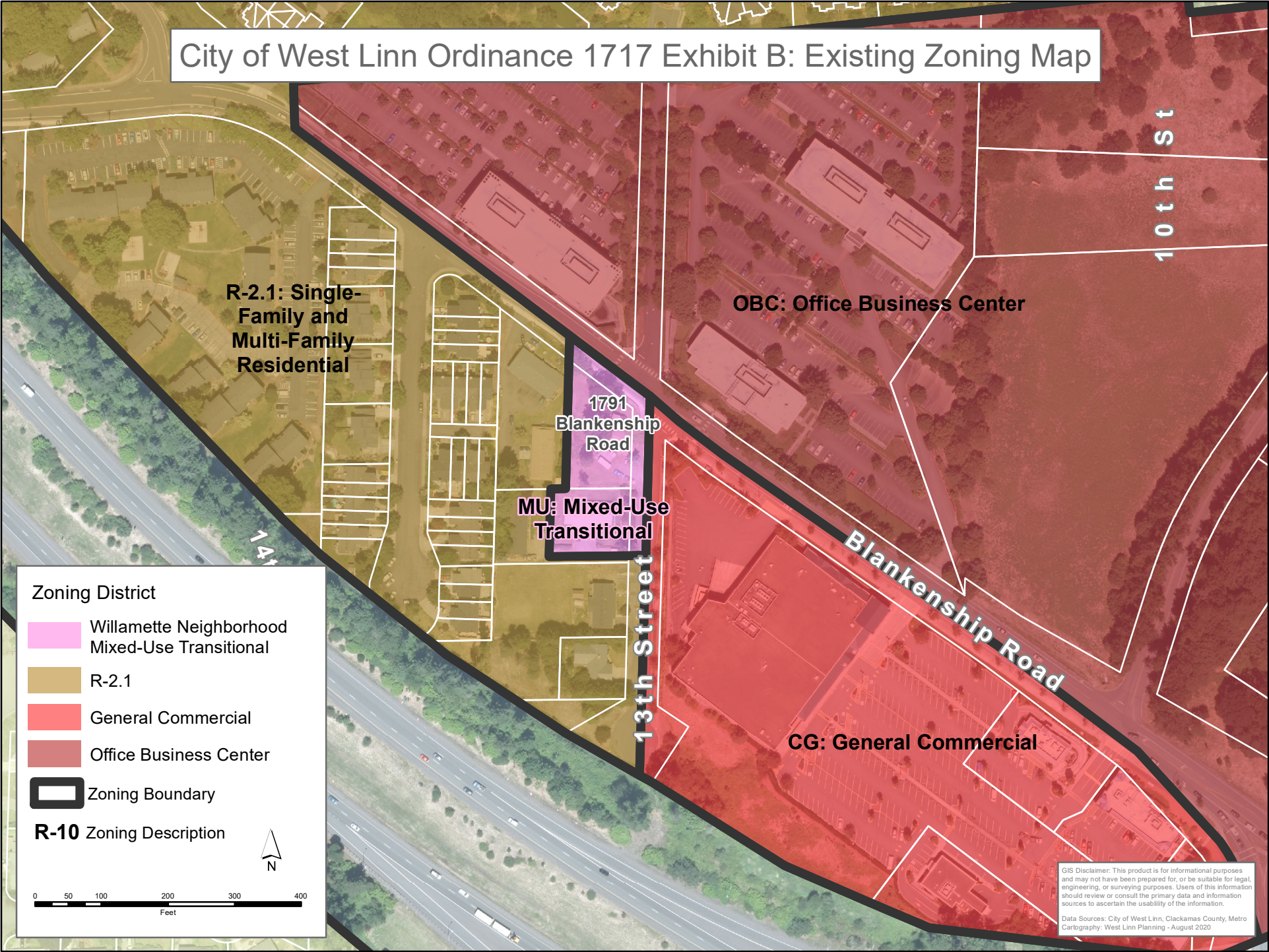
**R-10 Zoning Description**



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Data Sources: City of West Linn, Clackamas County, Metro  
Cartography: West Linn Planning - August 2020

# City of West Linn Ordinance 1717 Exhibit B: Existing Zoning Map



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

**OBC: Office Business Center**

1791  
Blankenship  
Road

**MU: Mixed-Use Transitional**

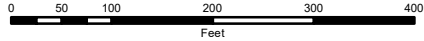
**CG: General Commercial**

**Zoning District**

- Willamette Neighborhood Mixed-Use Transitional
- R-2.1
- General Commercial
- Office Business Center

Zoning Boundary

**R-10 Zoning Description**



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Data Sources: City of West Linn, Clackamas County, Metro  
Cartography: West Linn Planning - August 2020

## Memorandum

Date: October 22, 2020  
To: West Linn City Council  
From: West Linn Planning Commission  
Subject: ZC-20-01 Recommendation

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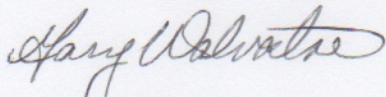
The Planning Commission held a public hearing on October 21, 2020, for the purpose of making a recommendation to the City Council regarding a request for Comprehensive Plan Map and Zoning Map amendments at 1791 Blankenship Road. If approved, the amendments would rezone the property from Willamette Neighborhood Mixed-Use Transitional to R-2.1: Single-Family and Multiple-Family Residential. Detailed information can be found in Land Use File ZC-20-01.

After conducting the public hearing, the Commission deliberated and voted 4-1 to recommend City Council approve the proposed map amendments as presented. Major topics of discussion included: the physical challenges of the site, the zoning for surrounding properties, and commercial versus residential needs of the City.

Five letters were received prior to the hearing. All letters and any concerns contained within those letters were addressed by staff and sent to Planning Commission members prior to the public hearing. Three community members provided oral testimony at the public hearing.

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

Respectfully,



Gary Walvatne  
Chair, West Linn Planning Commission



# CITY OF West Linn

## STAFF REPORT FOR THE PLANNING COMMISSION

**FILE NUMBER:** ZC-20-01

**HEARING DATE:** October 21, 2020

**REQUEST:** Comprehensive Plan Map Amendment from Mixed-Use to Medium-High Density Residential and associated Zoning Map Amendment from Willamette Neighborhood Mixed-Use Transitional Zone to R-2.1 at 1791 Blankenship Road

**APPROVAL CRITERIA:** Community Development Code (CDC) Chapters 99 and 105.

**STAFF REPORT PREPARED BY:** Chris Myers, Associate Planner

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Planning Manager's Initials DSW

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## GENERAL INFORMATION

**OWNER/APPLICANT:** Jeremy Barnett  
19363 Willamette Drive, #111  
West Linn, OR 97068

**CONSULTANT:** Robert Price  
3935 NE 72<sup>nd</sup> Avenue  
Portland, OR 97213

**SITE LOCATION:** 1791 Blankenship Road

**LEGAL DESCRIPTION:** Clackamas County Assessor's Map T2S R1E 35CB Taxlot 2600

**SITE SIZE:** 15,315 square feet

**ZONING:** Willamette Neighborhood Mixed-Use Transitional Zone

**COMP PLAN DESIGNATION:** Mixed-Use

**120-DAY PERIOD:** This application became complete on August 18, 2020. The 120-day maximum application-processing period ends on December 16, 2020

**PUBLIC NOTICE:** Public notice was mailed to the all neighborhood associations and affected property owners on September 30, 2020. The property was posted with a notice sign on October 8, 2020. The notice was published in the West Linn Tidings on October 7, 2020. The notice requirements of CDC Chapter 99 have been met.

## EXECUTIVE SUMMARY

The applicant is proposing a Comprehensive Plan Map Amendment from Mixed-Use to Medium-High Density Residential and associated Zoning Map Amendment from Willamette Neighborhood Mixed-Use Transitional Zone to R-2.1 at 1791 at 1791 Blankenship Road. The property is 15,315 square feet and takes access from 13<sup>th</sup> Street. Access directly to Blankenship is prohibited by a large structural retaining wall. Currently the site has one single-family dwelling that is vacant. The property contains no environmental overlays.

The applicant has requested the zone change to correct a zoning mistake and utilize the property to its highest and best use. The property was previously zoned R-2.1, until 2004 when the City initiated a zone change to Mixed-Use. If the zone change is approved, the applicant plans to construct multi-family housing on the property. The Willamette Neighborhood Mixed-Use Working Group, appointed by City Council in November 2018, recommended the City evaluate this property (as well as several others) for a potential rezone. The reason for the recommendation was the property location away from the commercial core does not meet the transitional purpose of the Mixed-Use zone (see Exhibit PC-2). The West Linn Planning Commission is tasked with making a recommendation to the West Linn City Council on the proposed Comprehensive Plan and Zoning Map Amendments.

### **Site Conditions:**

The property has a slope of approximately 9% from north to south. There are no environmental overlays, such as floodplain, water resource areas, habitat conservation, or wetlands. Access is from 13<sup>th</sup> Street, which dead ends to the south at the I-205 freeway.

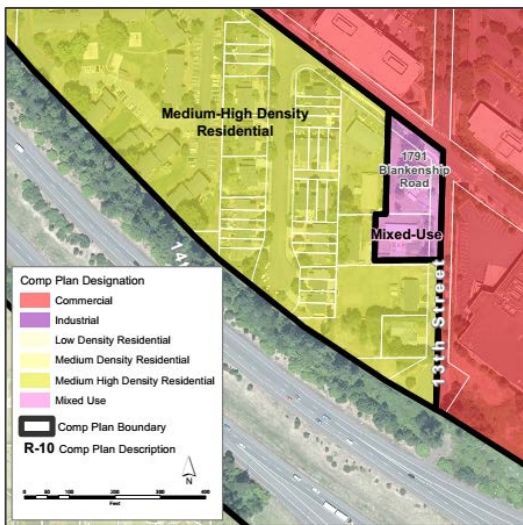
The rear of the property (western property lines) abuts an R-2.1 Single-Family and Multiple-Family Residential zone. The front of the property (eastern property lines) are adjacent to a General Commercial (GC) zone that currently contains a Parkrose Hardware Store (50,000 square feet of retail space) and other smaller retailers such as Dutch Bros Coffee and Subway Sandwiches. South of the proposed zone change is one additional property zoned Mixed-Use and an area zoned R-2.1 Single-Family and Multiple-Family Residential. To the north of the property, across Blankenship Road, is zoned Office Business Center (OBC) with various office related businesses on site.

**Surrounding Land Use and Zoning:** The subject property is zoned Willamette Neighborhood Mixed-Use Transitional Zone. Adjacent land uses and zoning include:

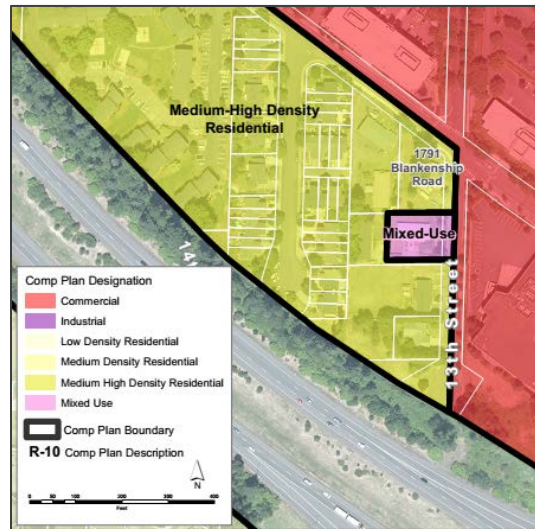
Direction From Site	Zoning	Land Use
North	OBC	Office Business Center
South	MU/R-2.1	Mixed-Use and SF/MF Residential
East	GC	Commercial (Parkrose Hardware)
West	R-2.1	Single-Family and Multiple-Family Residential

**Project Description:** Comprehensive Plan Map Amendment from Mixed-Use to Medium-High Density Residential and associated Zoning Map Amendment from Willamette Neighborhood Mixed-Use Transitional Zone to R-2.1 at 1791 Blankenship Road, as it was zoned prior to 2004. With the City’s continued investment in the Willamette Falls Drive “Main Street” area and the consistent vacancies within the River Falls Plaza (location of the Parkrose Hardware Store), the applicant asserts that the commercial viability of the site has been diminished and therefore to achieve the highest and best use the site should be reverted back to R-2.1.

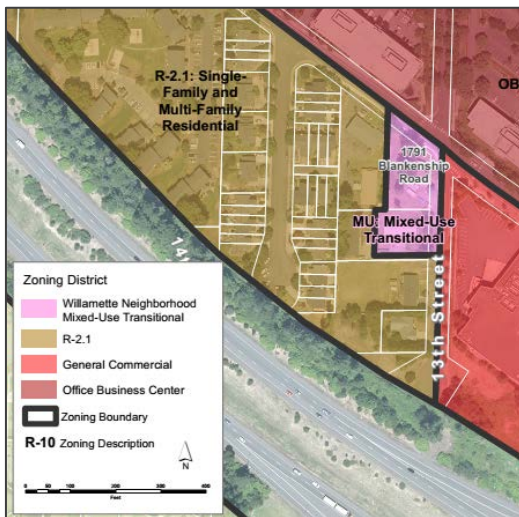
The Willamette Neighborhood Mixed-Use Working Group, appointed by City Council in November 2018, recommended the City evaluate this property (as well as several others) for a potential rezone. The reason for the recommendation was the property location away from the commercial core does not meet the transitional purpose of the Mixed-Use zone (see Exhibit PC-2).



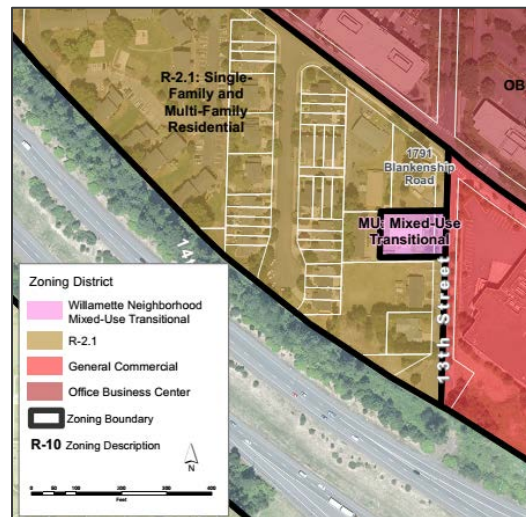
Existing Comp Plan Designations



Proposed Comp Plan Designations



Existing Zoning Boundaries



Proposed Zoning Boundaries

**Applicable Community Development Code Approval Criteria:**

- Chapter 99, Procedures for Decision Making: Quasi-Judicial; and
- Chapter 105, Amendments to the Code and Map

**Public comments:**

As of the publication date of this report, staff has not received any public comments for the Planning Commission review of ZC-20-01.

**RECOMMENDATION**

Staff recommends the Planning Commission recommend approval of application ZC-20-01, based on: 1) the findings submitted by the applicant, which are incorporated by this reference, and 2) supplementary staff findings included in the Addendum below. With these findings, the applicable approval criteria are met.



**ADDENDUM**  
**PLANNING COMMISSION STAFF REPORT**  
October 21, 2020

**STAFF EVALUATION OF THE PROPOSAL'S COMPLIANCE  
WITH APPLICABLE CODE CRITERIA**

***I. CHAPTER 105, AMENDMENTS TO THE CODE AND MAP***

*105.040 QUASI-JUDICIAL AMENDMENTS AND PROCEDURES*

*Quasi-judicial amendments to this code and to the map shall be in accordance with the procedures set forth in this code and the following:*

*(...)*

*C. The Planning Commission shall make a recommendation to the Council on a zone change application which also involves a concurrent application for a Comprehensive Plan Map amendment. The Council shall decide the applications on the record as provided by CDC 99.060(C).*

**Staff Finding 1: The applicant proposes a Comprehensive Plan Map Amendment from Mixed-Use to Medium-High Density Residential and associated Zoning Map Amendment from Willamette Neighborhood Mixed-Use Transitional Zone to R-2.1. The Planning Commission will hold a public hearing on October 21, 2020 for the purpose of making a recommendation to City Council on the proposal. City Council is tentatively scheduled to hold a public hearing and make a decision on November 9, 2020. The criteria are met.**

*105.050 QUASI-JUDICIAL AMENDMENTS AND STANDARDS FOR MAKING DECISION*

*A decision to approve, approve with conditions, or to deny an application for a quasi-judicial amendment shall be based on all of the following standards:*

*A. The standards set forth in CDC 99.110(A), which provide that the decision shall be based on consideration of the following factors:*

*1. The applicable Comprehensive Plan policies as identified in subsection C of this section and map designation.*

**Staff Finding 2: Applicable policies from the Comprehensive Plan are included and responded to below (See Staff Finding 6).**

*2. The applicable standards of any provision of this code or other applicable implementing ordinance.*

**Staff Finding 3: Applicable criteria related to a Comprehensive Plan or Zoning Map Amendment are found in CDC Chapters 99 and 105. Both chapters are addressed in this Addendum.**

*B. The standards set forth in CDC 99.110(B), which provide that, in making the decision, consideration may also be given to the following:*

*1. Proof of change in the neighborhood or community or a mistake or inconsistency in the Comprehensive Plan or Zoning Map as it relates to the property which is the subject of the development application.*

**Staff Finding 4: The applicant does not argue that a mistake was made in the change of zone to this site in 2004. Rather the applicant asserts that the zone change is inconsistent as it relates to the property. The 2004 zone change has not created a benefit to the site and therefore the site is sitting in a “limbo” type status in which commercial enterprises have shown no interest in the past sixteen years. The applicant further asserts that the site has too many adverse characteristics and too few strengths to be an attractive commercial site, thus re-establishing the medium-high density designation and zoning to the property will eliminate the inconsistency.**

**Further assertions made by the applicant highlight the challenge of this site as a commercial space. Although the site has a Blankenship Road address, access is taken from 13<sup>th</sup> Street, thus making access difficult for delivery trucks due to the angle and slope of 13<sup>th</sup> Street. Additionally, visually the site is partially hidden from Blankenship Road which is less than ideal for a commercial business.**

The Willamette Neighborhood Mixed-Use Working Group, appointed by City Council in November 2018, recommended the City evaluate this property (as well as several others) for a potential rezone. The reason for the recommendation was the property location away from the commercial core does not meet the transitional purpose of the Mixed-Use zone (see Exhibit PC-2).

*2. Factual oral testimony or written statements from the parties, other persons and other governmental agencies relevant to the existing conditions, other applicable standards and criteria, possible negative or positive attributes of the proposal or factors in sub-section A or (B)(1) of this section.*

**Staff Finding 5: The applicant submittal is found in Exhibit PC-1. The Mixed-Use Working Group recommendation to evaluate rezoning this property is found in Exhibit PC-2. No other written comments were submitted prior to the publishing of this Staff Report. The opportunity for oral statements and written testimony will be offered at the Planning Commission hearing on October 21, 2020.**

*C. The Comprehensive Plan, Plan and Ordinance Revision Process, and Specific Policy No. 4, which provides that the decision shall be based on consideration of the following criteria:*

*1. Conformance with the Comprehensive Plan policies and criteria.*

**Staff Finding 6: Applicable policies from the West Linn Comprehensive Plan include:**

- **Goal 1: Citizen Involvement, Policy 2**
- **Support neighborhood associations as a forum for discussion and advice on issues affecting the community.**
- **Goal 1: Citizen Involvement, Policy 4**  
**Provide timely and adequate notice of proposed land use matters to the public to ensure that all citizens have an opportunity to be heard on issues and actions that affect them.**

As required by CDC Chapter 99, the applicants held a pre-application conference and neighborhood meeting with the Willamette Neighborhood Association. The City mailed notice of the public hearing to all affected parties 20 days in advance of the hearing, and posted a notice of the hearing on the site and in the West Linn Tidings 10 days in advance. Prior to and during the hearing before the Planning Commission, interested parties have the opportunity to submit evidence and testimony and again before the City Council. A public notice and hearing will also be conducted before the City Council.

- **Goal 2: Land Use Planning, Section 1, 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.**  
**c. Medium-high density residential lands will meet all of the following criteria:**
  - i) Areas that do not rely solely on local streets for the provision of access;**
  - ii) Areas that are not subject to development limitations such as topography, flooding, or poor drainage;**
  - iii) Areas where the existing facilities have the capacity for additional development;**
  - iv) Areas within one-quarter mile of public transit;**
  - v) Areas within short distances of general commercial shopping center or office-business centers;**
  - vi) Areas in close proximity to parks and schools.**

The applicant asserts that the subject site does not have development limitations such as topography, flooding, or poor drainage. The subject site, and surrounding development, have existing services and facilities. The services and facilities have adequate capacity to accommodate additional dwelling units. Additionally, the subject property is within one-quarter mile of public transportation on Blankenship Road. Furthermore, the subject site across the street from both a commercial center as well as an office business center.

- **Goal 6: Air, Water, and Land Resources Quality, Section 1, Policies 3 and 4**  
**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.**  
**4. Encourage the use of alternative modes of transportation, including mass transit, walking, and bicycling.**

The proposed Comprehensive Plan and Zoning Map Amendments would reduce average daily trips to the site. This reduction includes delivery trucks, customers, and other commercial traffic. The Amendments are an opportunity to reduce commercial traffic thus resulting in a consistent urban form and more efficient residential development of the site. The subject site is within one-quarter mile of public transportation, is adjacent to a bike lane on Blankenship Road, and is within walking distance of several shops, restaurants, a salon, a bank, and an office business center.

- ***Goal 9: Economic Development, Goal 1***  
*Encourage the recruitment, retention, expansion, and economic viability of West Linn business and industry.*
- ***Goal 9: Economic Development, Policy 1 and 2***  
*Recruit and encourage businesses, particularly those that provide family-wage jobs, to locate in West Linn.*  
*Support retail businesses and services that enhance the community and provide wanted goods and services.*

The subject site as a Mixed-Use zone property will likely never generate commercial business, as shown by the 16 year absence of any commercial venture on this site. The difficult access and lack of visibility will make it difficult to recruit commercial businesses to the subject property. The type of business that a property of this size and location will typically attract, would generate very few jobs and are generally not family-wage occupations. Furthermore, the number of jobs generated by small retail services are typically few.

- ***Goal 10: Housing, Goal 2***  
*Assure good functional and aesthetic design of multi-family and clustered single-family developments.*

The applicant asserts the proposal for a zone change would assure that Goal 2 is achieved through the Class II Design Review process.

- ***Goal 10: Housing, Goal 3***  
*Encourage the development of affordable housing for West Linn residents of all income levels.*
- ***Goal 10: Housing, Policy 2***  
*Provide the opportunity for development of detached and attached single-family units, duplexes, garden apartments, town houses, row houses, multiplex units and boarding houses, lodging or rooming houses, and manufactured housing.*

The proposed Comprehensive Plan and Zoning Map Amendments would help satisfy Goal 3 and Policy 2. The site was originally planned to develop as multi-family housing before the zone change to Mixed-Use in 2004. Re-establishing the medium-high density residential designation will afford the opportunity to replace one single-family house with upwards of six

rental units. Previous staff evaluations of buildable lands in the community identified the subject site as one with redevelopment potential.

- ***Goal 11: Public Facilities and Services, General Goal***  
***Require that essential public facilities and services (transportation, storm drainage, sewer, and water service) be in place before new development occurs and encourage the provision of other public facilities and services.***

The proposed Comprehensive Plan and Zoning Map Amendments are located in an existing neighborhood with water, sewer, and stormwater infrastructure available adjacent to the property in 13<sup>th</sup> Street. The City Engineer has confirmed there is adequate capacity to service new development. Transportation facilities are also in place, including access to public transportation within one-quarter mile of the proposal.

- ***Goal 12: Transportation, Goal 1 (d)***  
***Maintains the cohesiveness of the City's neighborhoods.***

The proposed Comprehensive Plan and Zoning Map Amendments would allow for a more appropriate type and amount of traffic along 13<sup>th</sup> Street. Commercial development on the subject site will generate commercial vehicle traffic, as well as an increase in overall traffic volumes to the site. The letter prepared by Morrison Transportation Consulting, dated June 20, 2020 (see Exhibit PC-1) provides technical data that commercial use of the site will create higher traffic counts than any type of residential development. Lower levels of site generated traffic will help to promote the cohesiveness of the existing neighborhood.

- ***Goal 13: Energy Conservation, Policies 4 and 5***  
***4. Encourage mass transit use.***  
***5. Promote location of housing, shopping, and employment uses in close proximity to each other and well connected by transit consistent with policies included in Chapter 2 of this Plan.***

The proposed Comprehensive Plan and Zoning Map Amendments would allow subsequent multi-family development at 1791 Blankenship Road. These actions would encourage mass transit use because of the proximity to available bus service on Blankenship Road. The rezone would also promote the location of housing within walking and biking distance of shopping and employment opportunities.

2. *There is a public need for the change or the change can be demonstrated to be in the interest of the present and future community.*

**Staff Finding 7: The physical characteristics of the site make the potential for commercial use difficult, causing an inconsistency when the rezone to Mixed-Use occurred in 2004. Access is taken from a local street (13<sup>th</sup> Street) not from Blankenship Road, which is classified as a collector. The retaining wall along Blankenship Road and the steep slope on 13<sup>th</sup> Street make**

this an unlikely space for successful commercial development. Re-establishing the property to medium-high density residential, as it was zoned before the 2004 change, would allow the property to redevelop to its highest and best use. The rezone would also allow the efficient and effective use of existing water, sewer, stormwater, public transit, and transportation infrastructure. The proximity of the properties to employment and commercial services will allow for reduced vehicle trips and emissions as walking and biking will be a viable option.

3. *The changes will not adversely affect the health, safety and welfare of the community.*

**Staff Finding 8: Because adequate public facilities, including police and fire protection, are available to serve the properties and because of the proximity to employment, commercial services, and public transit, staff believes the proposal will not adversely affect the health, safety, or welfare of the community.**

*D. Transportation Planning Rule compliance.*

1. *Review of applications for effect on transportation facilities. When a development application, whether initiated by the City or by a private interest, includes a proposed comprehensive plan amendment zone change or land use regulation change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule: "TPR"). "Significant" means the proposal would:*

*a. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*

*b. Change standards implementing a functional classification system; or*

*c. As measured at the end of the planning period identified in the adopted transportation system plan:*

*1) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*

*2) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or*

*3) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.*

**Staff Finding 9:**

**The applicant submitted a Transportation Impact Study by Morrison Transportation Consulting dated July 20, 2020 (see Exhibit PC-1). The study concluded the proposed Comprehensive Plan and Zoning Map amendments would potentially decrease peak hour traffic volumes. This conclusion was based on a transition from potential commercial development on the site to a maximum of seven dwelling units allowed after approval of the amendments. The City finds there is no significant change caused by the proposal. Neither the functional classification nor the standards implementing the functional classification will**

**change. Levels of travel or access will remain consistent with the functional classifications and the proposal will not reduce or worsen the performance of an existing or planned transportation facility below the minimum acceptable performance standard.**

- 2. Amendments that affect transportation facilities. Amendments to the Comprehensive Plan and land use regulations that significantly affect a transportation facility shall ensure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the TSP. This shall be accomplished by one or a combination of the following:*
- a. Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.*
  - b. Amending the TSP or Comprehensive Plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of OAR 660-012-0060 of the TPR.*
  - c. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation.*
  - d. Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.*

**Staff Finding 10: The City has determined, through review of the applicant submittal of a Transportation Impact Study (See Staff Finding 9), the proposal will not significantly affect a transportation facility and therefore is not subject to these standards.**

- 3. Traffic impact analysis. A traffic impact analysis shall be submitted with a plan amendment or land use district change application.*

**Staff Finding 11: The applicant submitted a Transportation Impact Study that addressed the State Transportation Planning Rule requirements (See Staff Finding 9). The study found the proposal would not significantly affect a transportation facility.**

## **II. CHAPTER 99, PROCEDURES FOR DECISION MAKING: QUASI-JUDICIAL**

*99.030 APPLICATION PROCESS: WHO MAY APPLY, PRE-APPLICATION CONFERENCE, REQUIREMENTS, REFUSAL OF APPLICATION, FEES*

*(...)*

*B. Pre-application conferences.*

*1. Subject to subsection (B)(4) of this section, a pre-application conference is required for, but not limited to, each of the following applications:*

*(...)*

*b. Amendments to the Comprehensive Plan*

*c. Amendments to the Zoning Map.*

*(...)*

**Staff Finding 12: The applicant attended a pre-application conference with City staff on February 6, 2020. The criteria are met.**

*99.038 NEIGHBORHOOD CONTACT REQUIRED FOR CERTAIN APPLICATIONS*

*Prior to submittal of an application for any subdivision, conditional use permit, multi-family project, planned unit development of four or more lots, non-residential buildings over 1,500 square feet, or a zone change that requires a Comprehensive Plan amendment, the applicant shall contact and discuss the proposed development with any affected neighborhood as provided in this section. (...)*

*E. An application shall not be accepted as complete unless and until the applicant demonstrates compliance with this section by including with the application:*

- 1. A copy of the certified letter to the neighborhood association with a copy of return receipt;*
- 2. A copy of the letter to officers of the association and to property owners within 500 feet, including an affidavit of mailing and a copy of the mailing list containing the names and addresses of such owners and residents;*
- 3. A copy of the required posted notice, along with an affidavit of posting;*
- 4. A copy of the minutes of the meetings, produced by the neighborhood association, which shall include a record of any verbal comments received, and copies of any written comments from property owners, residents, and neighborhood association members. If there are no minutes, the applicant may provide a summary of the meeting comments. The applicant shall also send a copy of the summary to the chair of the neighborhood association. The chair shall be allowed to supplement the summary with any additional comments regarding the content of the meeting, as long as such comments are filed before the record is closed;*
- 5. An audiotape of the meeting; and*
- 6. In the event that it is discovered by staff that the aforementioned procedures of this section were not followed, or that a review of the audio tape and meeting minutes show the applicant has made a material misrepresentation of the project at the neighborhood meeting, the application shall be deemed incomplete until the applicant demonstrates compliance with this section.*

**Staff Finding 13: The applicant attended a Willamette Neighborhood Association meeting on July 8, 2020. The applicant submitted all required materials and they are found in Exhibit PC-1. The criteria are met.**

*99.060 APPROVAL AUTHORITY*

*B. Planning Commission authority. The Planning Commission shall have the authority to:*

- 1. Make a recommendation to approve, deny, or approve with conditions to the Council:*



- a. A quasi-judicial Comprehensive Plan Map amendment (Chapter 105 CDC).
- b. A quasi-judicial zone change application pursuant to Chapter 105 CDC, excluding applications requesting the designation or removal of a designation for a historic resource. (...)
- C. City Council Authority. The Council shall have the authority to:
  - 1. Approve, deny, or approve with conditions applications for the following development applications:
    - a. A quasi-judicial Comprehensive Plan Map amendment (Chapter 105 CDC).
    - b. A quasi-judicial zone change application pursuant to Chapter 105 CDC. (...)

**Staff Finding 14: The proposal will be heard by the West Linn Planning Commission at a public hearing on October 21, 2020 for the purposes of making a recommendation to the West Linn City Council on the proposed Zoning Map Amendment. The City Council is tentatively scheduled to hold a public hearing and make a final decision on November 9, 2020. The criteria are met.**

*99.080 NOTICE*

*Notice shall be given in the following ways:*

- A. Class A Notice. (...)

**Staff Finding 15: The applicant proposal has been properly noticed by the City. Please see Staff Report for the Planning Commission Exhibit PC-4 below. The criteria are met.**

# EXHIBIT PC-1 APPLICANT SUBMITTAL

## DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT <b>Wyss</b>	PROJECT NO(S). <b>ZC-20-01</b>	PRE-APPLICATION NO. <b>PA-20-01</b>
NON-REFUNDABLE FEE(S)	REFUNDABLE DEPOSIT(S) <b>\$3,000</b>	TOTAL <b>\$ 3,000</b>

**Type of Review** (Please check all that apply):

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Annexation (ANX)                      | <input type="checkbox"/> Historic Review                                  | <input type="checkbox"/> Subdivision (SUB)                               |
| <input type="checkbox"/> Appeal and Review (AP)                | <input type="checkbox"/> Legislative Plan or Change                       | <input type="checkbox"/> Temporary Uses                                  |
| <input type="checkbox"/> Conditional Use (CUP)                 | <input type="checkbox"/> Lot Line Adjustment (LLA)                        | <input type="checkbox"/> Time Extension                                  |
| <input type="checkbox"/> Design Review (DR)                    | <input type="checkbox"/> Minor Partition (MIP) (Preliminary Plat or Plan) | <input type="checkbox"/> Variance (VAR)                                  |
| <input type="checkbox"/> Easement Vacation                     | <input type="checkbox"/> Non-Conforming Lots, Uses & Structures           | <input type="checkbox"/> Water Resource Area Protection/Single Lot (WAP) |
| <input type="checkbox"/> Extraterritorial Ext. of Utilities    | <input type="checkbox"/> Planned Unit Development (PUD)                   | <input type="checkbox"/> Water Resource Area Protection/Wetland (WAP)    |
| <input type="checkbox"/> Final Plat or Plan (FP)               | <input type="checkbox"/> Pre-Application Conference (PA)                  | <input type="checkbox"/> Willamette & Tualatin River Greenway (WRG)      |
| <input type="checkbox"/> Flood Management Area                 | <input type="checkbox"/> Street Vacation                                  | <input checked="" type="checkbox"/> Zone Change                          |
| <input type="checkbox"/> Hillside Protection & Erosion Control |   |  |

Home Occupation, Pre-Application, Sidewalk Use, Sign Review Permit, and Temporary Sign Permit applications require different or additional application forms, available on the City website or at City Hall.

<b>Site Location/Address:</b> <b>1791 BLANKENSHIP ROAD</b>	Assessor's Map No.: <b>T2S, R1E, Sec. 35CB</b>
	Tax Lot(s): <b>2600</b>
	Total Land Area: <b>15,315 +/- sf</b>

**Brief Description of Proposal: Zone change from MU (Mixed Use) to R-2.1 (Single-Family and Multi-Family Residential) on full site of 15,315 +/- sf**

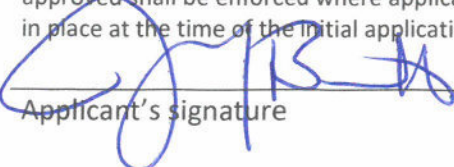

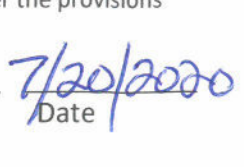
<b>Applicant Name:</b> <b>JEREMY BARNETT</b> <small>(please print)</small>	Phone: 971-404-5141
Address: <b>19363 Willamette Drive, #111</b>	Email: <b>localbarnett@gmail.com</b>
City State Zip: <b>West Linn, OR 97068</b>	

<b>Owner Name</b> (required): <b>Jeremy Barnett</b> <small>(please print)</small>	Phone: 971-404-5141
Address: <b>19363 Willamette Drive, #111</b>	Email: <b>localbnarnett@gmail.com</b>
City State Zip: <b>West Linn, OR 97068</b>	

<b>Consultant Name:</b> <b>Robert Price</b> <small>(please print)</small>	Phone: 503-807-4009
Address: <b>3935 NE 72<sup>ND</sup> AVENUE</b>	Email: <b>rprice1145@gmail.com</b>
City State Zip: <b>Portland, OR 97213</b>	

1. All application fees are non-refundable (excluding deposit). **Any overruns to deposit will result in additional billing.**
2. The owner/applicant or their representative should be present at all public hearings.
3. A decision may be reversed on appeal. No permit will be in effect until the appeal period has expired.
4. **One complete hard-copy set of application materials must be submitted with this application.**  
**One complete digital set of application materials must also be submitted electronically in PDF format.**  
**If large sets of plans are required in application please submit one set.**

The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I hereby agree to comply with all code requirements applicable to my application. Acceptance of this application does not infer a complete submittal. All amendments to the Community Development Code and to other regulations adopted after the application is approved shall be enforced where applicable. Approved applications and subsequent development is not vested under the provisions in place at the time of the initial application.

 Applicant's signature	 Date <b>7/20/2020</b> Owner's signature (required)	 Date <b>7/20/2020</b>
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## I. Introduction

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Seventeen Ninety One (1791) Blankenship Road is a relatively small site located on the southeasterly corner of the intersection of Blankenship Road and 13<sup>th</sup> Street. The legal description is Township 2 South, Range 1 East, Section 35CB, Tax Lot 2600 (T2S R1E 35CB – 2600). The site is 15,315 square feet, or approximately 0.35 acre in size. The site currently supports one single family dwelling that is vacant. Vehicle access is gained by a driveway on 13<sup>th</sup> Street, on the easterly side of the site. However, technical frontage is on Blankenship Road, although direct access from the subject site to Blankenship Road is impossible based on the existing retaining wall along the Blankenship Road frontage. This retaining wall is approximately eight (8) feet in height, at its maximum point. Due to the topographic slope of the general vicinity, the site slopes from north to south, from Blankenship Road south to the cul-de-sac end of 13<sup>th</sup> Street. Beyond the cul-de-sac is the I-205 right-of-way. North of Blankenship Road 13<sup>th</sup> Street is named as Summerlinn Drive.

This site is owned by Jeremy Barnett, who is also the applicant for the Zone Change from MU (Mixed Use) to R-2.1 (Single-Family and Multi-Family Residential). Jeremy purchased the site in August 2017, and has made some attempts to sell the site as a “commercial” property. However, based on the physical circumstances of the site, and the relationship between the site and the shopping center located directly adjacent to the east, across 13<sup>th</sup> Street, the subject site is not viewed by any prospective purchasers as a viable commercial site. At least one interested party has asked about residential development on the site.

The land uses in the immediate vicinity is a mix of several different types of land uses. To the east, across 13<sup>th</sup> Street, is the former “Albertson’s” store and several other business in free-standing structures, as well as some in-line row shops. While the Albertson’s store has long since closed, other smaller businesses have come and gone in the shopping center, indicating that there may be some instability in the site as a major commercial center. Recent reports indicate that Parkrose Hardware may be taking over the former Albertson’s store.

To the south along the westerly side of 13<sup>th</sup>, development is single level single family homes. All dwellings are occupied. There are four (4) additional dwellings on 13<sup>th</sup> Street, south of the subject site. To the north, across Blankenship Road, development is a combination of residential on Summerlinn Drive and office buildings fronting on Blankenship Road. Uphill of these office structures on Blankenship Road, there are several large residential developments, comprised primarily of rental and condominium units in multi-unit structures. To the west, along Virginia Street, there are numerous dwellings on lots of varying size. These dwellings are either duplexes or single family dwellings.

Land use and zoning in the immediate vicinity is a mix of residential and commercial. The subject site is zoned MU (Mixed Use), while other dwellings downhill on 13<sup>th</sup> Street are zoned R-2.1. Zoning to the east is commercial in recognition of the shopping center. Zoning to the west along Virginia Street is R2.1. In all, there appear to be only two or three properties in the vicinity that are zoned MU.

There are no documented environmental overlays in this area of the Willamette Neighborhood.

All required and necessary services and utilities are available to properties in the area. This includes domestic and fire suppression water supply, sanitary sewer, storm drainage, police and fire protection, and other traditional urban services and utilities.

Jeremy Barnett proposes to amend the zoning of the subject site from MU to R-2.1, followed by a Class II Design Review action to approve the design of the six (6) units that Jeremy is proposing to develop on the subject site. Because these two land use actions are distinctly different and subject to slightly different standards, it was determined, at the suggestion of city staff, that these two land use actions be applied for separately. Therefore, this first application will be for the zone change from the existing MU (Mixed Use) to R-2.1 (Single-Family and Multi-Family Residential). Assuming success with the zone change, the second application will be for Class II Design Review II obtain approval of the design of the project.

The project Jeremy proposes is a six-unit multi-family development, possibly in two structures separated by parking and recreation areas. While the preliminary design of the project is entirely conceptual, Jeremy envisions six units, each with three (3) bedrooms and 2.0 to 2.5 bathrooms. The size of the units will allow for flexibility in the types of residents, and all units will be for rent at market rates. None of the units will be for subsidized or rent-controlled circumstances. The project will be architecturally designed and will include a variety of amenities to make the units even more attractive.

The proposed zone change from MU to R-2.1 will address the approval criteria contained in Chapter 105 (*Amendments to the Code and Map*), specifically 105.040, *Quasi-Judicial Amendments and Procedures* and Section 105.050, *Quasi-Judicial Amendments and Standards for Decision-Making*. Sections 105.040 and 105.050 make reference back to Chapter 99, *Procedures for Decision Making: Quasi-Judicial*. As such, there are a variety of standards and criteria that must be suitably addressed to support the zone change. Section II of this narrative, *II. Addressing the West Linn Community Development Code*, contains all of the supporting information for the proposed zone change from MU to R-2.1.

As required under 99.038, "neighborhood contact" is required for "any . . . . multi-family project". Because this project is a multi-family project, contact with the Willamette Neighborhood is necessary. Jeremy and his land use consultant, Robert Price, attended the monthly meeting of the WNA on June 10, 2020. However, because of the COVID-19 pandemic, this particular meeting of WNA was not properly advertised. For the July 8, 2020 meeting, Jeremy and Robert returned to the WNA for its properly advertised July monthly meeting for a second presentation. Therefore, the requirements for the required neighborhood contact in 99.038 of the West Linn Community Development Code have been fully satisfied. Meeting minutes produced by WNA for both meetings have been included in the application package, as well as the attendance roster for both meetings. An audio recording of the July 8, 2020 meeting is also included.

## **II. West Linn Community Development Code (CDC)**

This application for a Zone Change from the existing MU (Mixed Use) to R-2.1 (Single-Family and Multi-Family Residential) on the subject site located at 1791 Blankenship Road is submitted as the first step in a dual step process to amend the zoning on the subject site, and the obtain approval for a Class II Design Review for a six unit multi-family development. This two-step approach was advised by city staff, and agreed to by the property owner and applicant, Jeremy Barnett.

The purpose of the proposed zone change is to re-acquire the R-2.1 zoning that was the zoning of the subject site until 2004. At that time, a judicial zone change, instituted by the City of West Linn, was completed based largely on the assumption that there may be a market for small ancillary and adjacent parcels to the Albertson's Shopping Center. However, since 2004, circumstances have changed considerably. Albertson's has vacated that large anchor space in the shopping center, and other smaller business have "come and gone" from various other retail commercial spaces in the shopping center. In the end, the viability of the shopping center has generally been diminished. In addition, the improvement of the Willamette commercial area, across the I-205 freeway, has likely had a significant impact on similar development on the north side of the I-205 freeway. That, coupled with the uncertainty of the future of the former Albertson's shopping center, will result in a better use of the subject site as a residential site than for commercial purposes.

There are several Chapters of the West Linn Community Development Code (CDC) that are appropriate and applicable to the proposed zone change. These Chapters of the CDC are:

- **Chapter 105 – Amendments to the Code and Map**
- **Chapter 99 – Procedures for Decision Making: Quasi Judicial**
- **Chapter 16 – Single-Family and Multiple-Family Residential, R-2.1**
- **Chapter 59 – Willamette Neighborhood Mixed Use Transitional Zone**

These four (4) Chapters are addressed below, in the order listed above. Any other Chapters or specific items, standards, criteria, requirements, etc. that surface during the addressing of the four (4) Chapters listed above will be addressed following the addressing of the four (4) Chapters. Other "*Applicable CDC Chapters*" as listed on page 1 of the "*Pre-Application Conference Meeting – Summary Notes, February 6, 2020*" will apply to the second of the land use applications that will be submitted by the applicant, for a Class II Design Review. These include, but may not be limited to, Chapters 46, 48, 54, 55, and 92.

## Chapter 105 – Amendments to the Code and Map

- 105.010 Purpose

Finding: This subchapter sets out the basic Purpose of this Chapter, which is to provide the standards and procedures for “. . . . the quasi-judicial changes to the map as provided by code chapters setting forth the procedures and by the Comprehensive Plan.” It is also noted that “Amendments may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes or to address changes in the law.” This application does not argue that any mistakes have occurred, or that there have been changes in the law. Rather, we believe that there have been changes in community conditions, needs and desires relative to the subject site that render it of little value for commercial development. The changing character of the Albertson’s Shopping Center, plus the continuing need for multi-family housing, and the property owner’s desire to be able to develop the property in a manner that will be a benefit to the community, the Willamette Neighborhood, and the property owner/applicant.

- 105.040 Quasi-Judicial Amendments and Procedures

Finding: While A. of this Chapter applies to the subject application for zone change from MU (Mixed Use) to R-2.1 (Single-Family and Multi-Family Residential) without an application for a concurrent Comprehensive Plan Map amendment, other parts of this Chapter, specifically, B. and C. do not apply because they do not match the land use action required for this particular zone change.

105.040.A states, “The Planning Commission shall make a recommendation to the Council, on a zone change application which does not involve Comprehensive Plan amendments as provided by CDC 99.060-(B).” Because this application requires a public hearing before the West Linn Planning Commission (WLPC), and the application does not involve an amendment of the Comprehensive Plan, the Planning Commission will take all information, evidence, testimony, etc. into consideration, then make a recommendation to the City Council on what action the Council should consider taking.

The applicant understands this process and agrees to it

- 105.050 Quasi-Judicial Amendments and Standards for Making Decision

A decision to approve, approve with conditions, or to deny an application for a quasi-judicial amendment shall be based on all of the following standards:

A. The standards set forth in CDC 99.110(A), which provide that the decision shall be based on consideration of the following factors:

1. The applicable Comprehensive Plan Policies as identified in subsection C of this section and map designation.

Finding: The appropriate and applicable policies of the Comprehensive Plan are identified and addressed below, in subsection C. of this subchapter 105.050;

2. The applicable standards of any provision of this code or other applicable implementing ordinance.

Finding: As part of the Pre-Application Conference meeting between the applicant and city staff, the “applicable CDC Chapters” were provided by staff as part of the conference process, and as part of the “*Summary Notes, dated February 6, 2020, page 1*”. No other sections of the CDC or other city codes appear to have any applicability to this application. Therefore, with the addressing of appropriate and applicable chapters of the CDC, this standard or factor, has been satisfied.

B. *The standards set forth in CDC 99.110(B), which provide that, in making the decision, consideration may also be given to the following:*

1. *Proof of change in the neighborhood or community or a mistake or inconsistency in the Comprehensive Plan or Zoning Map as it relates to the property which is the subject of the development application.*

Finding: In the past two decades, there has been significant change in the local neighborhood, on both sides of the I-205 corridor. There have been new residential developments, new commercial buildings, a significant increase in commercial opportunities on the south side of the I-205 corridor, and an apparent reduced interest in commercial/retail development and activities on the north side of the corridor. The residential character of the northerly side of the corridor of the Willamette Neighborhood has been strengthened by recent residential developments uphill from Blankenship Road, while the commercial character appears to have largely shifted to the south side of the corridor.

The applicant does not argue that a “mistake” was made in the zoning of the site to MU, but, in retrospect, the change of zoning from R-2.1 to MU in 2004 has not benefitted the subject site, causing it to be in somewhat of a “limbo” status – too many adverse characteristics of the site and immediate surrounding vicinity, not enough “strengths” to be attractive as a commercial site. At this point, the site really “needs” to be returned to the original R-2.1 zoning to allow it to develop to its fullest potential as a residential site.

Maintaining the site in the MU zoning creates somewhat of an “inconsistency” in the zoning pattern because the subject site is one of only two sites zoned MU on the south side of the corridor. This inconsistency creates an issue of development and build-out of the local neighborhood, considering there has been significant development within the Willamette Neighborhood since 2004. The applicant wishes to shed this inconsistency that adversely impacts the developability of his site. While the site is not vacant, it has a vacant single family dwelling built in 1944, and this existing dwelling has deteriorated to the point that it would require a significant investment to bring it to current standards. The applicant believes it would be money better spent in re-developing the site with multi-family residential housing units.

When these considerations are paired with the physical circumstances of the site which do not promote commercial development, it appears that the logical conclusion to is re-zone the site to R-2.1. It should be noted that, although the site has frontage and is addressed on Blankenship Road, the site has no practical or usable frontage on



Blankenship Road. Access is taken from frontage on 13<sup>th</sup> Street, with one curb cut, or driveway. It should be noted that 13<sup>th</sup> Street is sloping downhill from the intersection with Blankenship Road, and the intersection has no “landing” on 13<sup>th</sup> Street, making it difficult to access and merge onto Blankenship Road. This may be especially true of trucks, regardless of size.

Finally, a commercial/industrial real estate broker viewed the subject site and concluded, within ten seconds, that the subject site is not at all suitable for any type of commercial development. He noted that there is no “connection” or “relationship” between the subject site and the Albertson’s Shopping Center, thus making the MU zoning largely inappropriate for any commercial development.

All of this combines together to emphasize the concept that the site and the immediate vicinity in the neighborhood may well have changed in character such that the subject site is best suited for residential development. Commercial use of the subject site would continue the apparent “inconsistency” in the current zoning and the potential “highest and best use” of the subject site.

2. *Factual oral testimony or written statements from the parties, other persons and other governmental agencies relevant to the existing conditions, other applicable standards and criteria, possible negative or positive attributes of the proposal or factors in sub-section A or B(1) of this section.*

Finding: Oral statements and written testimonials will be offered at the Planning Commission hearing.

C. *The Comprehensive Plan, Plan and Ordinance Revision Process, and Specific Policy No. 4 which provides that the decision shall be based on considerations of the following criteria:*

1. *Conformance with the Comprehensive Plan policies and criteria.*

Finding: The West Linn Comprehensive Plan (“Comp Plan”) is separated into several Goals, Policies and Recommended Action Measures for a variety of subjects. The proposed zone change from MU to R-2.1 must remain in conformance with the various applicable and appropriate Goals. For example, **Goal 1 is “Citizen Involvement”**. The proposed zone change must contact the Willamette Neighborhood Association (WNA) and provide the opportunities for citizen review, input, and comment. This has been done through two meetings with WNA by the applicant, on June 10<sup>th</sup> and July 8<sup>th</sup>, 2020. Public hearings before the West Linn Planning Commission and the West Linn City Council will provide the opportunities for citizen input to the planning process. Therefore, the proposed zone change is consistent with Goal 1.

For **Goal 2: Land Use Planning**, under Section 1: Residential Development, Goals 1 and 2 seek “to provide for a variety of living environments and densities”, and to “allow a mix of residential and commercial uses in Commercial Districts and ensure compatibility of these districts with the residential character of existing neighborhoods”. The subject

site is capable of supporting either residential or retail commercial uses, but this area of the Willamette Neighborhood is a mix of both residential and commercial uses and, more specifically, a mix of single family and multi-family housing. The site will continue to meet this character if developed for residential use rather than for commercial use. It appears that 13<sup>th</sup> Street is the current limit of commercial development west of the 10<sup>th</sup> Street/I-205 interchange. For protection of existing residential uses in the local neighborhood, it may be best if the subject site is developed for residential purposes in order to maintain this separation.

As a medium-high density area, this local neighborhood area may have some limitations, the slope at Blankenship Road is such that direct vehicle access from Blankenship Road to the subject site is not possible. Rather, access is taken only from 13<sup>th</sup> Street, a sloping street taking intersection with Blankenship Road at a somewhat awkward location. With regard to traffic, access to the site from 13<sup>th</sup> Street can be problematic for delivery trucks.

According to the 2013 *“Existing Residential Units and Buildable Lands Summary”*, the Willamette Neighborhood is the largest of all neighborhoods in West Linn, and contains the largest number of residential dwelling units. This large number of residential units likely reflects the size of the neighborhood as well as the development potential of vacant lands and lands that can be re-developed. For the criteria contained under Goal 2, Policy 7, sub item c., the subject site may not meet all of the stated criteria, but certainly meets most of the six (6) criteria. Further, Policy 8 states *“Protect residentially zoned areas from the negative impacts of commercial, civic, and mixed use development, and other potentially incompatible land uses”*. With local development on the southerly side of Blankenship Road being almost exclusively residential west of 13<sup>th</sup> Street, the subject site is an outlier when it comes to potential non-residential development. In order to protect the residential character of this local area, residential development of the subject site certainly promotes, strengthens and satisfies this Goal.

Under Section 3: Mixed Use/Commercial Development, the historic Willamette District has been, is, and will remain one of the first and most prominent commercial areas in West Linn. The Albertson’s Shopping Center on the north side of I-205, and the “mirror-image” commercial center on the south side of I-205, plus the historic Willamette Falls area which is currently being upgraded and improved to provide even more commercial development opportunities. Based on this focus of commercial development, the subject site is not and should not be a focus for commercial development. 13<sup>th</sup> Street provides an excellent opportunity to limit future commercial development to existing commercial areas.

Goal 3 states *“Encourage retail commercial uses to be located in centers that facilitate one-stop shopping and discourage strip commercial development.”* In this particular case, development of the subject site for any type of commercial use will be counter to this Goal and will extend commercial development across 13<sup>th</sup> Street, thus extending

“strip commercial development” into an area where it is not appropriate. Therefore, the subject site simply does not support compliance and compatibility with this Goal, or with Goal 4. In fact, any commercial development on the subject site may not comply or promote any of the eight (8) Goals in this Section.

In reviewing the **Goal 2: Land Use, Comprehensive Plan** (Figure 2-1), it is noted that the subject site and the site located directly adjacent to the south on the west side of 13<sup>th</sup> Street are the only two (2) properties designated for “Mixed Use” development. No such Mixed Used development has taken place since re-designation of these two properties in 2003. As two small properties that may have been intended as commercial extensions of the Albertson’s Shopping Center, they simply have not drawn any interest for commercial or mixed use development. Because they are outliers, they will promote strip commercial development into a residential area with which the commercial uses will not be fully compatible. It would appear best that these two parcels be re-designated back to R-2.1, which is in keeping with the rest of the local neighborhood south of Blankenship Road.

Under **Goal 6: Air, Water, and Land Resources Quality**, Section 1: Air Quality has an important Policy that reads “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.*” This is an important Policy because maintaining the site under MU zoning where commercial development is possible, it will encourage use of delivery trucks to the site where traffic access is difficult and vehicle miles traveled, for both trucks and personal vehicles, are likely to increase rather than decrease. This would be in conflict with this Policy. This is an opportunity to limit potential commercial growth to being east of 13<sup>th</sup> Street, resulting in a better urban form and a more efficient residential development of the subject site.

For **Goal 9: Economic Development**, Policies 1 and 2, respectively, state “*Recruit and encourage businesses, particularly those that provide family-wage jobs to locate in West Linn*”, and “*Support retail businesses and services that enhance the community and provide wanted goods and services.*” The MU zone provides for retail commercial uses that may not provide the type of family wage jobs the city is seeking. Small convenience retail uses likely will not provide the family-wage jobs, and the “wanted goods and services” that are the target of these two Policies. On that basis, perhaps it is not best to maintain the MU zoning on the subject site, waiting for the “silver bullet” use to come along that will develop a significant economic base on this 15,315 square foot (0.35 acre) site. Whatever commercial use that may be established on the subject site will be at lower employment densities, and may not be family-wage jobs. It would appear that such development opportunities will not satisfy or fulfill this Goal, and the appropriate Policies.

**Goal 10: Housing** provides Goals and Policies that support and promote housing in West Linn, both single family and multiple family housing. Because West Linn is a

growing community, a variety of housing types, styles, sizes and economic levels are necessary. While the MU zoning on the subject site may allow for residential development, the allowed density of development under the MU zoning is less than what the site is able to support. The density under the MU zoning is four (4) multi-family units, while under the R-2.1 zone; the maximum potential development is seven (7) multi-family units. Although the site is small, the difference of three (3) units can be significant. With fewer units, development costs of the site are generally higher and, thus rent levels may also be higher. With more units under the R-2.1 zoning, as the applicant proposes to build, there will be more housing opportunities for a wider variety of people at a greater range of income levels. It is noted in the “*Background and Findings*” portion of the narrative for this Goal that “*Housing affordability is an issue in West Linn.*” Any commercial development of the subject site under the MU zoning will take away potential housing, thus leading to a potential issue of contributing to the future housing affordability for the city. Residential development would help to address this issue.

Goal 2, “*Assure good functional and aesthetic design of multi-family and clustered single-family developments*”, will be guaranteed through the required Class II Design Review process. Goal 3, “*Encourage the development of affordable housing for West Linn Residents of all income levels*”, will be supported if the subject site is developed for residential purposes, but will not be supported at all if the site remains zoned MU and allows potential commercial development. The proposed multi-family development under the R-2.1 zoning that is proposed for the subject site by the applicant will definitely contribute to satisfying Goal 3 through rental housing that is affordable while being an asset for the Willamette Neighborhood and the City of West Linn as a whole. Figure 10-3, “*Buildable Lands Inventory*” identifies this specific site as one with “*Infill Potential*”, which is definitely true. That is the proposal by the applicant, to re-develop the subject site, which serves the vision of the Comp Plan.

Under **Goal 12: Transportation**, the “sub goal” 1.d. states “*Provide a transportation system for the City of West Linn that:*

*d. Maintains the cohesiveness of the City’s neighborhoods.*”

Use of the subject site for commercial development will cause site generated commercial traffic to extend onto 13<sup>th</sup> Street, where such traffic has not been before. Such heavier traffic, at greater levels than at the current time, will not contribute to the cohesiveness of the local neighborhood. The “opinion letter” prepared by Morrison Transportation Consulting dated June 20, 2020 provides technical information that site generated commercial traffic will create considerably more traffic than any type of residential development. Such lower level of site generated traffic will definitely promote the cohesiveness of the existing local neighborhood and will protect the existing residential development from conflicting and “non-conforming” traffic, especially on 13<sup>th</sup> Street. Because 13<sup>th</sup> Street is a “Local” street, which will “. . . . have the sole function of providing access to immediate, adjacent land”, commercial development will cause 13<sup>th</sup> Street to be used for an unintended traffic use. Further, it appears that the commercial

development of the subject site will not fulfill one or more of the Streets Policies 1. through 12.

Finally, the "Vision Statement and Action Plan for the Willamette Neighborhood of West Linn" has been specifically built for the Willamette Neighborhood. However, this local area plan is very general and does not address residential development specifically. Instead, it is more general in terms of what the neighborhood seeks. Comparing the future of the subject site under the current MU zoning versus the proposed R-2.1 zoning, the future of the subject site appears to be more favorable to the local neighborhood under a residential infill plan than if developed for commercial use. One sub-goal under Goal #6 states "*Development needs to be consistent with the value of the area*". The area west of 13<sup>th</sup> Street and to the south of Blankenship Road is entirely residential and should remain that way in order to maintain consistency, compatibility, and non-conflicting. Commercial development of the subject site will not be consistent with Goal #6, and will not improve the value of the local area. It is the applicant's conclusion that residential development is much more consistent with the local neighborhood and, thus, the Willamette Neighborhood Plan.

2. *There is a public need for the change or the change can be demonstrated to be in the interest of the present and future community.*

Finding: Because of the physical characteristics of the site, use of the site for commercial purposes is questionable. The slope of the site, the retaining wall along the entire northerly side of the site that effectively separates the site from any access to Blankenship Road, the 13<sup>th</sup> Street access is on a sloping street which could make truck access difficult, the proximity of the site to the "backside" of the Albertson's Shopping Center, and the size and shape of the lot all combine together to "create" a site that does not meet the real estate mantra of "location, location, location". The site is truly separated from other viable commercial areas, and has no attribute(s) that would make the site attractive to someone who wishes to develop a commercial use that is in keeping with the "uses permitted outright" in the somewhat limited list contained in subchapter 16.030. The lack of visible frontage along Blankenship Road makes the site potentially difficult to locate because it is addressed on Blankenship Road, and the person unfamiliar with neighborhood could have difficulty in even finding the site. While a sign on Blankenship Road could direct people to the site, an advertising sign may add nothing to the local neighborhood.

3. *The changes will not adversely affect the health, safety and welfare of the community.*

Finding: There is no indication that a change of the zone from MU to R-2.1 would, in itself, adversely impact the local health, safety, and welfare of the community. In terms of safety, the proposed zone change from MU to R-2.1 would result in less impact on local traffic and transportation systems, because the potential future commercial development in the MU zone would exceed the site generated traffic from a development of up to seven (7) multi-family residential units. Also, with less truck traffic resulting from

the lack of deliveries to a potential commercial use on the subject site, potential health impacts seem unlikely.

With regard to welfare of the community, housing is always in demand, especially multi-family housing, and the potential of the site under the proposed R-2.1 zoning for seven (7) units exceeds the potential of the site if continuing to be zoned MU is only four (4) units. The advantage of three (3) units additional on the site may not appear to be significant, but that is relative. If the site remains zoned MU where a commercial use could be established, any potential for housing would be completely lost.

*D. Transportation Planning Rule compliance*

Finding: It has been determined by qualified professional transportation consultants that there is no need for a Traffic Impact Study (TIS) because the change of level of use will be less with the proposed R-2.1 zoning over the existing MU zoning. Because this will be the case, only an “opinion letter” from the team’s transportation consultant will be required, according to city staff. This “opinion letter” is included as part of this application package. With this opinion letter, compliance with the Transportation Planning Rule will continue without change or interruption with the proposed zoning of R-2.1. And because there will be less site generated traffic on the site under the R-2.1 zoning, as opposed to the existing MU zoning, there will be no adverse impact on local transportation facilities (105.050.D.1). There will be no needed amendments that will affect transportation facilities (105.050.D.2) as a result of the proposed zone change. Again, no TIS is needed or required because of the “direction” of change in site generated traffic resulting from the proposed R-2.1 zoning rather than the existing MU zoning (105.050.D.3).

• 105.060 *Condition of Approval*

Finding: The applicant understands that the Planning Commission may make a recommendation of: approval; approval with conditions; or denial based on the record of the proceedings. The City Council may then take the recommendation of the Planning Commission and either: concur with the Planning Commission’s recommendation; concur with the Planning Commission’s recommendation with conditions, but with one or more of the conditions modified; remand the recommendation to the Planning Commission for additional review and consideration.

**Chapter 99 – Procedures for Decision Making: Quasi-Judicial**

• 99.010 *Purpose*

Finding: The applicant understands the Purpose of this Chapter, and agrees with the subchapters/sections that are appropriate and applicable to this particular application.

• 99.030 *Application Process: . . . . .*

Finding: Under the provisions of 99.030.A, this application for zone change has been submitted by Jeremy Barnett, the owner of the subject property. The applicant is assisted by Robert Price, Consultant and his duly authorized representative.

Under the requirements of 99.030.B.1.c, a Pre-Application Conference was held with city staff on February 6, 2020. Summary Notes from that conference are included with this application package.

- 99.033 *Fees*

Finding: The required deposit of \$3,000, as noted on page 2 of the Summary Notes, has been paid by the applicant who understands that additional charges may be applicable, and that this \$3,000 is only a deposit against an as-yet undetermined total fee for the zone change.

- 99.038 *Neighborhood Contact Required for Certain Applications*

Finding: As noted in the initial paragraph for this subchapter, any “multi-family project” requires contact and discussion with the appropriate neighborhood organization prior to submitting the application. Because this project is a two part project involving first a zone change, followed by a Class II Design Review, the applicant is required to interact with the Willamette Neighborhood. While a zone change without a Comprehensive Plan amendment does not technically require this neighborhood meeting, the applicant, himself a resident of the Willamette Neighborhood agreed to meet with the WNA early on.

The applicant and his representative have met with WNA twice in the months of June and July. This was required because the June meeting was adversely impacted by the COVID-19 pandemic in that the notice of that meeting was not sent out by the neighborhood until June 2, 2020, thus not meeting the meeting notification requirements. The applicant agreed to return to the WNA for its July meeting for a “do over”, this time with proper notice. All letters, notices, etc. connected or related to these two meetings are included with this application package. Thus this requirement has been fully and completely satisfied.

While this initial zone change application is not a: 1.) subdivision; 2.) conditional use permit; 3.) multi-family project; 4.) planned unit development of four or more lots; 5.) non-residential buildings over 1,500 square feet; or, 6.) a zone change that requires a Comprehensive Plan amendment, it appears that no neighborhood contact is actually required. The requirement for the neighborhood contact is actually for the Class II Design Review for a multi-family project, or the second of the two (2) applications. However, the applicant determined that the neighborhood contact (meetings) would be held BEFORE submittal of either of the two applications needed for this total project.

For purposes of this subchapter, the following neighborhood contact related items are included:

1. A letter to Kathie Halicki, President of the WNA, sent by registered mail, return receipt requested;
2. No letter(s) were sent to “one designee” of the WNA, based on Kathie Halicki’s direction that no such letters to “one designee” was needed;
3. Copy of the mailing list for all properties within 500 feet of the subject site, based on the current GIS roster maintained by Clackamas County;
4. A map of the notification area, with the subject site at the epicenter;
5. A photo of the posted notice on the subject site.
6. Affidavits of posting of the site, and mailing of the notices to properties within 500 feet of the subject site;
7. Copies of minutes for both the June 10<sup>th</sup> and July 8<sup>th</sup> WNA meetings;
8. Copies of the sign-in sheets for attendance at both the June 10<sup>th</sup> and July 8<sup>th</sup> meetings of WNA;
9. An audiotape of the July 8<sup>th</sup> meeting.

It should be noted that the required registered letter to Kathie Halicki, the notification letters to property owners within 500 feet, and the posting of the site were all accomplished on June 18, 2020, thus meeting the 20-day requirement for the July 8<sup>th</sup> meeting. Therefore, this specific requirement for notification and neighborhood contact has been fully satisfied.

- 99.040 through 99.330

Finding: The balance of this Chapter is largely given to the city’s administrative functions, duties and obligations. It is incumbent upon the City of West Linn to fulfill these requirements, standards, etc.

### **Chapter 16 – Single-Family and Multiple-Family Residential, R-2.1**

- 16.010 *Purpose*

Finding: The R-2.1 zone is a medium high density residential zone that provides for either single family or multi-family development within the limits of the allowable density for the zone. In the *Purpose* description for this zone, it states that this zone “. . . . . is to provide for urban development at levels which relate to the site development limitations, proximity to commercial development and public facilities and public transportation, and to the surrounding development pattern.” This zone is also intended for higher density residential development. Based on the local neighborhood area, the R-2.1 zone fits with the current development patterns, considering the local site development patterns, the availability of public facilities and services, and the proximity to transportation facilities. As such, the proposed zone change to R-2.1 from the existing MU will serve the stated purpose o the R-2.1 zone.

- 16.020 *Procedures and Approval Process*

Finding: Because the proposed future development of the subject site is a permitted use under the R-2.1 zone, the R-2.1 zone is the proper and appropriate zone for the subject site. This was recognized by the city which zoned the subject site R-2.1 until 2004, when it was determined that the site ought to be zoned MU. Now, returning



to the R-2.1 zone will bring the site back into conformance with what it was zoned in the past which, the applicant argues, was the appropriate zone for the site to begin with. The lack of development opportunities for commercial development is the reason for returning to the historic R-2.1 zone. Under the current city processes and procedures, review and approval by the West Linn Planning Commission, with concurrence by the West Linn City Council. It should be noted that none of the code sections referenced in 16.020.D (1 through 5) will be applicable to the proposed zone change, or the proposed development of the site.

- 16.030 *Permitted Uses*

Finding: Under 16.030, the proposed future development and use of the site for “multiple-family residential unit” is an allowed use permitted outright.

- 16.040 *Accessory Uses*

- 16.050 *Uses and Development Permitted Under Prescribed Conditions*

- 16.060 *Conditional Uses*

Finding: These three (3) subchapters do not apply to the proposed future development of the site for multi-family residential purposes. However, as part of the R-2.1 zone, there are numerous “uses and development permitted under prescribed conditions” and also numerous “conditional uses”. While the applicant does not propose any “accessory uses”, “uses and development permitted under prescribed conditions”, or “conditional uses”, they would all be possible under the R-2.1 zone.

- 16.070 *Dimensional Requirements, Uses Permitted Outright and Uses Permitted under Prescribed Conditions.*

Finding: Under the provisions of 16.070.A. of this subchapter, the subject site could be available for:

1. development as a single-family detached unit,
2. attached single-family unit,
3. duplex,
4. boarding, lodging or rooming house, or
5. multiple-family unit.

Based on the description of each residential development opportunity above, the following development densities are available for the respective type of housing, given the subject site is 15,315 square feet in total area:

1. at 4,000 square feet per single family detached units – 3.8 units;
2. at 2,700 square feet per attached single-family unit – 5.7 units;
3. at 7,000 square feet per duplex, or 3,500 square feet per unit – 2.19 duplexes;
4. at 7,000 square feet per boarding, lodging or rooming house – 2.19 units;
5. at 2,100 square feet per multi-family unit – 7.3 units.

Under the provisions of 16.070.B. and C. of this subchapter, the existing minimum front lot line length exceeds the required minimum dimension of 35 feet, and the minimum average lot width of the site exceeds the required minimum of 35 feet. With regards to 16.070.E., F., and G., the minimum yard dimension or minimum building setback of the various yards listed in 1. through 4. can be met for several of the potential development uses listed above under 16.070.A., including multi-family development.

For the height provision under 16.070.F.1, 35 feet can be accommodated for “garden apartment low rise unit”.

Under 16.070.G., lot coverage for all types of residential development is limited to 50 percent. This dimension can be accommodated on the subject site for most of the types of residential development allowed under 16.070.A., above.

16.070.H and I. may be applicable depending on the type and size of residential units proposed for the subject site as part of the Class II Design Review which will follow the successful zone change.

- *16.080 Dimensional Requirements, Conditional Uses*

Finding: While the applicant ultimately proposes a 6-unit multi-family development, other potential Conditional Uses may be development on the subject site. If that is to be the case (which is not what the applicant is proposing), the proposed Conditional Use carries other additional dimensional requirements that must be adhered to.

- *16.090 Other Applicable Development Standards*

Finding: These “other development standards”, as listed in 16.090.A., 1. through 10. do not apply directly to the proposed zone change, but are to be considered as part of the Class II Design Review.

Under 16.090.B., the provisions of Chapter 55 of the West Linn CDC will apply to the proposed project, but only as part of the Class II Design Review, not the proposed zone change.

## **Chapter 59 – Willamette Neighborhood Mixed Use Transitional Zone**

- *59.010 Purpose*

Finding: The Willamette Neighborhood Mixed Use Transitional Zone, designated MU in the code, has been “built” specifically for the Willamette Neighborhood as a transitional zone between commercial and residential zones. This MU zone attempts to act as a “buffer” between the residential and commercial uses in the local neighborhood. Permitted Uses as listed in 59.030 are a mix of various residentially oriented uses and what might be called “lightweight” commercial retail uses, usually less than warehouse uses. This zone will experience a different level of site generated traffic, meaning that suitable public transportation facilities are needed.

- 59.020 *Procedures and Approval Process*

Finding: Residential development, including multi-family development, is permitted outright in the existing MU zone. However, because some commercial retail uses are also part of the uses permitted outright. Because the proposed future development of the subject site is a permitted use under the MU zone, but at a lesser density level than in other residential zones, including the R-2.1 zone, the MU zone may not be the best zoning for the subject site. Until 2004, the subject site was zoned R-2.1 at which time the city initiated a zone change for this specific site (amongst others) to MU. Now, returning to the R-2.1 zone will bring the site back into conformance with what it was zoned in the past which, the applicant argues, was the appropriate zone for the site to begin with. The lack of development opportunities for commercial development is the reason for returning to the historic R-2.1 zone. Under the current city processes and procedures, review and approval by the West Linn Planning Commission, with concurrence by the West Linn City Council. It should be noted that none of the code sections referenced in 59.020.D (1 through 5) will be applicable to the proposed zone change, or the proposed development of the site.

- 59.030 *Permitted Uses*

Finding: Under 59.030, the proposed future development and use of the site for “multi-family dwelling” is an allowed use permitted outright. Although worded slightly differently than for the permitted use “multiple-family residential unit” in 16.030, they are the same uses.

- 59.040 *Accessory Uses*

- 59.050 *Uses and Development Permitted Under Prescribed Conditions*

- 59.060 *Conditional Uses*

Finding: These three (3) subchapters generally do not apply to the proposed future development of the site for multi-family residential purposes. However, as part of the MU zone, there are numerous “uses and development permitted under prescribed conditions” and also numerous “conditional uses”. While the applicant does not propose any “accessory uses”, “uses and development permitted under prescribed conditions”, or “conditional uses”, they would all be possible under the MU zone. These uses listed in 59.040.2 and 59.050,1. through 8. Tend to be focused more on commercial uses than residential uses. While the applicant does not propose any “accessory uses”, “uses and development permitted under prescribed conditions”, or “conditional uses”, they would all be possible under the MU zone.

- 59.070 *Dimensional Requirements, Uses Permitted Outright and Uses Permitted under Prescribed Conditions.*

Finding: Under 59.070.A, the dimensions stated will apply to the subject site regardless of the type of proposed development, whether residential or commercial. The front lot line is required to be 35 feet (59.070.A.1.), which is met by the subject site. Average minimum lot width is 50 feet (59.070.A.2.) which is satisfied by the dimensions of this site. Minimum lot depth shall be not less than 90 feet (59.070.A.3.), which is

fulfilled by the subject site yard dimensions and setbacks (59.070.A.4.) will be reviewed as part of the Class II Design Review, but can be met on this site. The same applies to the maximum building height of 35 feet (59.070.A.5.). Maximum building size for all floors shall not exceed 6,000 square feet (59.070.A.6.). This will be determined at the Class II Design Review.

Based on the stated building floor area ratio not to exceed 0.4 except that the ground floor shall not exceed 5,000 square feet, the maximum potential development for the subject site will be five (5) units, at most.

Finally, the minimum lot size is to range between 4,500 square feet and 10,000 square feet. However, because the site is an existing lot of record at 15,315 square feet, the site legally may be developed in accordance with the MU standards.

Under 59.070.B., the Design Standards will be set when the project is reviewed as a Class II Design Review.

- *59.080 Additional Use Requirements*

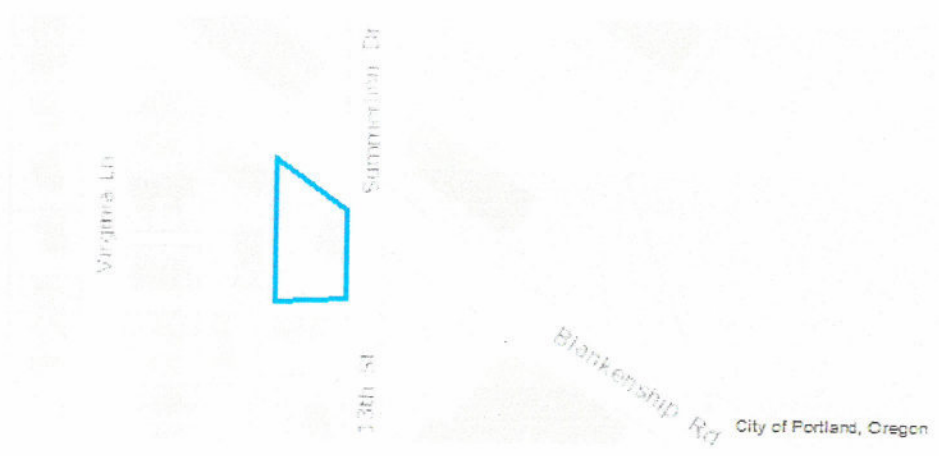
Finding: These additional use requirements are focused on commercial uses and will not apply to residential uses.

- *59.090 Dimensional Requirements, Conditional Uses*

Finding: This criteria does not apply to consideration of a zone change for the subject site.

- *59.100 Other Applicable Development Standards*

Finding: The listed standards in 59.100.1. through 15. Will not apply directly to the proposed zone change from MU to R-2.1. These standards will be reviewed during the Class II Design Review process for whatever use(s) might be proposed for the site under the existing MU zoning.



**1791 BLANKENSHIP RD**

**WEST LINN**

**PROPERTY**

⚠ This property is not within the City of Portland or its service districts. The data below may not be complete. Please refer to your jurisdiction for more information.

<b>Year Built</b>	1944	<b>Assessor</b>	
<b>Building Area</b>	3,392 sq ft	<b>Last Sale</b>	
<b>Neighborhood</b>	WILLAMETTE	<b>Price</b>	\$0.00
<b>Jurisdiction</b>	West Linn / Clackamas	<b>Date</b>	11/01/2004
<b>Elevation</b>	188 ft (approximate)		
		<b>Property Values (2017)</b>	
		<b>Market Value</b>	\$303,026.00
		<b>Assessed Value</b>	\$0.00

**City of West Linn**  
**PRE-APPLICATION CONFERENCE MEETING**  
**SUMMARY NOTES**  
**February 6, 2020**

**SUBJECT:** Proposed multi-family housing (two triplexes) at 1791 Blankenship Road with potential zone change to R-2.1

**FILE:** PA-20-01

**ATTENDEES:** Applicant: Jeremy Barnett, Jerry Lawson  
Public: Kathie Halicki (Willamette NA)  
Staff: Darren Wyss (Planning), Amy Pepper (Engineering)

*The following is a summary of the meeting discussion. Additional information may be provided to address any "follow-up" items identified during the meeting. These are PRELIMINARY comments. Please contact the Planning Department with any questions regarding approval criteria, submittal requirements, or any other planning-related items. Please note the disclaimer statement below.*

Project Details

**Site Address:** 1791 Blankenship Road  
**Tax Not No.:** 2S 1E 35CB tax lot 2600  
**Site Area:** 15,315 sq. ft.  
**Neighborhood:** Willamette Neighborhood Association  
**Comp. Plan:** Mixed-Use  
**Zoning:** Willamette Neighborhood Mixed-Use Transitional  
**Environmental Overlays:** None  
**Applicable CDC Chapters:** Chapter 46: Off-Street Parking, Loading and Reservoir Areas  
Chapter 48: Access, Egress, and Circulation  
Chapter 54: Landscaping  
Chapter 55: Design Review  
Chapter 59: Willamette Neighborhood Mixed-Use Transitional Zone  
Chapter 92: Required Improvements  
Chapter 105: Amendments to the Code and Map

Summary

The applicant proposes to construct multi-family housing (two triplexes) at 1791 Blankenship Road. The development would take access from one curb cut on 13<sup>th</sup> Street. An eight-foot public utility easement will be dedicated along the street frontages. Blankenship Road is fully developed, and no street improvements are required. 13<sup>th</sup> Street has a functional classification of Local Street and has sufficient right-of-way width for required half-street improvements to include a parking lane. Water, stormwater, and sanitary sewer lines are available under 13<sup>th</sup> Street. Please contact the City Arborist to identify significant trees on the property.

The Mixed-Use (MU) zoning has a maximum building size of 6,000 square feet. A zone change to R-2.1 (previous zoning before the change to MU in 2004) would eliminate the maximum floor-to-area ratio for multi-family housing. Parking requirements for multi-family housing are found in Chapter 46, including exceptions to transfer spaces to public right-of-way or decrease minimum requirements for access to transit. Twenty-five percent of the site will require landscaping. Multi-family housing requires a shared outdoor space (play or picnic area, tennis/basketball court, etc.).

City Arborist: contact Mike Perkins at [mperkins@westlinnoregon.gov](mailto:mperkins@westlinnoregon.gov) or 503-742-6046

Engineering Comments: contact Amy Pepper at [apepper@westlinnoregon.gov](mailto:apepper@westlinnoregon.gov) or 503-722-3437

Tualatin Valley Fire & Rescue Comments: contact Jason Arn at [jason.arn@tvfr.com](mailto:jason.arn@tvfr.com) or 503-259-1510

### Process

Multi-family housing requires a Class II Design Review and public hearing before the Planning Commission. Address the submittal requirements and respond to the criteria of CDC Chapter 55 and associated/referenced regulations in Chapters 46, 48, 54, 59, and 92. "Not applicable" is not an acceptable response to the approval criteria.

The Planning Manager may waive the submittal requirements if the applicant submits a written request. Such a request must identify the specific grounds for the waiver and must be submitted in letter form (email is acceptable).

A neighborhood meeting is required per 99.038. Contact the Willamette Neighborhood Association to request a meeting.

A zone change requires a public hearing before the Planning Commission, who makes a recommendation, and a public hearing before the City Council for a final decision. Address the submittal requirements and respond to the criteria in CDC Chapter 105.

The deposit for a Class II Design Review is four percent of construction value with a maximum of \$20,000, plus a \$300 inspection fee. A zone change application requires a \$3,000 deposit. The City recommends pursuing the zone change application before applying for design review.

You may access the West Linn Community Development Code (CDC) online at <http://westlinnoregon.gov/cdc>. Once the application and deposit/fee are submitted, the City has 30 days to determine if the application is complete. If the City determines that the application is not complete, the applicant has 180 days to make it complete or provide written notice to staff that no other information will be provided.

Once the application is declared complete, staff will prepare a staff report and schedule a date for the Planning Commission public hearing (for either a zone change or design review) and City Council public hearing for a zone change. There is a 14-day appeal period following the decision. Appeals for design review decisions are made to the City Council. Appeals for zone change decisions are made to the Oregon Land Use Board of Appeals. If no appeal is received by the close of the appeal period, the decision is final, and the applicant may move forward with the development.

Pre-application notes expire after 18 months. After 18 months, if no application is approved or in process, a new pre-application conference is required.

Typical land use applications can take 6-10 months from beginning to end.

**DISCLAIMER:** This summary discussion covers issues identified to date. It does not imply that these are the only issues. The burden of proof is on the applicant to demonstrate that all approval criteria have been met. These notes do not constitute an endorsement of the proposed application *or provide any assurance of potential outcomes*. Staff responses are based on limited material presented at this pre-application meeting. New issues, requirements, etc. could emerge as the application develops. Pre-application notes expire after 18 months. After 18 months, if no application is approved or in process, a new pre-application conference is required. Any changes to the CDC standards may require a different design or submittal.

Robert Price

Planning Consultant

3935 N.E. 72<sup>nd</sup> Avenue  
Portland, OR 97213-5711

503-281-1037  
Cell 503-807-4009  
rprice1145@gmail.com

June 17, 2020

Ms Kathie Halicki, President  
Willamette Neighborhood Association  
2307 Falcon Drive  
West Linn, OR 97068

**Subject: Appearance at monthly WNA meeting in July**

Dear Kathie:

As is required under Chapter 99.038.C. of the City of West Linn Community Development Code (CDC), this letter is being sent to you via Registered Mail – Return Receipt Requested as a means of notifying the Willamette Neighborhood Association of our interest in making an appearance before the Willamette Neighborhood Association (WNA) to discuss our project. While we made an appearance and presentation before the WNA on June 10<sup>th</sup>, the COVID-19 issues resulted in that meeting not being properly noticed to the public. As such, we have sent letters of notice to neighbors within 500 feet of the subject site, reminding those residents/neighbors of the upcoming meeting on July 8<sup>th</sup>. A copy of that generic letter is attached.

Based on our earlier discussions, the WNA will provide an agenda spot for Jeremy Barnhart and I to make a similar presentation on July 8<sup>th</sup> to the one we made at the June 10<sup>th</sup> meeting. We will discuss both the zone change from MU to R-2.1, as well as the Design Review II for the general site plan for the six (6) multi-family units to be developed on the subject site.

It is also noted that there is no additional “designee” for the WNA to whom a similar letter should be sent. 99.038.C notes that this letter “shall be sent to the president of the neighborhood association, and to one designee as submitted to the City by the neighborhood association . . . .” Since there is no other “designee”, no additional letter will be sent.

With this letter to you, our obligation under 99.038 regarding notification of the WNA is complete. Thank you for your help and advice during this process, in spite of the “roadblocks” placed by the COVID-19 pandemic. We will see you on July 8<sup>th</sup> at 7:00 PM.

Sincerely,

  
Robert Price



Robert Price  
Planning Consultant  
3935 N.E. 72nd Avenue  
Portland, OR 97213-5711

UNITED STATES POSTAL SERVICE  
**REGISTERED MAIL™**



RE 041 619 875 US



1029



97068

U.S. POSTAGE PAID  
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97238  
JUN 18, 20  
AMOUNT  
**\$16.00**  
R2304E104753-12

Label 200, August 2005


PSN 7690-03-000-9311

**RETURN RECEIPT  
REQUESTED**


VIA REG. MAIL  
RETURN RECEIPT

Ms. KATHIE HALICKI, PRES.  
WILLAMETTE NEIGHBORHOOD ASSN.  
2307 FALCON DRIVE  
WEST LINN, OR 97068

**RETURN RECEIPT  
REQUESTED**

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY																
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <input checked="" type="checkbox"/> Agent  <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) _____ C. Date of Delivery _____</p>																
<p>1. Article Addressed to:  <b>KATHIE HALICKI, PRES.          WILLAMETTE NEIGHBORHOOD ASSN.          2307 FALCON DRIVE          WEST LINN, OR 97068</b></p>  <p>9590 9402 5641 9308 3809 17</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes          If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p>																
<p>2. Article Number (Transfer from service label)  <b>RE 041 619 875 US</b></p>	<p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input checked="" type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td> <td></td> </tr> </table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input checked="" type="checkbox"/> Registered Mail™	<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®																
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<p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p>	<p>Domestic Return Receipt</p>																

Registered No. **RE041619875US**

Date Stamp: 0039 12  


To Be Completed By Post Office	Postage \$ <b>\$0.55</b>	Extra Services & Fees (continued)
	Extra Services & Fees <b>\$12.80</b>	<input type="checkbox"/> Signature Confirmation \$
	<input type="checkbox"/> Registered Mail \$	<input type="checkbox"/> Signature Confirmation Restricted Delivery \$
	<input type="checkbox"/> Return Receipt (hardcopy) \$ <b>\$2.85</b>	
	<input type="checkbox"/> Return Receipt (electronic) \$ <b>\$0.00</b>	
	<input type="checkbox"/> Restricted Delivery \$	<b>Total Postage &amp; Fees \$15.19</b>
	Customer Must Declare Full Value \$ <b>0.00</b>	Received by <b>JL</b> on <b>08/2020</b>

Domestic Insurance up to \$50,000 is included based upon the declared value. International Indemnity is limited. (See Reverse).

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 PORTLAND, OR 97238

To Be Completed By Customer (Please Print)	All Entries Must Be in Ballpoint or Typed	FROM	<b>ROBERT PRICE 3935 NB 72nd PORTLAND, OR 97213</b>
		TO	<b>KATHIE HALICKI, PRES. WILLAMETTE NEIGHBORHOOD ASSN. 2307 FALCON DRIVE WEST LINN, OR 97068</b>

PS Form 3806, Registered Mail Receipt  
 April 2015, PSN 7530-02-000-9051  
 For domestic delivery information, visit our website at [www.usps.com](http://www.usps.com)

Copy 1 - Customer (See Information on Reverse)

Robert Price

Planning Consultant

3935 N.E. 72<sup>nd</sup> Avenue  
Portland, OR 97213-5711

503-281-1037  
Cell 503-807-4009  
rprice1145@gmail.com

June 17, 2020

Dear Willamette Neighborhood resident and neighbor:

Jeremy Barnett has purchased the property located at 1791 Blankenship Road on the north side of I-205 in the Willamette Neighborhood. The site sits just west (across 13<sup>th</sup>) from the former Albertson's shopping center, on the corner of 13<sup>th</sup> and Blankenship. At the present time, there is a single family dwelling on the site that Jeremy occupies. His plan is to rezone the property, obtain Design Review II approval, and develop a 6-unit multi-family complex on the site. Six units is the maximum allowable on the subject site after the proposed rezone.

At the present time, the site is zoned MU (Mixed Use Transitional) that allows residential development on a limited basis. Jeremy is proposing that the site be re-zoned to R-2.1 (Single Family and Multiple Family Residential). The site was zoned R-2.1 until 2004 when the city decided that the MU zoning might be more useful based on the development of the shopping center directly to the east. Unfortunately, the shopping center has struggled and there is little to no call for the MU zoning on the subject site. Under the MU zoning, only five (5) units would be possible using the floor area ration used for that zone. Under the R-2.1 zoning, maximum density will be six (6) units.

Although we have already made an appearance before the Willamette Neighborhood on Wednesday, June 10<sup>th</sup> to explain our project, that meeting was not properly noticed to the public because of the COVID-19, so we must re-appear before the WNA again on July 8<sup>th</sup> at the WNA's regularly scheduled monthly meeting to be held in Willamette Park. At the July meeting, there may be other items on the agenda for this regularly scheduled monthly neighborhood meeting.

**When:** Wednesday, July 8, 2020 at 7:00 PM

**Where:** Willamette Park, near the stage/gazebo

**Who:** Willamette Neighborhood Association and applicant Jeremy Barnett

We encourage all neighbors to review this proposed zone change and development plan, and provide your comments, either in person at the July 8<sup>th</sup> meeting or by written comments to either the City of West Linn (Darren Wyss), Kathie Halicki, President of the WNA, or the applicant Jeremy Barnett or his consultant Robert Price. The zone change will be heard in public hearing first before the West Linn Planning Commission, hopefully in September 2020. Following that approval, there will be another hearing before the West Linn Planning Commission to review the development plan, likely later in the year.

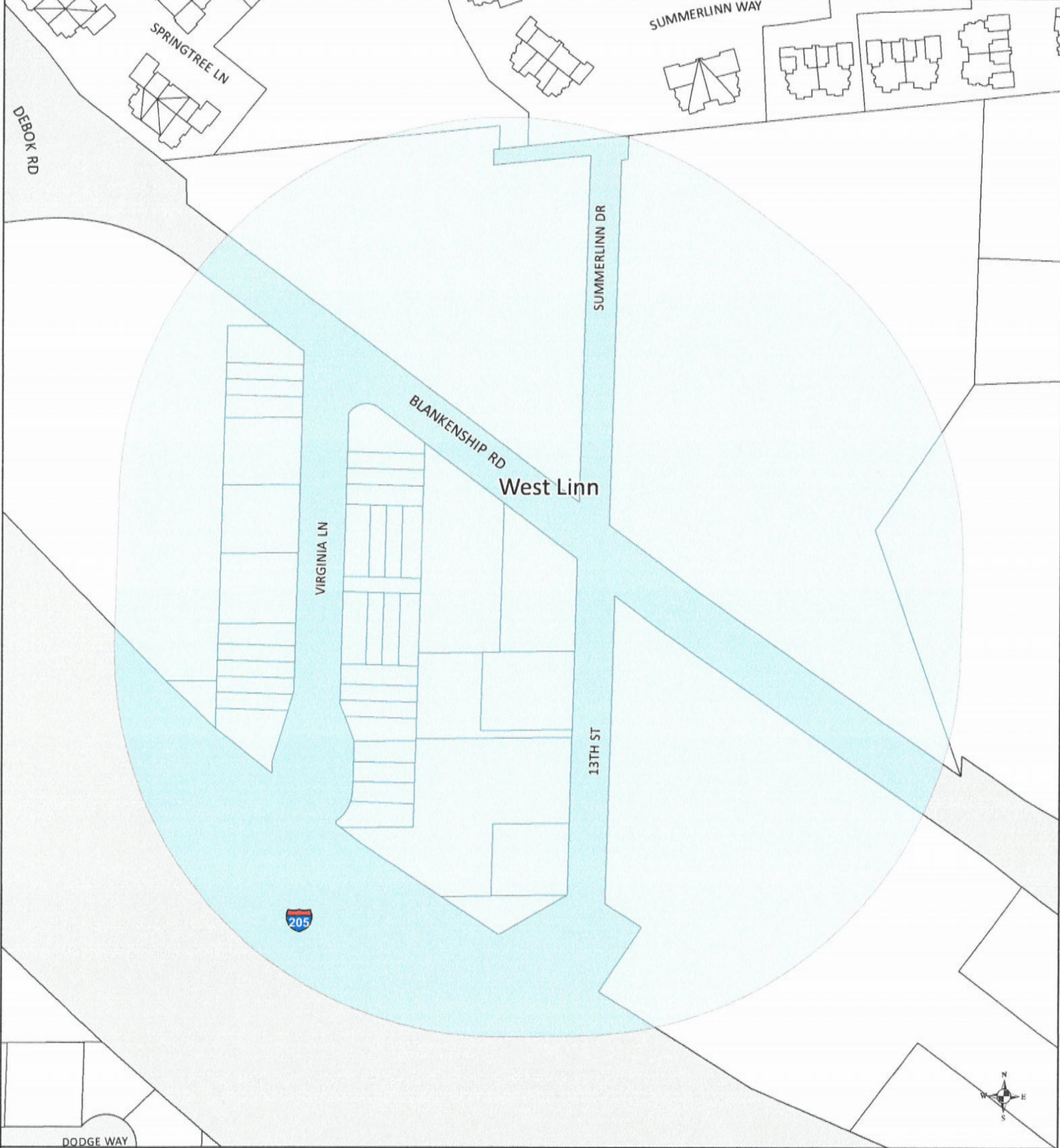
Thank you and we look forward to seeing you at the WNA meeting on July 8<sup>th</sup>.

PARCEL_NUMBER	TLNO	TAXPAYER
00407768	21E35BC03100	CITY OF WEST LINN
00407884	21E35CB01200	S & G SUMMERLINN LLC
01553376	21E35CB01301	BROWN WILLIAM T
01553385	21E35CB01302	COTO LINDA K
00407544	21E35C 00200	WILT DIANE M TRUSTEE
01553394	21E35CB01303	BERGGREN DOUGLAS WAYNE TRUSTEE
01553401	21E35CB01304	RUSHFORTH LESSLI
00407919	21E35CB01400	CHS INVESTMENT CO
00408026	21E35CB02500	AAKT ENTERPRISES LLC
01553651	21E35CB01329	SOTTILARE ANGELICA
01553642	21E35CB01328	LABUNSKY TIMOTHY
01553633	21E35CB01327	JENKINS JEFFREY S & ALLENA F
00407928	21E35CB01500	CHS INVESTMENT CO
00408035	21E35CB02600	BARNETT JEREMY
01553624	21E35CB01326	LIEBOWITZ HEIDI
01553615	21E35CB01325	BORDEN DAVID P
01553606	21E35CB01324	INAMA ANTHONY
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00407937	21E35CB01600	CHS INVESTMENT CO
01553679	21E35CB01331	VIRGINIA LANE HOMEOWNERS LTS 5-12
01553553	21E35CB01319	STENBERG CORNELIA A M & ERIK G
01553562	21E35CB01320	SPARWASSER SHANNON R
01553571	21E35CB01321	FLEMING NICOLE E
01553580	21E35CB01322	HENRIOT DIANE
01810491	21E35C 00802	SO LINN LLC
01553410	21E35CB01305	EGAN KAITLIN M
01553429	21E35CB01306	HAGEMENAS KATHLEEN F
00408044	21E35CB02700	WILBERSCHIED JACK R
00408053	21E35CB02800	MURRAY PETER TRUSTEE
01553438	21E35CB01307	ARONE DANIEL & JESSICA
01553544	21E35CB01318	XIE JAMES YANG
01553447	21E35CB01308	WHITE AMY & DELEON
00407857	21E35CB00900	STATE OF OREGON
01553535	21E35CB01317	CHS INVESTMENTS COMPANY
01553456	21E35CB01309	SHAMROCK SEVEN LLC
01553526	21E35CB01316	HFR LLC
01553465	21E35CB01310	NOLAN SIDNEY D JR & MARY L
01553517	21E35CB01315	GRUBBE CORA JANE TRUSTEE
05022054	21E35CB02901	ENGS FAMILY LONE PINE LLC
01553508	21E35CB01314	SIMPSON TRAVIS I
01553492	21E35CB01313	HANG MALIVANN
00408080	21E35CB03000	CITY OF WEST LINN
00408062	21E35CB02900	ENGS FAMILY LONE PINE LLC
00407599	21E35C 00801	BLACKHAWK NEVADA LLC
05002363	21E35BC90000	KG INVESTMENT CO LLC
00407866	21E35CB01000	WILLAMETTE TERRACE-76 LLC
01553660	21E35CB01330	ROBY JEANNE
01553474	21E35CB01311	LEWIS MATTHEW J
01553483	21E35CB01312	FRITTS KARLA C






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16731 GREENBRIAR RD	LAKE OSWEGO	O 9703f	WEST LINN	97068
1997 VIRGINIA LN	WEST LINN	O 9706f	WEST LINN	97068
1999 VIRGINIA LN	WEST LINN	O 9706f	WEST LINN	97068
27050 SW PETES MOUNTAIN RD	WEST LINN	O 9706f	WEST LINN	97068
2051 BAY MEADOWS DR	WEST LINN	O 9706f	WEST LINN	97068
2003 VIRGINIA LN	WEST LINN	O 9706f	WEST LINN	97068
2009 VIRGINIA LN	WEST LINN	O 9706f	WEST LINN	97068
4960 IRELAND LN	WEST LINN	O 9706f	WEST LINN	97068
2002 VIRGINIA LN	WEST LINN	O 9706f	WEST LINN	97068
22791 SW ULSKY RD	WEST LINN	O 9706f	WEST LINN	97068
12019 RIVERFRONT PARK DR	BAKERSFIELD	C, 9331f	WEST LINN	97068
2009 VIRGINIA LN	WEST LINN	O 9706f	WEST LINN	97068
19363 WILLAMETTE DR #111	WEST LINN	O 9706f	WEST LINN	97068
2008 VIRGINIA LN	WEST LINN	O 9706f	WEST LINN	97068
2010 VIRGINIA LN	WEST LINN	O 9706f	WEST LINN	97068
2012 VIRGINIA LN	WEST LINN	O 9706f	WEST LINN	97068
1826 BARNES CIR	WEST LINN	O 9706f	WEST LINN	97068
2009 VIRGINIA LN	WEST LINN	O 9706f	WEST LINN	97068
NO MAILING ADDRESS	AVAILABLE		ADDRESS	
2022 VIRGINIA LN	WEST LINN	O 9706f	WEST LINN	97068
2020 VIRGINIA LN	WEST LINN	O 9706f	WEST LINN	97068
2018 VIRGINIA LN	WEST LINN	O 9706f	WEST LINN	97068
1826 BARNES CIR	WEST LINN	O 9706f	WEST LINN	97068
108 KINGS CT	SAN CARLOS	C, 9407f	WEST LINN	97068
2021 VIRGINIA LN	WEST LINN	O 9706f	WEST LINN	97068
2023 VIRGINIA LN	WEST LINN	O 9706f	WEST LINN	97068
PO BOX 1524	HOOD RIVER	O 9703f	WEST LINN	97068
20175 MARSH RD	BEND	O 9770f	WEST LINN	97068
2025 VIRGINIA LN	WEST LINN	O 9706f	WEST LINN	97068
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2027 VIRGINIA LN	WEST LINN	O 9706f	WEST LINN	97068
TRANSPORTATION BLDG	SALEM	O 9731f	ADDRESS	
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3494 CHELAN DR	WEST LINN	O 9706f	WEST LINN	97068
1045 DOLLAR ST	WEST LINN	O 9706f	WEST LINN	97068
2775 NW GLENWOOD DR	CORVALLIS	O 9733f	WEST LINN	97068
1405 N MERIDIAN	NEWBERG	O 9713f	WEST LINN	97068
3490 RIVERKNOLL WAY	WEST LINN	O 9706f	WEST LINN	97068
2032 VIRGINIA LN	WEST LINN	O 9706f	WEST LINN	97068
2034 VIRGINIA LN	WEST LINN	O 9706f	WEST LINN	97068
22500 SALAMO RD #600	WEST LINN	O 9706f	ADDRESS	
3490 RIVERKNOLL WAY	WEST LINN	O 9706f	WEST LINN	97068
1800 BLANKENSHIP RD STE 325	WEST LINN	O 9706f	WEST LINN	97068
1502 SW MONTGOMERY	PORTLAND	O 9720f	ADDRESS	
2 CENTERPOINTE DR STE 210	LAKE OSWEGO	O 9703f	WEST LINN	97068
2000 VIRGINIA LN	WEST LINN	O 9706f	WEST LINN	97068
2038 VIRGINIA LN	WEST LINN	O 9706f	WEST LINN	97068
2036 VIRGINIA LN	WEST LINN	O 9706f	WEST LINN	97068

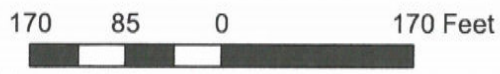
**SITUS**

NO SITUS  
1730 BLANKENSHIP RD  
1997 VIRGINIA LN  
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2002 VIRGINIA LN  
2004 VIRGINIA LN  
2006 VIRGINIA LN  
2009 VIRGINIA LN  
1791 BLANKENSHIP RD  
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2012 VIRGINIA LN  
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2013 VIRGINIA LN  
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2018 VIRGINIA LN  
2016 VIRGINIA LN  
1855 BLANKENSHIP RD  
2021 VIRGINIA LN  
2023 VIRGINIA LN  
2180 13TH ST  
2176 13TH ST  
2025 VIRGINIA LN  
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NO SITUS  
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2029 VIRGINIA LN  
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2031 VIRGINIA LN  
2030 VIRGINIA LN  
2150 13TH ST  
2032 VIRGINIA LN  
2034 VIRGINIA LN  
NO SITUS  
2170 13TH ST  
1800 BLANKENSHIP RD  
NO SITUS  
1709 BLANKENSHIP RD  
2000 VIRGINIA LN  
2038 VIRGINIA LN  
2036 VIRGINIA LN



# Address Notification Map

-  Railroads
-  City Boundaries Line
-  500' Buffer
-  Streets
-  Parcels



DEPARTMENT OF INFORMATION TECHNOLOGY & COMMUNICATIONS  
 17700 NE MULTNOMAH ST.  
 GRESHAM, OR 97030

The information on this map was derived from digital datasets from Clackamas County GIS. Clackamas County is not responsible for any errors, omissions, or unavailability of data. Clackamas County cannot accept any liability for any errors, omissions, or unavailability of data. Clackamas County cannot accept any liability for any errors, omissions, or unavailability of data. Clackamas County cannot accept any liability for any errors, omissions, or unavailability of data.



## MEETING NOTICE

PROPOSAL: ZONE CHANGE FROM MU TO R-2.1;  
DESIGN REVIEW II FOR 6-UNIT MULTI-FAMILY COMPLEX.  
MEETING DATE: WEDNESDAY, JULY 8, 2020  
TIME: 7:00 PM  
PLACE: WILAMETTE PARK  
CONTACT PERSON: JERRY BARNETT 971-404-5141  
PHONE NUMBER: OR ROBERT PRICE 503-807-4009



# MEETING NOTICE

PROPOSAL: ZONE CHANGE FROM MU TO R-2.1;  
DESIGN REVIEW II FOR 6-UNIT MULTI-FAMILY COMPLEX.

MEETING DATE: WEDNESDAY, JULY 8, 2010

TIME: 7:00 PM

PLACE: WILLAMETTE PARK

CONTACT PERSON: JEREMY BARNETT 971-404-5141

PHONE NUMBER: OR ROBERT PRICE 503-807-4009

APPLICANT NOTE:  
Upon completion, submit this form with your Current Planning development application

NEIGHBORHOOD MEETING  
AFFIDAVIT OF MAILING

STATE OF OREGON                    )  
  ) ss  
County of Washington            )

I, ROBERT PRICE, being duly sworn, depose and say that on the 18<sup>th</sup>  
day of JUNE, 2020 I caused to have mailed to each of the persons on the attached  
list a notice of a meeting to discuss a proposed development at 1791 BLANKENSHIP ROAD,  
WBST LINA 97068 copy of which notice so mailed is attached hereto and made a part  
hereof.

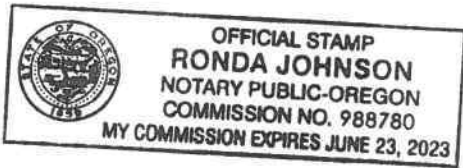
I further state that said notices were enclosed in envelopes plainly addressed to said persons and were  
deposited on the date indicated above in the United States Post Office with postage prepaid thereon.

Robert Price  
Signature

Subscribed and sworn to, or affirmed, before me this 9<sup>th</sup> day of July, 2020.

Ronda Johnson  
Notary Public for the State of Oregon  
County of Multnomah

My Commission expires: June 23, 2023



APPLICANT NOTE:

Upon completion, submit this form with your Current Planning development application

NEIGHBORHOOD MEETING AFFIDAVIT OF POSTING NOTICE

Name of Applicant JEREMY BARNETT  
Subject Property: Tax Lot(s) 2600 Tax Map(s) T2S, R1B, 35CB  
Address or General Location: 1791 BLANKENSHIP ROAD, WEST LINN

I, ROBERT PRICE, do swear or affirm that I am (represent) the party initiating interest in a proposed REZONING FROM MU TO R-2.1 affecting the land located at 1791 BLANKENSHIP ROAD, WEST LINN and that pursuant to did on the 18<sup>th</sup> day of JUNE, 2020 personally post the notice indicating that the site may be proposed for a ZONING CHANGE AND CLASS II DESIGN REVIEW application.

The sign was posted at ON 13<sup>th</sup> STREET FRONTAGE  
(Location of sign on property)

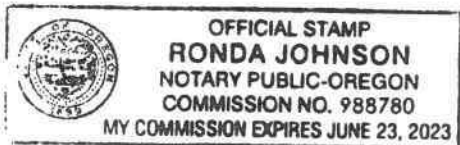
Map attached showing approximate sign notice location. (check if attached)

This 9<sup>th</sup> day of July, 2020

Robert Price  
Signature

Subscribed and sworn to, or affirmed, before me this 9 day of July, 2020

Ronda Johnson  
Notary Public for the State of Oregon  
County of Multnomah



My Commission expires: June 23, 2023

**Willamette Neighborhood Association Draft Meeting Minutes June 10, 2020**

**Kathie Halicki brought the meeting to order at 7:02 p.m.**

WNA Board present: Kathie Halicki, President, Julia Simpson, Vice President, Elizabeth Rocchia, Treasurer and Mary Baumgardner, Secretary.

The quorum was met.

Treasurer report: Elizabeth R. reported a balance of \$2,567.72

Approval of minutes from 3/11/20 meeting: Unanimous approval

**New Business:**

Nominations were opened. Dick Bany moved to maintain the current board members.

Near the end of the meeting, a person who had arrived after the nominations, requested to nominate Steve Fearing for Vice President. No vote was taken at that time.

Bob Price, developer and Jeremy Barnett, property owner, gave an informational presentation on proposed 6-plex which will require a zone change from MU to R 2.1. They will be coming back to the July WNA meeting for update.

Keisha Brewster presented the latest information: The timing was suggested for 1 sign per year for the next 2 years. It was determined that the cost is still prohibitive at this time. It was voted on and approved for \$300 to be allocated from association funds for sign permit & postcards.

It was suggested to hold future meetings in Willamette Park, weather allowing, due to Covid concerns.

There was a unanimous vote to approve an Eagle Scout project involving Mason Bee houses to be installed in the community.

ODOT RealTime sign project will be closing I-205 periodically between I-5 and Abernethy Bridge. Polling continues online.

Willamette Falls construction is ongoing and updates are available on City of West Linn/Public Works. Contact Lance or Danielle with Public Works with questions or concerns about construction and GO Bond projects.

Post Office lease has been extended thru 7/31/20, Gramor will extend through end of 2020.

City Manager interviews are ongoing.

The Clackamas County DA is reviewing the Fesser case and released findings will be available on the city website. The City Council is discussing the ongoing issues relating to the WLPD. Officer Tony Reeves, aka Daniel "Tony" Poitras' termination has since been announced by John Williams, Acting City Manager as of June 2020.

City council election applications are now available.

This document is posted on WNA page.

Meeting adjourned at 8:29pm  
Submitted by Mary Baumgardner

Willamette Neighborhood Association Agenda 7/8/2020 @ 7:00pm

At Willamette Park (stage area)

Please remember to bring your chairs and masks, we will be social distancing

Welcome

Minutes = Mary

Treasurer = Elizabeth

- Election of WNA officers: President = Kathie Halicki, V.P. = Julia Simpson or Steve Fearing, Treasurer = Elizabeth Rocchia, Secretary = Mary Baumgardner
  
- Land Use – 1791 Blankenship – 10 minutes, pre-ap qualification, zone change from MU to R 2.1 and then to build 6 apartment units.
  
- Gateway signs - Keisha
  
- Updates
  
- Public testimony/concerns

## **Willamette Neighborhood Association Draft Meeting Minutes July 8, 2020**

### **Kathie Halicki brought the meeting to order at 7:00 p.m.**

WNA Board present: Kathie Halicki, President, Julia Simpson, Vice President, Elizabeth Rocchia, Treasurer and Mary Baumgardner, Secretary.

The quorum was met.

Approval of minutes from 6/10/20 meeting: Unanimous approval

Treasurer report: Elizabeth R. reported a balance of \$2,567.72

### **New Business:**

Board officer elections resulted in re-election of all existing officers.

Main Street update: New Director, Rebecca Hollenbeck was introduced by Pauline Beatty.

Ms. Hollenbeck let us know that they have hired a new Wednesday Market manager and that the market has commenced its season; every Wednesday afternoon from 3:30-7:30 with support from Willamette Ale and Cider House generously allowing the market to occupy their property and adjacent side street for the purpose. There has also been outreach to local area businesses and restaurants in coordination with the city also, to support them during the stressful time of the construction and Covid 19. A site called West Linn To Go is being supported on the city's website for updates on current operations and to go food options. "Open For Business" signs have been distributed and Locable.com site has been created for local event updates. Finally, a grant to relieve restaurants of the permit fee to seek additional café seating on sidewalks is being written.

Bob Price, developer and Jeremy Barnett, property owner, gave a 2nd informational presentation on proposed 6-plex which will require a zone change from MU to R 2.1.

Several neighbors to the property in question were present to receive clarification and voice concerns about changing setbacks and height of proposed construction.

Willamette Falls main street update: There will be no median at this time. Future consideration is possible. The old benches were discussed to be given to the McLean House after minor reburishment. The new benches will be black metal and will coordinate with the bollards and bike racks, also black. The Centennial Bricks have been relocated to a more prominent placement per popular demand. It was noted that the old Stein gas station is now in receivership and that a call to brainstorm potential uses be made.

The White Oak Savannah play area was discussed per request from PRAB. The SONA resolution to keep the play area simple, with natural elements and a portapotty rather than built bathroom with shower was discussed and residents in attendance all voiced their agreement for this preference as well.

There was a sign-up sheet made available for those interested in having a mason bee house located on their property for the Eagle Scout project discussed last month.

Post Office lease has been extended thru 7/31/20, Gramor is expected to extend through end of 2020.

City Manager finalist panel interview is available to view on City website.

City council election applications are now available.

This document is posted on WNA page.

Meeting adjourned at 8:40pm

**Submitted by Mary Baumgardner**

WNA Sign-in Sheet: 6/10/20

Kathie Halicki

Julia Simpson

Elizabeth Rocchia

Mary Baumgardner

Bob Price

Jeremy Barnett

Terence Shumaker

Lonnie Shumaker

Mary O'Malley

Shannon Campagna

Jennifer Aberly

Ken Bietschek

Dick Bailey

Shirley Bailey

Vicki Hood

Jeff Hood

Terry Meyers

Debbie Meyers

Steve Fearing

Jo McMahon

Nicole Mitchell

Eric Roleau

John McCabe

Keisha Brewster

Monika Diner

Daphne Wysham

WNA Sign-in Sheet: 7/8/20

Members:

Kathie Halicki

Julia Simpson

Elizabeth Rocchia

Mary Baumgardner

Jeremy Barnett

Terry Meyers

Debbie Meyers

Pauline Beatty

Dick Bailey

Shirley Bailey

Vicki Hood

Jeff Hood

Ron Mobley

Jan Mobley

John Hansen

Amy Dickson

Mark Poitz

Kaitlyn Poitz

Siu Eng

Nicole Mitchell

Jen Aberg

John McCabe

Guest:

Bob Price

Rebecca Hollenbeck



July 20, 2020

**Morrison Transportation Consulting**

Sean Morrison, P.E.  
6911 NE Willowgrove St.  
Hillsboro, OR 97124  
503 250-2378  
503 547-0674  
sean.morrison@comcast.net

City of West Linn Public Works Department  
Attention: Amy Pepper, Senior Project Engineer  
22500 Salamo Road  
West Linn, Oregon 97068

**Re: 1791 Blankenship Road Zone Change – West Linn, Oregon**

*Transportation Impact Study (TIS)*

West Linn File Number PA-20-01  
MTC Project Number 2020-11

Dear Ms. Pepper,

This Transportation Impact Study (TIS) supports the proposed property rezoning summarized by the February 6, 2020 West Linn Pre-Application conference for File Number PA-20-01. The following items are specifically addressed:

1. Property Description and Proposed Land Use Actions
2. Trip Generation
3. Summary

**1. PROPERTY DESCRIPTION AND PROPOSED LAND USE ACTIONS**

The subject property is located at 1791 Blankenship Road and is described as Clackamas County Assessor's map and tax lot 2S 1E 35CB 2600. The property is 0.35 acres in size. The property location is illustrated in the attached Figure 1.

Tax lot 2600 is currently developed with a single-family residence and has direct access to 13<sup>th</sup> Street. The proposed land use action contemplates a Zone Change from Willamette Neighborhood Mixed-Use Transitional (MU) to Single-Family and Multiple-Family Residential (R-2.1). Based on communication by West Linn engineering staff and pre-application conference notes, a transportation impact study (TIS) is necessary to address Transportation Planning Rule (TPR) criteria outlined in Oregon Administrative Rule (OAR) 660 012-0060 in addition to West Linn Community Development Code (CDC) criteria as applicable.

## 2. TRIP GENERATION

### *Transportation Planning Rule Analysis*

The Zone Change land use action requires a TIS to address TPR requirements, including a comparison of reasonable worst-case development scenarios based on allowed uses in both the current and proposed zone designations. Scenario assumptions are as follows:

<b>Current</b>			
West Linn Mixed Use Transitional (MU)	0.35 Acres 15,315 SF	Per City of West Linn Pre-Application conference meeting summary notes and CDC Section 59.030, assume 6,000 SF medical/dental services.	6,000 SF
<b>Proposed</b>			
West Linn Single-Family and Multiple-Family Residential (R-2.1)	0.35 Acres 15,315 SF	Per West Linn CDC Section 16.030, the R-2.1 zone allows numerous residential uses. Assume 2,100 SF per dwelling unit.	7 DU

Trip generation estimates for the reasonable worst-case development scenarios in the current and proposed zone designations are generated using data from the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 10<sup>th</sup> Edition, and are summarized in the following table.

<b>Current MU Zone Designation</b>					
Medical-Dental Office Building	720	6,000 SF	6	15	21
<b>Proposed R-2.1 Zone Designation</b>					
Multi-Family Low Rise	220	7 DU	2	2	4
<b>Change in Trip Generation with Zone Change</b>			<b>(4)</b>	<b>(13)</b>	<b>(17)</b>

<sup>1</sup> Trip generation estimated using the *Average Rate* for ITE Codes 220 and 720 per recommended practice in the *ITE Trip Generation Handbook*, 3<sup>rd</sup> Edition.

As identified in the table above, reasonable worst-case development in the proposed R-2.1 zone designation generates 17 fewer PM peak hour trips over the existing MU zone designation.

Because the trip generation is anticipated to decrease with the proposed R-2.1 zone, additional transportation analysis is not necessary for TPR evaluation purposes.

**3. SUMMARY**

Based on the analysis materials presented in this TIS for the proposed Zone Change, reasonable worst-case development in the proposed R-2.1 zone designation generates 17 fewer PM peak hour trips than in the existing MU zone designation.

Because trip generation potential decreases in the PM peak hour, the proposed re-zone results in less transportation system impact. As such, additional transportation analysis is not necessary to address Transportation Planning Rule (TPR) criteria outlined in Oregon Administrative Rule (OAR) 660 012-0060 or West Linn Community Development Code (CDC) approval criteria.

Sincerely,

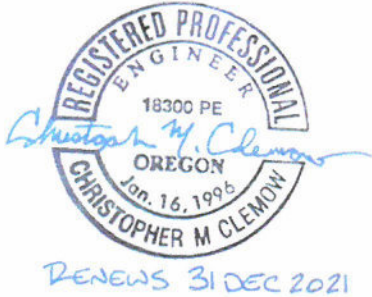


Sean Morrison  
Transportation Analyst



Christopher M. Clemow, PE. PTOE  
Transportation Engineer

Attachments: Figure 1 – Site Location

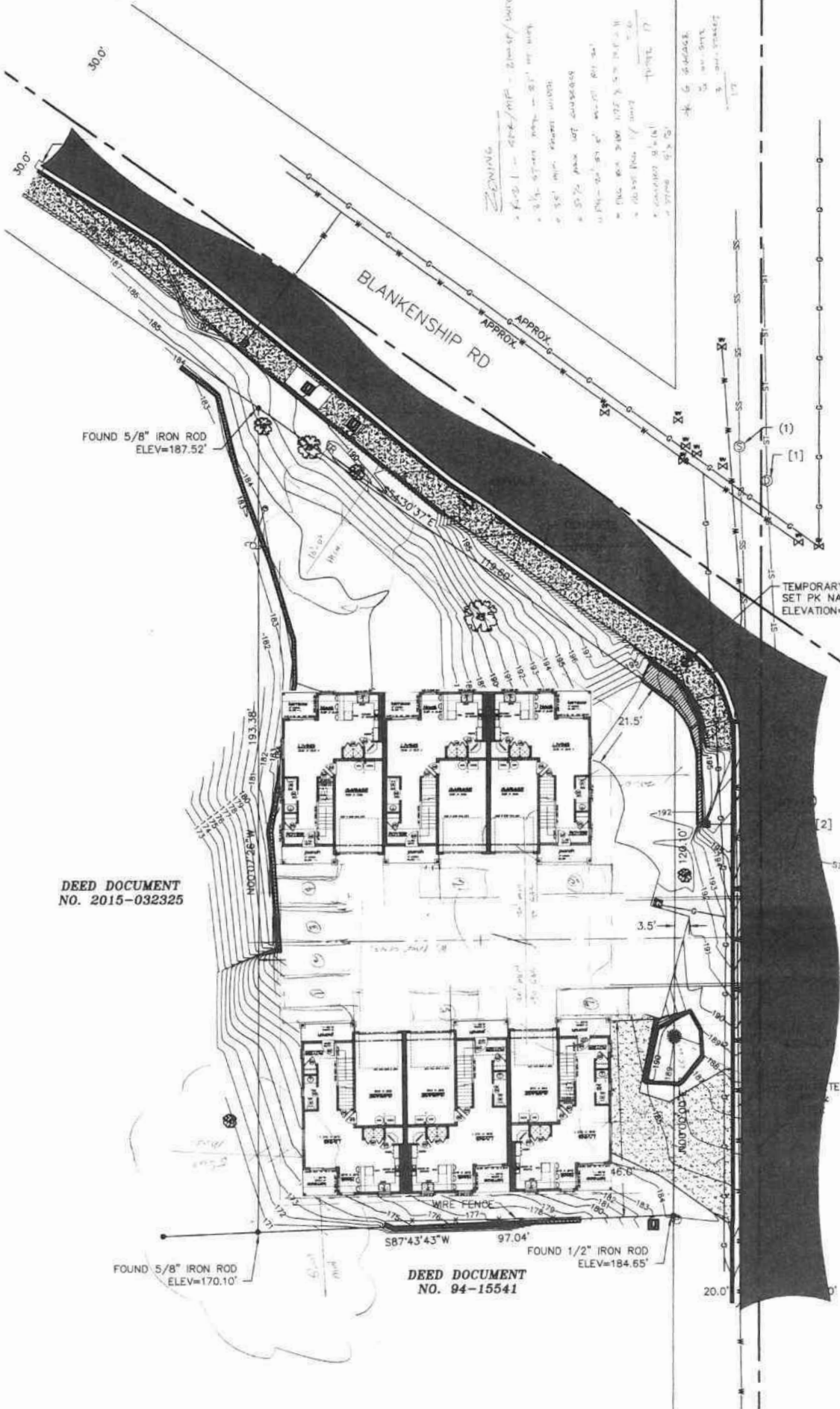




**KRAUSE ARCHITECTS PC**  
 1374 9TH STREET  
 SEASIDE, OREGON 97138  
 PHONE: 503-738-1111  
 FAX: 503-738-1112  
 WWW.KRAUSEARCHITECTS.COM

**COVER SHEET, PLOT PLAN & VICINITY MAP**  
 PROJECT: 1374 9TH STREET TRI-PLEX  
 OWNER: JEREMY BARRETT  
 DATE: NOVEMBER 13, 2018  
 ARCHITECT: J.C. PINE  
 NEIGUS OUS  
 11-13-2018  
 11-13-2018

1374 9TH STREET TRI-PLEX



FOUND 5/8" IRON ROD  
 ELEV=187.52'

DEED DOCUMENT  
 NO. 2015-032325

FOUND 5/8" IRON ROD  
 ELEV=170.10'

DEED DOCUMENT  
 NO. 94-15541

FOUND 1/2" IRON ROD  
 ELEV=184.65'

TEMPORARY BENCHMARK  
 SET PK NAIL IN CONCRETE  
 ELEVATION=199.61'

1" = 10.00'

PLLOT PLAN



**FRONT ELEVATION**

SCALE: 1/4" = 1'-0"

BUILDING FACADE OFFSETS (IF APPLICABLE) REQUIRED:  
ENTRANCES 1/4" @ INTERVALS MIN./4" AT EACH  
CORNER AND 1/8" MIN. REQUIRED IN CORNER REDUCTION  
ALLOWED = 4'-6" PROVIDED

**NOTE**

EXTEND ALL FLUES A MIN. OF 2'-0"  
SHOULDER ANY PART OF THE BLEND WITH  
A 10'-0" HORIZONTAL RADIUS

**NOTE**

ALL GRADES SHOWN ARE APPROXIMATE  
CONTRACTOR SHALL VERIFY ALL  
EXISTING AND PROPOSED GRADES



**LEFT-SIDE ELEVATION**

SCALE: 1/4" = 1'-0"

SURFACE COMPOSITION:  
SHAKLES

1/2" x 8" x 4"  
LAP SIDING

1/2" x 6"  
CEDAR TRIM



**J. KRAUSE**  
ARCHITECT P.C.

2020 WEST  
13TH STREET  
SUITE 100  
CLATSOP, OREGON 97105

THIS PLAN AND THE  
INFORMATION HEREON  
ARE THE PROPERTY OF  
J. KRAUSE ARCHITECT P.C.  
AND ARE NOT TO BE  
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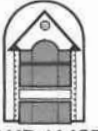
13TH STREET  
WEST LENO, OREGON 97148

TITLE:  
EXTERIOR ELEVATIONS - FRONT & LEFT  
PROJECT:  
13TH STREET TRI-PLEX  
OWNER:  
JEREMY BARNETT

DATE:  
NOVEMBER 13, 2019  
PROJECT NO.  
2019  
REVISIONS:  
11-18-2019

J.E. KRAUSE ARCHITECT P.C. ASSUMES NO RESPONSIBILITY  
FOR THE ACCURACY / VALIDITY OF CONTRACTOR / OWNER  
SUPPLIED INFORMATION. THE CONTRACTOR / OWNER IS  
RESPONSIBLE TO CHECK THE PLANS AGAINST SITE  
CONDITIONS, SIZES, AND TO NOTIFY THE ARCHITECT  
OF ANY ERRORS, OMISSIONS OR DISCREPANCIES PRIOR TO  
THE START OF CONSTRUCTION. DISCREPANCIES MAY RESULT  
IN ADDITIONAL COST TO THE OWNER.

NO.  
**A2**  
OF NINE



**J.E. KRAUSE**  
ARCHITECT P.C.  
1000 SW 4TH AVENUE  
SUITE 200  
PORTLAND, OREGON 97204  
PHONE: 503.241.1111  
FAX: 503.241.1112  
WWW: JEKRAUSE.COM

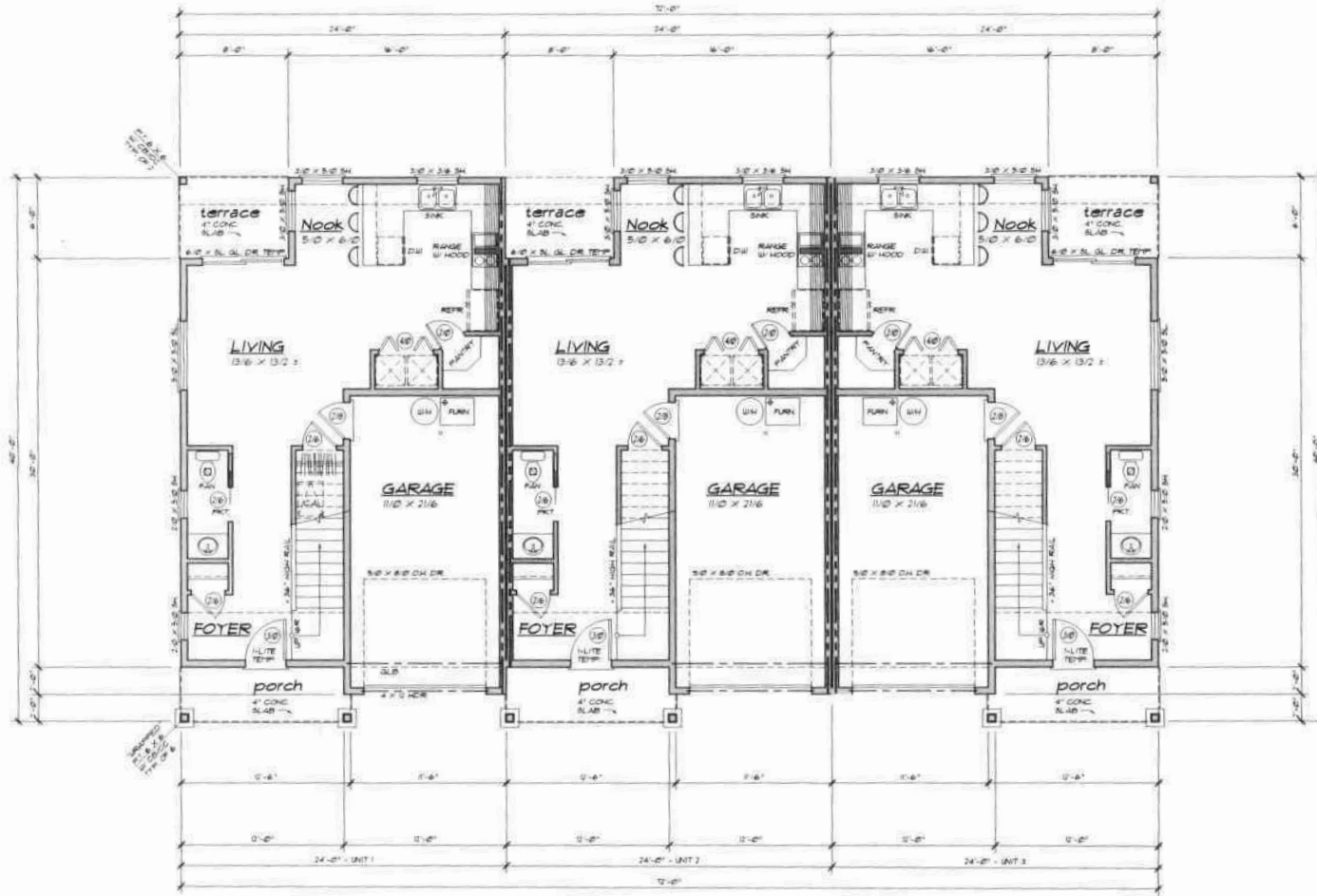
THIS PLAN AND THE CONSTRUCTION OF THE BUILDING IS SUBJECT TO THE APPROVED CONTRACT DOCUMENTS AND SPECIFICATIONS. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND CONDITIONS OF THE EXISTING SITE PRIOR TO CONSTRUCTION. DISCREPANCIES SHALL BE REPORTED TO THE ARCHITECT IMMEDIATELY UPON DISCOVERY. THE ARCHITECT ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF ANY INFORMATION SUPPLIED BY THE CONTRACTOR OR OWNER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND CONDITIONS OF THE EXISTING SITE PRIOR TO CONSTRUCTION. DISCREPANCIES SHALL BE REPORTED TO THE ARCHITECT IMMEDIATELY UPON DISCOVERY. THE ARCHITECT ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF ANY INFORMATION SUPPLIED BY THE CONTRACTOR OR OWNER.

13TH STREET  
1557 1/2 AVENUE, PORTLAND, OREGON 97204

FILE: MAIN FLOOR PLAN  
PROJECT: 13TH STREET TRI-FLEX  
OWNER: JEREMY BARNETT

DATE: NOVEMBER 13, 2015  
PROJECT NO.: 1310  
REVISIONS:  
11-18-2015

NO. **A4**  
OF NINE



- GENERAL NOTES:**
1. ALL EXTERIOR WALLS TO BE 2" x 8" VIDE AT 16" O.C. (TYP. 2X10)
  2. ALL INTERIOR WALLS TO BE 2" x 4" VIDE AT 16" O.C. (TYP. 2X4)
  3. ADAPTE A PORTION OF (1) TO 4" STUDS AT BEAM SUPPORTS AT REAR WALL
  4. ALL WINDOW AND SLIDING GLASS DOOR COVERS TO BE VINYL (VERIFY ALL ROUGH OPENINGS)
  5. BIDDING: CENTER INTERIOR BEARING WALLS
  6. PROVIDE SPACE COMBINATION AIR FOR ALL FIREPLACES AND STOVES
  7. CONNECT ALL SMOKE DETECTOR TO WIRING AND TO HOME POWER SOURCE
  8. PROVIDE 8" x 8" TYPE 10' GRS AT ALL ACCESSIBLE AREA UNDER STAIRS
  9. PROVIDE ALL LERED RILES AT ALL RAMPAGE ARE PERMISSIBLE LOCATIONS AS REQUIRED BY FABRICATOR
  10. PROVIDE 8" HIGH NON-COMBUSTIBLE PLATFORM FOR ALL GAR FINED APPLIANCES LOCATED IN GARAGE
  11. PROVIDE 4" DIA. x 8' AT CONCRETE FILLED STEEL PIPE BOLLARD IN GARAGE FOR PROTECTION OF PARKING AND DRIVEWAY (SPREAD IN 8' DIA. x 24" CONCRETE FOOTING)
  12. PROVIDE GARDEN SEWER BENCH ATTACHED TO WALKWAY AS PER MECHANICAL CODE PERMITS
  13. STRUCTURES OVER SWAMP SQUARE FEET SHALL BE SPANNLED OVER 12" x 12" POSTS ON SOIL AS PER PER CODES
  14. FIRE BLOCKING REQUIRED AT CONSTRUCTION JOINTS AND WALL CHANGES EXCEEDING 4'-0" IN HEIGHT. AS PER SET SPEC PERMITS
  15. PROVIDE 1" x 2" x 1/2" PLATE SINKING ON FULL LENGTH OF DRAGED WALL UNDER PER CODE (SEE PERMITS)
  16. ALL ROOMS CONTAINING BATHING OR SPA FACILITIES SHALL BE PROVIDED A MECHANICAL VENTILATION SYSTEM CONTROLLED BY A DEDICATED FRESH AIR SUPPLY SYSTEM OR AUTOMATIC CONTROL AS PER SET SPEC PERMITS
  17. PROVIDE GARDEN FENCE ALUMINUM PER PERMITS
  18. ALL UTIC ACCESS DISCONTINUOUS TO BE INSULATED PER PERMITS
  19. ALL DRIP OR CONSUMPT TO BE PER TABLE INSULATED (PAGE 1 CALOR)

**MAIN FLOOR PLAN** EACH UNIT  
SCALE: 1/4" = 1'-0"  
586 SF

J.E. KRAUSE ARCHITECT P.C. ASSUMES NO RESPONSIBILITY FOR THE ACCURACY / VALIDITY OF CONTRACTOR / OWNER SUPPLIED INFORMATION. THE CONTRACTOR / OWNER IS RESPONSIBLE TO CHECK THE PLANS, EXISTING SITE CONDITIONS, CONDITIONS, AND TO NOTIFY THE ARCHITECT OF ANY ERRORS, OMISSIONS OR DISCREPANCIES PRIOR TO THE START OF CONSTRUCTION. DISCREPANCIES MAY RESULT IN ADDITIONAL COST TO THE OWNER.

## **PC-2 MU WORKING GROUP RECOMMENDATION**

## Memorandum

Date: April 16, 2018

To: West Linn Planning Commission

From: Willamette Neighborhood Mixed-Use Transitional Zone Working Group

Subject: Final Recommendations

---

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

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

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

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

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




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

- Consider rezoning the properties along 8<sup>th</sup> Avenue, between 10<sup>th</sup> and 13<sup>th</sup> 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 8<sup>th</sup> Avenue, between 13<sup>th</sup> and 14<sup>th</sup> 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 8<sup>th</sup> Avenue.
- Evaluate more appropriate zoning for MU Zone properties separated from the historic commercial core (Properties 1-2, 3-4, and 27-30 on attached map) as they do not meet the transitional purpose of the zone. This could be undertaken at the same time as 8<sup>th</sup> Avenue.
- Consider changes to the dimensional/design standards for Chap. 59: MU Zone to make them more flexible for potential redevelopment of properties in the future. Some ideas for potential changes: allowing a zero lot line at the front yard and side yard abutting a street, move from maximum building size to lot coverage standard, making maximum FAR 0.45, eliminating maximum lot size, and removing the residential style design standards.
- Consider evaluating how parking is managed in the Willamette Main Street area, especially the on-site parking exemptions found in CDC Chapter 58: Willamette Falls Drive Commercial Design District.

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

Respectfully,



Shannen Knight  
Chair, MU Working Group

## **PC-3 COMPLETENESS LETTER**



CITY OF  
**West Linn**

August 18, 2020

Jeremy Barnett  
19363 Willamette Drive #111  
West Linn, OR 97068

SUBJECT: Application for Zone Change at 1791 Blankenship Road (ZC-20-01)

Dear Mr. Barnett:

Your application submitted on July 23, 2020 has been deemed **complete**. The City has 120 days to exhaust all local review; that period ends December 16, 2020.

Please be aware that the determination of a complete application does not guarantee a recommendation of approval from staff for your proposal as submitted – it signals that staff believes you have provided the necessary information for the City to render a decision on your proposal.

A 20-day notice of public hearing before the Planning Commission (tentatively scheduled for October 7 or 21, 2020) to make a recommendation to the City Council on the proposal will be prepared and mailed. City Council is the final decision-maker for this application (tentatively scheduled for November 9, 2020).

The staff report will be available 10 days before the hearing. You should attend the hearing.

Please contact me at 503-742-6064, or by email at [dwyss@westlinnoregon.gov](mailto:dwyss@westlinnoregon.gov) if you have any questions or comments.

Sincerely,

Darren Wyss  
Acting Planning Manager

# EXHIBIT PC-4 AFFIDAVIT AND NOTICE PACKET

**AFFIDAVIT OF NOTICE**  
**Type A**

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:

**PROJECT**

File No.: ZC-20-01

Applicant's Name: Jeremy Barnett

Development Name: 1791 Blankenship Road

Scheduled Decision Date: Planning Commission recommendation on October 21, 2020

**MAILED NOTICE**

Notices were mailed at least 20 days prior to the decision date per Section 99.080 of the Community Development Code to:

1	Jeremy Barnett, Applicant	9/30/20	<i>Lynn Schroder</i>
2	Robert Price, Applicant Consultant	9/30/20	<i>Lynn Schroder</i>
3	Metro	9/30/20	<i>Lynn Schroder</i>
4	Clackamas County	9/30/20	<i>Lynn Schroder</i>
5	ODOT	9/30/20	<i>Lynn Schroder</i>
6	Property Owners within 500 feet	9/30/20	<i>Lynn Schroder</i>
7	All Neighborhood Associations	9/30/20	<i>Lynn Schroder</i>
8	City of Lake Oswego	9/30/20	<i>Lynn Schroder</i>

**TIDINGS**

Notice was posted in the West Linn Tidings at least 10 days prior to the decision date.

10/7/20	<i>Lynn Schroder</i>
---------	----------------------

**WEBSITE**

Notice was posted on the City's website at least 10 days prior to the decision date.

9/30/20	<i>Lynn Schroder</i>
---------	----------------------

**SIGN**

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

10/8/20	<i>Chris Myers</i>
---------	--------------------

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

10/8/20	<i>Chris Myers</i>
---------	--------------------

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

--	--

**CITY OF WEST LINN PLANNING COMMISSION  
PUBLIC HEARING NOTICE  
FILE NO. ZC-20-01**

The West Linn Planning Commission will hold a virtual public hearing, on **Wednesday, October 21, 2020, starting at 6:30 p.m.** to consider a request for a Comprehensive Plan Map Amendment from Mixed-Use to Medium-High Density Residential and associated Zoning Map Amendment from Willamette Neighborhood Mixed-Use Transitional Zone to R-2.1 at 1791 Blankenship Road. The purpose of the public hearing is to make a recommendation to the West Linn City Council on the proposal.

A recommendation by the Planning Commission to approve or deny this request will be based upon the applicable criteria found in Chapters 99 and 105 of the Community Development Code (CDC). The hearing will be conducted in accordance with the rules of Section 99.170 of the CDC.

You have been notified of this proposal because County records indicate that you own property within 500 feet of the affected site on Clackamas County Assessor Map 21E35CB, Tax Lot 2600 or as required by Chapter 99 of the CDC.

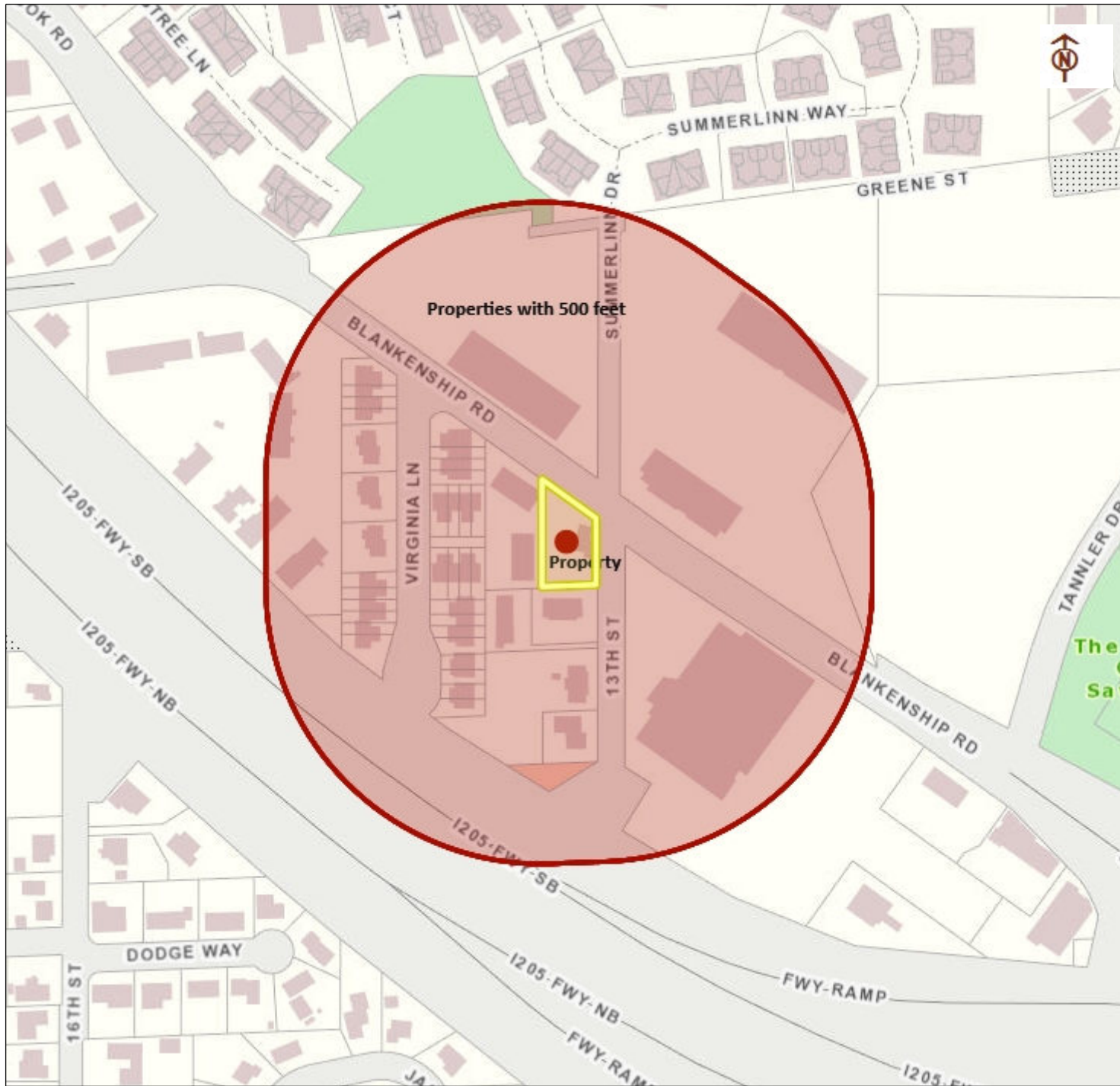
The complete application is available for inspection at no cost or via the web site at <https://westlinnoregon.gov/planning/1791-blankenship-road-zone-change> or copies can be obtained for a minimal charge per page. The staff report will be posted on the website ten days before the hearing and available for inspection at City Hall. For further information, please contact Associate Planner Chris Myers, City Hall, 22500 Salamo Road, West Linn, OR 97068, or [cmyers@westlinnoregon.gov](mailto:cmyers@westlinnoregon.gov) or 503-742-6063.

**Anyone wishing to present written testimony for consideration shall submit all materials before 12:00 pm on October 21, 2020.** Written comments can be emailed to [cmyers@westlinnoregon.gov](mailto:cmyers@westlinnoregon.gov) or mailed to City Hall.

The public can watch the meetings online at [www.westlinnoregon.gov/meetings](http://www.westlinnoregon.gov/meetings) or on Cable Channel 30. To speak during the meeting, go to <https://westlinnoregon.gov/citycouncil/meeting-request-speak-signup> to **complete the speaker sign-up form before 12:00 pm on the day of the meeting.** Instructions on how to access the virtual meeting will be emailed before the meeting. If you do not have email access or need assistance under the American with Disabilities Act, please call 503-742-6061 for assistance 48 hours before the meeting.

It is important to submit all testimony in response to this notice. All comments submitted for consideration should relate specifically to the applicable criteria. Failure to raise an issue at the hearing or by written comment, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes raising the issue on appeal to the Land Use Board of Appeals.

# ZC-20-01 Properties within 500 feet of Site Property



## Legend

- City Limit
- ⋯ Unimproved ROW
- Parks and Open Space
- City Owned Property

0 0.06 0.11 Miles



1: 4,514



## Notes

This map was automatically generated using Geocortex Essentials.



**NOTICE OF UPCOMING  
PLANNING COMMISSION DECISION**

**PROJECT # ZC-20-01  
MAIL: 09/30/20 TIDINGS: 10/7/20**

**CITIZEN CONTACT INFORMATION**

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



**EXHIBIT PC-5 ORDINANCE 1716 COMP PLAN MAP AMENDMENT**

**ORDINANCE NO. 1716**

**AN ORDINANCE AMENDING THE WEST LINN COMPREHENSIVE PLAN MAP FROM MIXED-USE TO MEDIUM-HIGH DENSITY RESIDENTIAL FOR THE PROPERTY LOCATED AT 1791 BLANKENSHIP ROAD**

**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; and

**WHEREAS**, the City of West Linn Community Development Code (CDC) Chapter 99 provides approval criteria for quasi-judicial decision-making and Chapter 105 provides approval criteria for amendments to the CDC and maps; and

**WHEREAS**, the Applicant sought approval for a comprehensive plan map amendment at 1791 Blankenship Road (Clackamas County Assessor Map 2S-1E-35CB, Taxlot 2600) to change the plan designation from Mixed-Use to Medium-High Density Residential; and

**WHEREAS**, the map amendment requires a modification to the West Linn Comprehensive Plan Map, which requires a West Linn Planning Commission recommendation and the West Linn City Council to approve by ordinance; and

**WHEREAS**, the West Linn Planning Commission (PC) held a public hearing, which was noticed in accordance with City standards, on October 21, 2020, and unanimously recommended approval of the Applicant request ; and

**WHEREAS**, the West Linn City Council held a public hearing, which was noticed in accordance with City standards, on November 9, 2020, to consider the PC recommendation, receive public testimony, and evaluate the decision-making criteria; and

**WHEREAS**, the Council decision is based on the findings contained in these Whereas Clauses, together with the findings, conclusions, and substantial evidence found in the associated land use record file ZC-20-01, which is incorporated by this reference.

**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 to show the Medium-High Density Residential and Mixed-Use boundaries as depicted in Exhibit A for the Property identified on Clackamas County Assessor Map 2S-1E-35CB, Taxlot 2600 (1791 Blankenship Road).

**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 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 designee is authorized to correct any cross-references and any typographical errors.

**SECTION 5. Effective Date.** This ordinance shall take effect on the 30<sup>th</sup> 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 \_\_\_\_\_, 2020, and duly PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
RUSSELL B. AXELROD, MAYOR

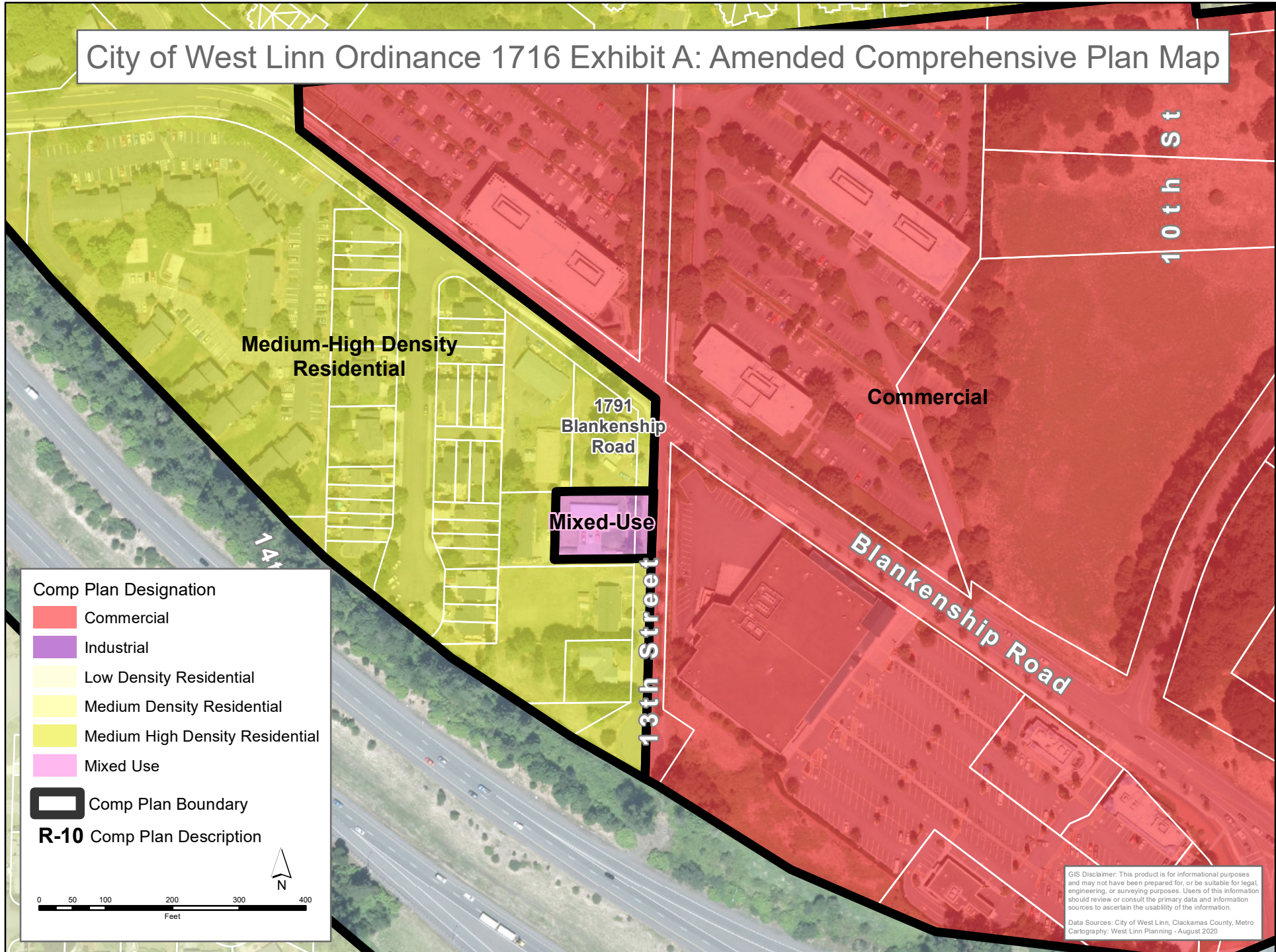
ATTEST:

\_\_\_\_\_  
KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

# City of West Linn Ordinance 1716 Exhibit A: Amended Comprehensive Plan Map



**Comp Plan Designation**

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

**Comp Plan Boundary**

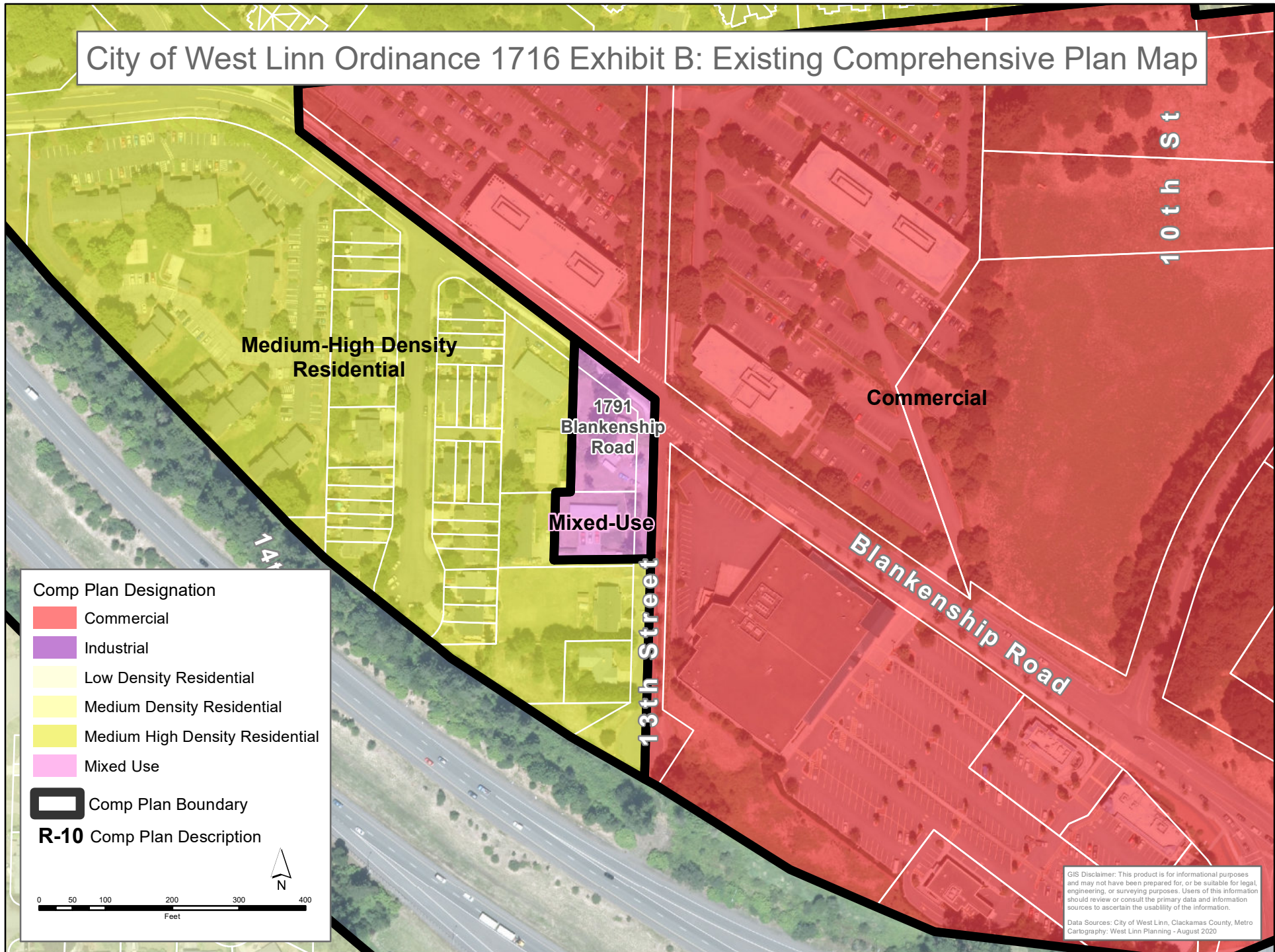
**R-10 Comp Plan Description**

0 50 100 200 300 400  
Feet

N

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 - August 2020

# City of West Linn Ordinance 1716 Exhibit B: Existing Comprehensive Plan Map



# EXHIBIT PC-6 ORDINANCE 1717 ZONING MAP AMENDMENT

**ORDINANCE NO. 1717**

**AN ORDINANCE AMENDING THE WEST LINN ZONING MAP FROM WILLAMETTE NEIGHBORHOOD MIXED-USE TRANSITIONAL TO R-2.1 FOR THE PROPERTY LOCATED AT 1791 BLANKENSHIP ROAD**

**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; and

**WHEREAS**, the City of West Linn Community Development Code (CDC) Chapter 99 provides approval criteria for quasi-judicial decision-making and Chapter 105 provides approval criteria for amendments to the CDC and maps; and

**WHEREAS**, the Applicant sought approval for a zoning map amendment at 1791 Blankenship Road (Clackamas County Assessor Map 2S-1E-35CB, Taxlot 2600) to change the zoning from Willamette Neighborhood Mixed-Use Transitional to R-2.1; and

**WHEREAS**, the zoning map amendment requires a modification to the West Linn Zoning Map, which requires a West Linn Planning Commission recommendation and the West Linn City Council to approve by ordinance; and

**WHEREAS**, the West Linn Planning Commission (PC) held a public hearing, which was noticed in accordance with City standards, on October 21, 2020, and unanimously recommended approval of the Applicants request ; and

**WHEREAS**, the West Linn City Council held a public hearing, which was noticed in accordance with City standards, on November 9, 2020, to consider the PC recommendation, receive public testimony, and evaluate the decision-making criteria; and

**WHEREAS**, the Council decision is based on the findings contained in these Whereas Clauses, together with the findings, conclusions, and substantial evidence found in the associated land use record file ZC-20-01, which is incorporated by this reference.

**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 to show the Willamette Neighborhood Mixed-Use Transitional and R-2.1 boundaries as depicted in Exhibit A for the Property identified on Clackamas County Assessor Map 2S-1E-35CB, Taxlot 2600 (1791 Blankenship Road).

**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 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.

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\_\_\_\_\_  
RUSSELL B. AXELROD, MAYOR

ATTEST:

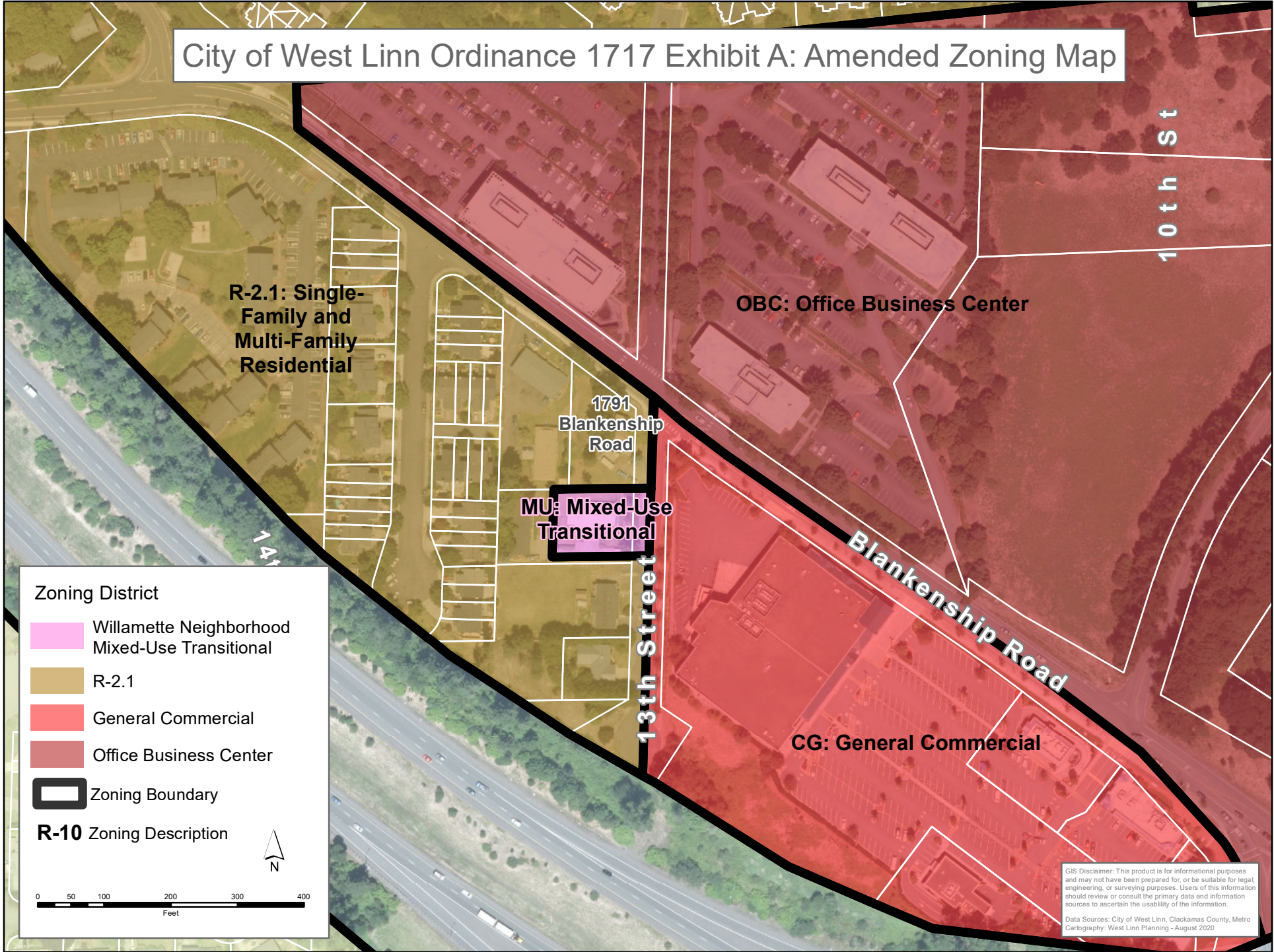
\_\_\_\_\_  
KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

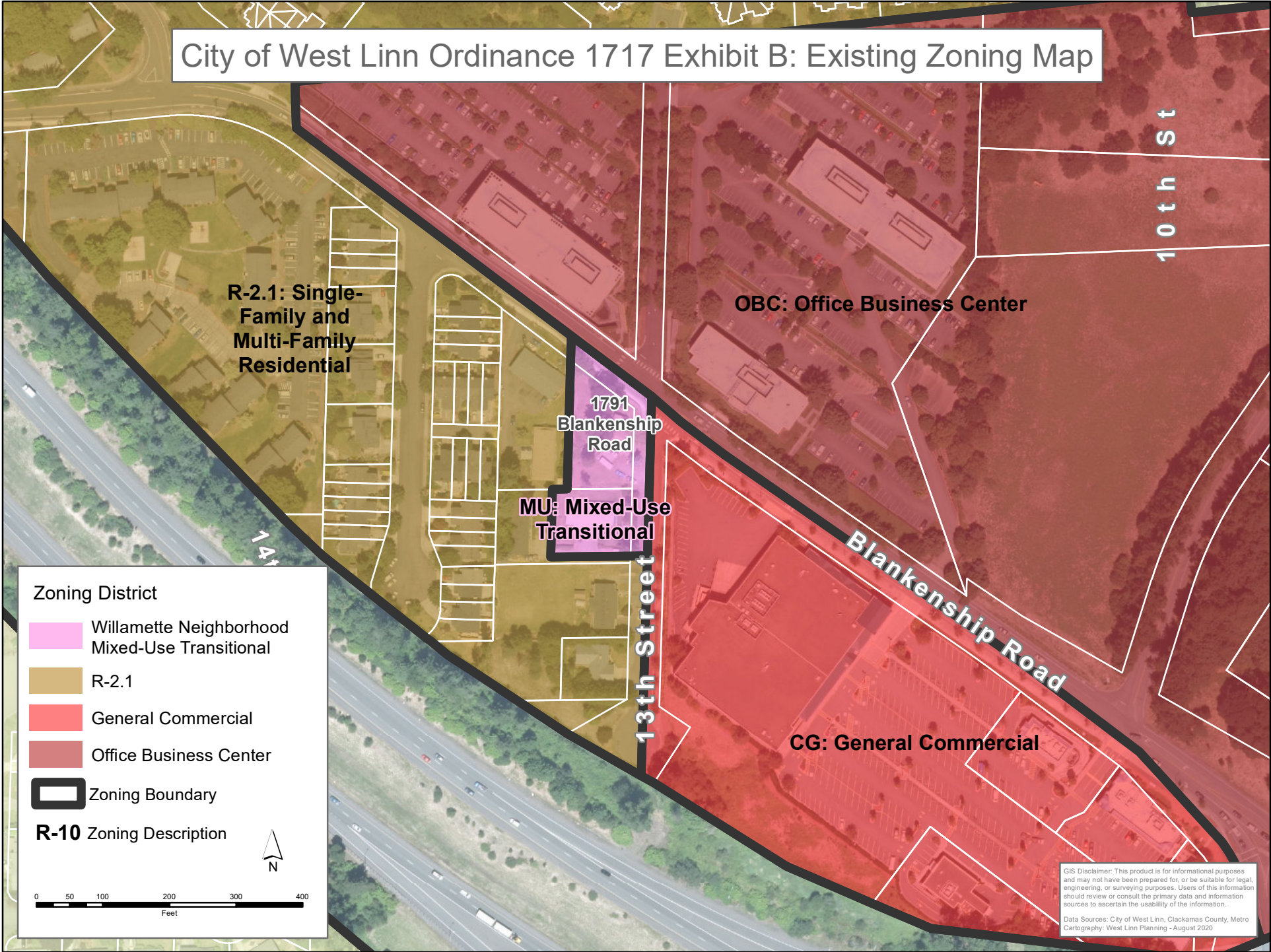
\_\_\_\_\_  
CITY ATTORNEY



# City of West Linn Ordinance 1717 Exhibit A: Amended Zoning Map



# City of West Linn Ordinance 1717 Exhibit B: Existing Zoning Map





# CITY OF West Linn

## Memorandum

Date: October 16, 2020  
To: Planning Commission  
From: Chris Myers, Associate Planner  
Subject: ZC-20-01 Public Comment and Staff Response

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On Wednesday, October 21, 2020 the Planning Commission will be holding a public hearing on land use application ZC 20-01. Subsequent to the publishing of the staff report on October 8, 2020, Planning staff has received four public comments regarding ZC 20-01. The comments are attached to this memo. Below you will find a brief synopsis of each comment and the staff response.

Alice Richmond (Parker Crest Neighborhood Association, President)

Ms. Richmond expressed support for the Zone Change application.

John Hansen (Citizen)

Comment 1- Mr. Hansen expressed he doesn't feel that *CDC Chapter 59.100 Other Applicable Development Standards* is being applied correctly to this application.

**Staff Response – Land use application ZC 20-01 is a proposal to amend the West Linn Comprehensive Plan and Zoning Maps. The applicable approval standards are *Chapters 99: Procedures for Decision Making Quasi-Judicial and Chapter 105: Amendments to the Code and Map*. CDC Chapter 59 is not part of the approval standards for the Zone Change and therefore the comments by Mr. Hansen do not apply to land use application ZC-20-01.**

Comment 2 - Mr. Hansen expressed he objects to the applicant's setback requirements listed in the applicant submittal.

**Staff Response – Land use application ZC 20-01 is a proposal to amend the West Linn Comprehensive Plan and Zoning Maps. The applicable approval standards are *Chapters 99: Procedures for Decision Making Quasi-Judicial and Chapter 105: Amendments to the Code and Map*. The setbacks on a potential proposal by the applicant do not apply to the land use application ZC-20-01. The applicant, although not required, included a potential proposal for the site if the map and zone change is granted. Setback requirements will be reviewed by the**



## CITY OF West Linn

**Planning Commission as part of a subsequent design review application from the applicant and therefore the comments by Mr. Hansen do not apply to land use application ZC-20-01.**

Jean Dahlquist (Fair Housing Council of Oregon)

Comment 1 – Ms. Dahlquist requested a copy of the staff report, indicated the organization would be reviewing Goal 10 findings, but did not submit comment at this time.

**Staff Response – The staff report for land use application ZC 20-01 contained findings for relevant goals and policies in West Linn Comprehensive Plan Chapter: Goal 10. The proposal increases the amount of residentially zoned land in the community and has no negative impact on the City’s buildable lands inventory nor compliance with Goal 10. The City has also started a project to update its Housing Needs Analysis, which is a requirement of Goal 10. The updated HNA will identify policies and strategies the City can implement to accommodate needed housing types in the community.**

Shannen Knight (Citizen)

Comment 1- Ms. Knight expressed that the City of West Linn has roughly 10% of the commercial land as “most cities.” The need for more commercial properties should be a reason not to approve this Zone Change.

**Staff Response – The City does have limited commercial, mixed-use, and industrial zoned lands (eight percent within city limits). However, the subject property currently allows both single-family and multi-family development without any requirement to include a commercial component. There is no guarantee the subject property would be used for commercial purposes. As part of the Council appointed Mixed-Use Working Group, Comprehensive Plan and Zoning Map amendments were adopted in 2019 along 8<sup>th</sup> Avenue that changed nine properties from Mixed-Use zoning to General Commercial zoning and changed six properties from R-10 zoning to General Commercial zoning, thus requiring new development to include a commercial use on all 15 properties. The amendments also changed five properties from R-10 zoning to Mixed-Use zoning, thus allowing commercial uses on these properties. With the amendments, the City increased commercially available property. The subject property was originally zoned R-2.1, never contained a commercial use, and does not require commercial use of the property.**

Comment 2 – The property owner (applicant) claims they could not sell the property as commercial, but the reason is likely that the asking price was far too high.

**Staff Response – Land use application ZC 20-01 is a proposal to amend the West Linn Comprehensive Plan and Zoning Maps. The applicable approval standards are *Chapters 99*:**



## CITY OF West Linn

***Procedures for Decision Making Quasi-Judicial and Chapter 105: Amendments to the Code and Map. The asking price for the property is not part of the approval criteria.***

Comment 3 – The applicant claims the property is not conducive to commercial use, but they are looking at it as a General Commercial property. Rather it is Mixed-Use property and could be used for office space.

**Staff Response – The subject property was originally zoned R-2.1, never contained a commercial use, and does not require commercial use of the property. The applicant states the property was marketed for commercial use and they were unable to find an interested party.**

Comment 4 – The Mixed-Use zoning allows for commercial on first floor with multi-family above. The applicant could accomplish their goal of multi-family housing and still preserve the commercial use of land.

**Staff Response – The subject property was originally zoned R-2.1, never contained a commercial use, and does not require commercial use of the property. The Mixed-Use zone has a maximum building size of 6,000 sq. ft., restrictive design standards, and setback provisions that are a limiting factor in being able to redevelop Mixed-Use zoned properties with a true mixed-use building. The Council appointed Mixed-Use Working Group recommended the City consider changes to the dimensional/design standards to make them more flexible for potential redevelopment of properties in the future. The City has not prioritized this recommendation and the applicant is requesting, as allowed by the Community Development Code, West Linn Comprehensive Plan and Zoning Map amendments to utilize the property to what they believe is the highest and best use.**

Comment 5 – The applicant makes a Goal 12 argument that 13<sup>th</sup> Street is not conducive to commercial traffic. This would be relevant if the property was General Commercial, but it is Mixed-Use that is specifically designed to limit traffic.

**Staff Response – The subject property was originally zoned R-2.1, never contained a commercial use, and does not require commercial use of the property. The Mixed-Use zone allows a range of uses from single-family residential to general retail services. Depending on the type of commercial use, the steep approach of 13<sup>th</sup> Street to Blankenship Road could be problematic for delivery truck access, as well as increase in overall traffic volumes to the site. The letter prepared by Morrison Transportation Consulting, dated June 20, 2020 provides technical data that commercial use of the site will create higher traffic counts than any type of residential development.**



## CITY OF West Linn

Comment 6 – Approving the zone change would leave an island of one Mixed-Use property. As Chair of the Mixed-Use Working Group referenced in the staff report, our job was to increase business opportunities.

**Staff Response – The subject property was originally zoned R-2.1, never contained a commercial use, and does not require commercial use of the property. The applicant states the property was marketed for commercial use and they were unable to find an interested party. The Mixed-Use Working Group was tasked with updating the permitted/conditional uses of the Mixed-Use zone. Part of the group’s recommendation was to evaluate more appropriate zoning for Mixed-Use zoned properties separated from the historic commercial core (including the subject property) as they do not meet the transitional purposes of the zone. The City has not prioritized this recommendation and the applicant is requesting, as allowed by the Community Development Code, West Linn Comprehensive Plan and Zoning Map amendments as a result of an evaluation as recommended by the group.**

Comment 7 – If the current zone was General Commercial then it would be a zoning error and a zone change would be acceptable. However, the Mixed-Use zone does allow for residential as well as commercial development. It just doesn’t allow a six-plex the property owner wants to build without the zone change.

**Staff Response – The subject property was originally zoned R-2.1, never contained a commercial use, and does not require commercial use of the property. The current Mixed-Use zoning does allow the development of a six-plex as there is no maximum density identified for the zone. The applicant could construct a multi-family housing project on the subject property with as many units as could be approved with the limiting factors being parking requirements, the maximum building size of 6,000 sq. ft., and the dimensional/design standards.**

**The applicant does not argue a mistake was made in the change of zone to this site in 2004. Rather the applicant asserts that the zone change is inconsistent as it relates to the property. The 2004 zone change has not created a benefit to the site and therefore the site is sitting in a “limbo” type status in which commercial enterprises have shown no interest in the past sixteen years. The applicant further asserts that the site has too many adverse characteristics and too few strengths to be an attractive commercial site, thus re-establishing the medium-high density designation and zoning to the property will eliminate the inconsistency.**

See below

From:

CITY OF WEST LINN PLANNING COMMISSION  
PUBLIC HEARING NOTICE  
FILE NO. ZC-20-01

ALICE RICHMOND  
PARKER CREST NA  
3939 PARKER RD  
WEST LINN, OR 97068

The West Linn Planning Commission will hold a virtual public hearing, on **Wednesday, October 21, 2020, starting at 6:30 p.m.** to consider a request for a Comprehensive Plan Map Amendment from Mixed-Use to Medium-High Density Residential and associated Zoning Map Amendment from Willamette Neighborhood Mixed-Use Transitional Zone to R-2.1 at 1791 Blankenship Road. The purpose of the public hearing is to make a recommendation to the West Linn City Council on the proposal.

A recommendation by the Planning Commission to approve or deny this request will be based upon the applicable criteria found in Chapters 99 and 105 of the Community Development Code (CDC). The hearing will be conducted in accordance with the rules of Section 99.170 of the CDC.

You have been notified of this proposal because County records indicate that you own property within 500 feet of the affected site on Clackamas County Assessor Map 21E35CB, Tax Lot 2600 or as required by Chapter 99 of the CDC.

The complete application is available for inspection at no cost or via the web site at <https://westlinnoregon.gov/planning/1791-blankenship-road-zone-change> or copies can be obtained for a minimal charge per page. The staff report will be posted on the website ten days before the hearing and available for inspection at City Hall. For further information, please contact Associate Planner Chris Myers, City Hall, 22500 Salamo Road, West Linn, OR 97068, or [cmyers@westlinnoregon.gov](mailto:cmyers@westlinnoregon.gov) or 503-742-6063.

**Anyone wishing to present written testimony for consideration shall submit all materials before 12:00 pm on October 21, 2020.** Written comments can be emailed to [cmyers@westlinnoregon.gov](mailto:cmyers@westlinnoregon.gov) or mailed to City Hall.

The public can watch the meetings online at [www.westlinnoregon.gov/meetings](http://www.westlinnoregon.gov/meetings) or on Cable Channel 30. To speak during the meeting, go to <https://westlinnoregon.gov/citycouncil/meeting-request-speak-signup> to **complete the speaker sign-up form before 12:00 pm on the day of the meeting.** Instructions on how to access the virtual meeting will be emailed before the meeting. If you do not have email access or need assistant under the American with Disabilities Act, please call 503-742-6061 for assistance 48 hours before the meeting.

It is important to submit all testimony in response to this notice. All comments submitted for consideration should relate specifically to the applicable criteria. Failure to raise an issue at the hearing or by written comment, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes raising the issue on appeal to the Land Use Board of Appeals.



*This site is within density residence to serve lower income citizens, needed in W.L., so it imports the request and it is appropriately mixed-used units. — Yes!*

*alice Richmond PCNA - pres.  
Oct 15 - 2020 -*

October 11, 2020

John Hansen  
2180 13<sup>th</sup> Street  
West Linn, OR 97068

Re: 1791 Blankenship Road Zoning Change  
Project ID ZC-20-01

Dear Mr. Chris Myers, Associate Planner:

I object to the following statement in the applicants request to the zoning change from MU to R-2.1:

(Reference Staff Report: zc\_20\_01\_report.pdf)

**59.100 Other Applicable Standards**

**Finding:** The listed standards in 59.100 1 through 15 will not apply directly to the proposed zone change from MU to R-2.1. These standards will be reviewed during the Class II Design Review process for whatever use(s) might be proposed for the site under the existing MU zoning.

This language seems to give the applicant permission to use whatever zoning code will benefit him. It appears that the applicant will have the ability to choose between two different zoning regulations. This is not appropriate. I suggest the planning department change the language in this section by deleting “These standards will be reviewed during the Class II Design Review process for whatever use(s) might be proposed for the site under the existing MU zoning.” The following statement should be added in its place. “R-2-1 zoning codes will be followed during the Class II Design Review.”

I object to the applicants set back requirements shown on his submittal. He has shown the front of the property as 13<sup>th</sup> Street. See the attached table below that compares the applicants set back requirements as compared to the West Linn set back requirements for an R-2.1.

Applicant’s Plan vs. Rqmts.	Front	Rear	Interior Side	Street Side
Applicant’s Plan	20’	5’	5’	15’
West Linn Rqmts	20’	20’	5’	15’
Difference		15’		

I also bring the following to The Planning Department’s attention for consideration:

- The existing home on the west side of applicant’s property faces Blankenship Road. Its interior side yard is west of the applicant’s property.



- The existing home on the south side of applicant's property has a rear property line that adjoins the applicant's property.

In order to fit any proposed building on the applicant's property with the existing homes, the front of applicant's property should be considered Blankenship Road. The interior lot line should be considered the west side of applicant's property, 13<sup>th</sup> Street should be considered Street Side, and the south of applicant's property should be considered the rear property. If you look at the shape of the property on page 34 of 79 PDF of [zc\\_20\\_01\\_report.pdf](#), the zoning set back requirements favor Blankenship Road as the front of the property. I believe the applicants submitted planned use of setback requirements will disrupt the character of the neighborhood for the existing homes. Blankenship Road should be the front of the property instead of 13<sup>th</sup> Street for setback requirements.

I respectfully submit my review of the applicant's plan and thank the West Linn Planning Department for allowing me to contribute to the planning process for our community.

Respectively,

John W. Hansen

**From:** [Jean Dahlquist](#)  
**To:** [Wyss, Darren](#)  
**Subject:** PAPA ZC-20-01  
**Date:** Friday, October 9, 2020 12:45:50 PM

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**CAUTION:** This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Good morning,

My name is Jean Dahlquist and I am conducting some research for the Fair Housing Council of Oregon (FHCO). I was hoping to obtain the staff report and all corresponding attachments for ZC-20-01 the "quasi-judicial land use application to amend the City's Comprehensive Plan Map and Zoning Map for the property at 1791 Blankenship Road" when available. We will be reviewing Goal 10 findings specifically, and submitting positive or negative comment letters when appropriate. The goal of the Goal 10 project is to ensure cities/counties are fulfilling their Statewide Planning Goal obligation in regards to Goal 10.

Thus, I just wanted to introduce myself and let you know that I am available for any questions or staff report review. I'm hoping this can be a collaborative process where we can both learn from each other. In the meantime, we have obtained the following resource to help guide future staff reports: <https://www.housinglandadvocates.org/wp-content/uploads/2018/04/Goal-10-Guidance-Letter-to-Cities-and-Counties-signed.pdf>.

Please confirm receipt of this e-mail, and I look forward to hearing from you soon,  
Very Respectfully,

## **Jean Dahlquist**

Fair Housing Council of Oregon

Phone: (414) 477-1567

E-mail: [jdahlqu1@gmail.com](mailto:jdahlqu1@gmail.com)

[LinkedIn](#)

**From:** [A Sight for Sport Eyes](#)  
**To:** [Planning Commission \(Public\)](#)  
**Subject:** Public testimony for ZC-20-01  
**Date:** Friday, October 9, 2020 12:13:19 PM

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**CAUTION:** This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

I'm writing to give public testimony for the property on 1791 Blankenship Road. I am writing as an individual, not as my position of the chair of the Economic Development Committee. We have very limited land that is zoned commercial or mixed use. Our work on the EDC recently has been focused on increasing the mixed use and/or commercial property because our city has so few properties. While most cities have about 30% of land devoted to commercial uses, last time I heard, West Linn only has about 3% of commercial land. Thus, I'm always going to be against changing zone away from commercial uses in favor of residential. We need more commercial property, not less.

As a business owner, I am always looking for property to put my business in. If I look at this application, the applicant claims that they tried to sell the property as commercial and could not sell it. I don't remember seeing this come up as a property on my commercial watches or I would have gone and checked it out. So it could be the fault of the realtor hired to sell the property. Also, if I look at the Zillow history on this property, [https://www.zillow.com/homedetails/1791-Blankenship-Rd-West-Linn-OR-97068/48242626\\_zpid/](https://www.zillow.com/homedetails/1791-Blankenship-Rd-West-Linn-OR-97068/48242626_zpid/), I believe the reason the property owner has had trouble selling this property is purely based on price. If you look at the Zillow estimate, it shows value around \$332K. With it zoned as commercial, it may get a little bump for this. Maybe \$40K to \$50K. But the applicant also mentions that the property in need of a lot of repairs to get it up to code to be a commercial property. So the commercial "bump" is negated by the fact that the property is not "ready to go" for commercial use. Thus, I think a buyer like myself would be willing to pay no more than \$350K for this property. However, if you look at the listing history for this, the property owner has been trying to sell this property for \$449,900. This is \$100K over what I think is market value. This is why the owner has been unable to sell it, in my opinion, as commercial. Should the owner ask a fair market price, I believe, the property could be sold as mixed use and not require a zone change.

I agree looking at the Google Earth of the property that the way it is oriented on the slope doesn't make a great option for traditional commercial development. But this is not zoned "general commercial". The applicant makes all these statements that the property slope, etc. would make it difficult for trucks, etc. But again, the owner is looking at this as "general commercial" property. Mixed use prohibits activities that would create many trips and large trucks. Mixed Use, is designed for low impact things like offices that create very little traffic so as to blend with the existing residential neighborhood. Thus, the argument that it is not fit for "commercial development" is misleading. It is not intended to be a traditional commercial space. Those like me who are looking for an office type space, do not care if the entrance is on 13<sup>th</sup> and if big trucks can get in and out.

The applicant also argues that for Goal 9 that the property would not create living wage jobs. I will

go back to office space. Office space is limited. We have many home based businesses, who often grow out of their home and need a space to rent. I know, because I rent my current space to those business owners. Again, if it was sold as “office space” rather than “commercial”, I believe there would be no issue renting the property if brought up to code and in good repair. Office spaces here go quickly. I just rented my back office 2 months ago. I had it on the market for less than a week before someone snatched it up. There is demand for office space and this spot is a perfect spot for office type uses.

Also, the mixed use zoning does allow for the owner to build an office unit on the bottom floor and keep their plan of having multi-family residential use on the top floor. Thus, residential multi-family use could be accomplished without a zone change as long as the lower level remains for commercial use. Again, my concern is to preserve commercial use of land since we have so little commercial land. This would then satisfy both Goal 9 and 10 in the comprehensive plan.

Again, the applicant tries with Goal 12 to make you believe this would be a “general commercial” development, not mixed use as zone. Mixed use is specifically designed to limit traffic. Thus the argument that keeping commercial brings traffic on to 13<sup>th</sup> is not a valid argument. Most of the arguments made in the application is because the property owner is thinking of this as “general commercial” zoning, not Mixed Use zoning. They refer to “location, location, location” which again, is for retail general commercial areas, not mixed use. Mixed use, if properly utilized, combines low traffic and quite office locations that provide a buffer to residential neighborhoods. The “buffer” intent is that it is low noise, low traffic, not a lot of deliveries, and location, orientation, size, access, is all less important for these type of office uses.

Looking at the zoning map, by changing this property, you leave an island property that will be sandwiched between residential zoning. This won’t make any sense. If this zone change were to take place, that adjacent parcel should also be rezoned, or we again have this splotchy zoning in the area. I was actually the chair of that working group that looked at this zoning referred to in the staff report. The whole purpose of this working group was to make it easier to do business in West Linn. The previous mixed use code had very little actual allowable uses. The goal of this group was to increase business opportunities in West Linn, not to decrease them. I do remember briefly discussing this property. It has been a few years. My recollection was concern for a few of the island parcels, but I don’t really remember having a discussion of moving them to residential specifically. It was more to evaluate the overall zoning of those properties and what may work better. I was mostly concerned about some of the properties on Willamette Falls Dr. that had been “downgraded” from commercial to mixed use, less concerned about this particular property’s zoning. But I was also going with what the group consensus was. My personal point of view is different. I also have since learned how little commercial land we have since then. Once I learned how we compare to other cities as far as commercial land, my goal as a business owner, is to make sure we increase our commercial land, not decrease it.

Bottom line, if this property was indeed zoned “general commercial”, I would agree it is a zoning error. But mixed use allows residential use of the property, and it also allows multi-family use similar to 2.1 use as long as the ground floor is utilized for business purposes. Under mixed use zoning, the property could still be torn down and built as a single family home as well I believe. Or if they hold

on for another year, they can probably do up to a 4-plex under HB2001/2003. Thus, the property doesn't have to have "commercial" viability just because it is a mixed use zone. There are many things it could be with existing zoning. It just can't be a 6-plex right now without the zone change. Thus, I don't agree this is a zoning error. It sounds like that the owner may not have properly explored the market for mixed use opportunities, or may have priced the property too high. While the property is oriented so that it may not make sense for many businesses, I do believe it would be easily rentable as office space if brought up to code or rebuilt into a true mixed use building. If there was a way to preserve this, and do a building with office on bottom and residential on top, this would be my preference to preserve our commercial land.

Sincerely,  
Shannen Knight  
1291 11<sup>th</sup> St.



# CITY OF West Linn

## Memorandum

Date: October 21, 2020  
To: Planning Commission  
From: Darren Wyss, Acting Planning Manager  
Subject: ZC-20-01 Public Comment and Staff Response

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On Wednesday, October 21, 2020 the Planning Commission (PC) will be holding a public hearing on land use application ZC 20-01. Subsequent to the publishing of the staff report, Planning staff sent the PC a memorandum with four comments and staff response on October 16, 2020. One additional comment was submitted on October 20, 2020 and it is attached. Below you will find the staff response.

### Fair Housing Council of Oregon

Comment 1 – The City must refer to its Housing Needs Analysis and Buildable Lands Inventory

**Staff Response – The City’s last acknowledged Housing Needs Analysis (HNA) and Buildable Lands Inventory (BLI) was adopted in 1999. The information included in the HNA and BLI is woefully out of date and does not accurately represent current conditions in the City of West Linn. The City has received grant funding from the state to update its HNA and BLI, both of which will be complete in June 2021 and adopted thereafter. In the meantime, the best data available to the City is the 2019 Clackamas County Regional Housing Needs Analysis (2019 RHNA). Please see staff responses to specific comments below, which are based on this best available data.**

Comment 2 – The staff report does not address how the additional multi-family units will alleviate the housing need within the City.

**Staff Response – The 2019 RHNA identified a need for 250 multi-family units in the Medium-High Density (MHD) comprehensive plan designation (see page 402 attached). The 2019 RHNA also conducted a BLI that identified a total of four buildable acres available in the MHD designation (see pages 392-393 attached). The maximum density allowed in the MHD designation is approximately 20 units per acres, which equates to a deficit of 170 (250 needed units minus 80 potential units) needed units. The zone change will increase the buildable land within the MHD designation and help to meet the identified need in the 2019 RHNA. Additionally, the largest buildable property located in the MHD designation is under**



## CITY OF West Linn

**ownership of Tanner Springs Assisted Living facility and anticipated to be used for expansion of the facility.**

Comment 3 – The staff report does not address how the zone change will not leave the City with less than adequate residential land supplies in the affordability ranges affected.

**Staff Response – The 2019 RHNA identified the future need for new households based on median family income (see page 404 attached). The largest identified need is for households earning greater than 80 percent of the median family income (63 percent). The 2019 RHNA also identified only 15 percent of current households in West Linn are within multi-family units compared to 32 percent of the housing in the Portland Region being multi-family. There is an identified need for multi-family housing in West Linn across the spectrum of affordability ranges. Depending on the size, number of bedrooms, and other amenities, the zone change will create an opportunity to address the need for multi-family housing within one of the needed affordability ranges.**

Comment 4 – Defer the approval until adequate Goal 10 findings can be made.

**Staff Response – The Planning Commission does not approve the proposed zone change, but makes a recommendation to City Council. City Council is the decision-maker on zone change proposals. Staff has addressed the needed housing, buildable lands inventory, and affordability analysis asked for in the comment letter. The 2019 RHNA clearly identifies a need for multi-family housing in the City of West Linn across a range of income levels. The 2019 RHNA also clearly identifies the lack of buildable land that allows for the construction of multi-family units. Recommending this zone change addresses identified need and increases the amount of multi-family residential land for development. Staff maintains its recommendation for the Planning Commission to recommend approval and move the zone change to a decision before the City Council.**



October 21, 2020

City of West Linn Planning Commission  
22500 Salamo Rd.  
West Linn, OR 97068

**Re: Comprehensive Plan Map Amendment and associated Zoning Map Amendment at 1791 Blankenship Road (ZC-20-01)**

Dear Planning Commission Members:

This letter is submitted jointly by Housing Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO). Both HLA and FHCO are non-profit organizations that advocate for land use policies and practices that ensure an adequate and appropriate supply of affordable housing for all Oregonians. FHCO's interests relate to a jurisdiction's obligation to affirmatively further fair housing. Please include these comments in the record for the above-referenced proposed amendment.

As you know, and as indicated on the Staff Report, all amendments to the City's Comprehensive Plan and Zoning map must comply with the Statewide Planning Goals. ORS 197.175(2)(a).

When a decision is made affecting the residential land supply, the City must refer to its Housing Needs Analysis (HNA) and Buildable Land Inventory (BLI) in order to show that an adequate number of needed housing units (both housing type and affordability level) will be supported by the residential land supply after enactment of the proposed change.

The staff report for local file number ZC-20-01 recommends its approval. This recommendation is contingent on the Goal 10 findings contained within the report, stating that since "there will be more housing opportunities for a wider variety of people at a greater range of income levels" it complies with Goal 10. However, the statement "more housing opportunities" does not inform concerned citizens what the housing needs of the City are, nor quantifies how the additional multifamily units will help alleviate that need. While some of this information is contained in separate sections of the staff report, a factual basis for Goal 10 findings must be either contained or referenced within the Goal 10 findings of the staff report. Goal 10 findings must demonstrate





that the changes do not leave the City with less than adequate residential land supplies in the types, locations, and affordability ranges affected. *See Mulford v. Town of Lakeview*, 36 Or LUBA 715, 731 (1999) (rezoning residential land for industrial uses); *Gresham v. Fairview*, 3 Or LUBA 219 (same); see also, *Home Builders Assn. of Lane Cty. v. City of Eugene*, 41 Or LUBA 370, 422 (2002) (subjecting Goal 10 inventories to tree and waterway protection zones of indefinite quantities and locations). Further, since the purpose of the amendment is to provide additional units for the City, the City should reference its HNA in order to showcase a need for the amendment. Only with a complete analysis showing any gain in needed housing as dictated by the HNA and compared to the BLI, can the public understand whether the City is achieving its goals through local planning file number ZC-20-01.

HLA and FHCO urge the Commission to defer approval of local file number ZC-20-01 until adequate Goal 10 findings can be made, and the proposal fully evaluated under the HNA and BLI. Thank you for your consideration. Please provide written notice of your decision to, FHCO, c/o Louise Dix, at 1221 SW Yamhill Street, #305, Portland, OR 97205 and HLA, c/o Jennifer Bragar, at 121 SW Morrison Street, Suite 1850, Portland, OR 97204. Please feel free to email Louise Dix at [ldix@fhco.org](mailto:ldix@fhco.org) or reach her by phone at (541) 951-0667.

Thank you for your consideration.

A handwritten signature in cursive script that reads "Louise Dix".

Louise Dix  
AFFH Specialist  
Fair Housing Council of Oregon

/s/ Jennifer Bragar  
Jennifer Bragar  
President  
Housing Land Advocates

cc: Kevin Young ([kevin.young@state.or.us](mailto:kevin.young@state.or.us))

### Buildable Land Inventory Results

This section provides a summary of the residential buildable lands inventory (BLI) for the West Linn city limits. This buildable land inventory analysis complies with statewide planning Goal 10 policies that govern planning for residential uses. This section presents a summary of vacant and partially vacant land in West Linn that excludes land with constraints that limit or prohibit development such as slopes over 25% or floodplains. **The full results of the Buildable Land Inventory and the methodology are presented in detail in Appendix A.**<sup>212</sup>

Exhibit 390 shows that West Linn has 84 acres of residentially zoned land and nine acres of vacant commercially zoned land (where housing is an outright permitted use). About 30% of West Linn’s unconstrained buildable residential land is vacant and 70% are in tax lots classified as partially vacant. About 82% of West Linn’s unconstrained buildable residential land is in the Low-Density Residential Plan Designation.

**Exhibit 390. Unconstrained buildable acres in vacant and partially vacant tax lots by Plan Designation, West Linn city limits, 2019**

Source: ECONorthwest Note: The numbers in the table may not sum to the total as a result of rounding.

Generalized Plan Designation	Total buildable acres	Buildable acres on vacant lots	Buildable acres on partially vacant lots
<b>Residential</b>			
Low Density Residential	77	18	60
Medium Density Residential	3	1	2
Medium-High Density Residential	4	0	4
<b>Commercial</b>			
Commercial	9	9	0
<b>Total</b>	<b>94</b>	<b>28</b>	<b>66</b>

<sup>212</sup> Appendix A of the Clackamas County Housing Needs Analysis provides an overview of the structure of the buildable land (supply) analysis based on the DLCD HB 2709 workbook “Planning for Residential Growth – A Workbook for Oregon’s Urban Areas,” which specifically addresses residential lands. Appendix A also discusses the buildable lands inventory methods and definitions, consistent with Goal 10/OAR 660-008.

Exhibit 391 shows buildable acres by size of parcels (e.g., acres in tax lots after constraints are deducted) for vacant and partially vacant land by Plan Designation. Of West Linn’s 94 unconstrained buildable residential acres, about 57% are in tax lots larger than one acre.

**Exhibit 391. Buildable acres, by size of parcel, in vacant and partially vacant tax lots by Plan Designation, West Linn city limits, 2019**

Source: ECONorthwest Note: The numbers in the table may not sum to the total as a result of rounding.

Plan Designation	Buildable Acres			Total
	Tax Lots Smaller than 0.38 acre	Tax Lots ≥ 0.38 and ≤ 1.0 acre	Tax Lots larger than 1.0 acre	
<b>Residential</b>				
Low Density Residential	11	26	41	77
Medium Density Residential	2	1	0	3
Medium-High Density Residential	0	0	3	4
<b>Commercial</b>				
Commercial	0	0	9	9
<b>Total</b>	<b>14</b>	<b>27</b>	<b>53</b>	<b>94</b>

Exhibit 392 shows the results of West Linn’s buildable lands inventory. The inventory show lands with and without constraints (such as floodplains). Vacant land without constraints is considered buildable. While vacant land with constraints is not considered buildable in the HNA, cities may allow development to occur in constrained areas, such as floodplains. West Linn has approved development (that is not yet been built) on some land shown in Exhibit 392 as constrained.

**Exhibit 396. Allocation of housing by housing type and plan designation, West Linn city limits, 2019 to 2039**

Source: ECONorthwest.

Plan Designations	Residential Plan Designations			Total
	Low Density	Medium Density	Medium High Density	
Dwelling Units				
Single-family detached	403	70	25	498
Single-family attached	20	150	80	250
Multifamily	-	-	250	250
Total	423	220	355	998
Percent of Units				
Single-family detached	40%	7%	3%	50%
Single-family attached	2%	15%	8%	25%
Multifamily	0%	0%	25%	25%
Total	42%	22%	36%	100%

Exhibit 340 shows an estimate of baseline densities for future development. If the City conducts a full HNA, the City may need to evaluate assumptions about future densities to determine whether the City is meeting the requirements of OAR 660-007 to provide opportunity.

Exhibit 340 also converts between net acres and gross acres<sup>224</sup> to account for land needed for rights-of-way by plan designation in West Linn, based on Metro’s methodology of existing rights-of-way.<sup>225</sup>

- **Low Density Residential:** Average density in this Plan Designation was historically 4.1 dwelling units per gross acre in tax lots smaller than 0.38 acres and no land is needed for rights-of-ways based on Metro’s assumptions. For lots between 0.38 and 1.0 acres the future density will be 3.7 dwelling units per gross acre and for lots larger than 1.0 acres the future density will be 3.3 dwelling units per gross acre.

<sup>224</sup> OAR 660-024-0010(6) uses the following definition of net buildable acre. “Net Buildable Acre” “...consists of 43,560 square feet of residentially designated buildable land after excluding future rights-of-way for streets and roads.” While the administrative rule does not include a definition of a gross buildable acre, using the definition above, a gross buildable acre will include areas used for rights-of-way for streets and roads. Areas used for rights-of-way are considered unbuildable.

<sup>225</sup> Metro’s methodology about net-to-gross assumptions are that: (1) tax lots under 3/8 acre assume 0% set aside for future streets; (2) tax lots between 3/8 acre and 1 acre assume a 10% set aside for future streets; and (3) tax lots greater than an acre assumes an 18.5% set aside for future streets. The analysis assumes an 18.5% assumption for future streets.

## Housing Need by Income Level

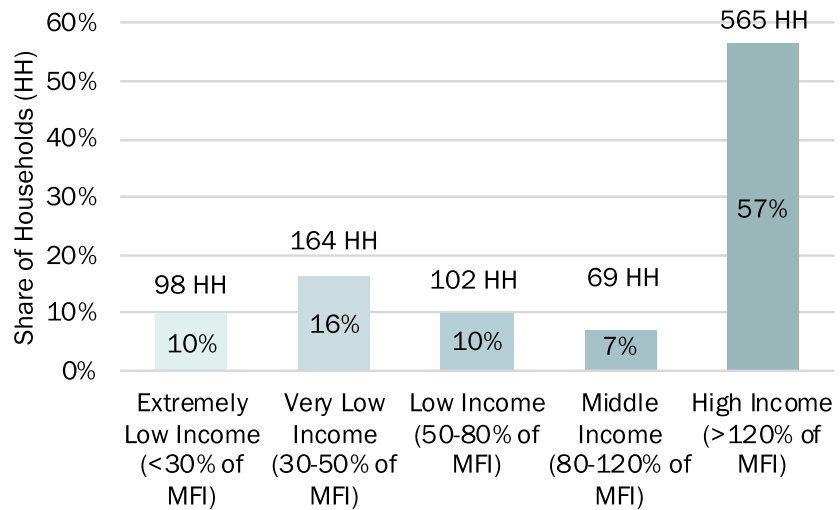
The next step in the housing needs analysis is to develop an estimate of need for housing by income and housing type. This analysis requires an estimate of the income distribution of current and future households in the community. Estimates presented in this section are based on (1) secondary data from the Census, and (2) analysis by ECONorthwest.

The analysis in Exhibit 79 is based on American Community Survey data about income levels for existing households in West Linn. Income is categorized into market segments consistent with HUD income level categories, using Clackamas County’s 2018 Median Family Income (MFI) of \$81,400. Exhibit 79 is based on current household income distribution, assuming that approximately the same percentage of households will be in each market segment in the future.<sup>227</sup>

**About 26% of West Linn’s future households will have income below 50% of Clackamas County’s median family income (less than \$40,700 in 2016 dollars) and about 17% will have incomes between 50% and 120% of the county’s MFI (between \$40,700 and \$97,680).**

**Exhibit 398. Future (New) Households, by Median Family Income (MFI) for Clackamas County (\$81,400), West Linn, 2019 to 2039**

Source: U.S. Department of Housing and Urban Development. U.S. Census Bureau, 2012-2016 ACS Table 19001.



<sup>227</sup> For example, 57% of West Linn’s households had income above 120% of the Clackamas County Median Family Income in 2012-2016. This analysis assumes that 57% of the 998 new households that grow in West Linn over the 2019-2039 analysis period will have incomes over 120% of the Clackamas County Median Family Income.

**AFFIDAVIT OF NOTICE**  
**Type A**

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:

**PROJECT**

File No.: ZC-20-01

Applicant's Name: Jeremy Barnett

Development Name: 1791 Blankenship Road

Scheduled Decision Date: City Council decision on November 9, 2020

**MAILED NOTICE**

Notices were mailed at least 20 days prior to the decision date per Section 99.080 of the Community Development Code to:

1	Jeremy Barnett, Applicant	10/20/20	<i>Lynn Schroder</i>
2	Robert Price, Applicant Consultant	10/20/20	<i>Lynn Schroder</i>
3	Metro	10/20/20	<i>Lynn Schroder</i>
4	Clackamas County	10/20/20	<i>Lynn Schroder</i>
5	ODOT	10/20/20	<i>Lynn Schroder</i>
6	Property Owners within 500 feet	10/20/20	<i>Lynn Schroder</i>
7	All Neighborhood Associations	10/20/20	<i>Lynn Schroder</i>
8	City of Lake Oswego	10/20/20	<i>Lynn Schroder</i>

**TIDINGS**

Notice was posted in the West Linn Tidings at least 10 days prior to the decision date.

10/28/20	<i>Lynn Schroder</i>
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**WEBSITE**

Notice was posted on the City's website at least 10 days prior to the decision date.

10/20/20	<i>Lynn Schroder</i>
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**SIGN**

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

10/30/20	<i>Chris Myers</i>
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**STAFF REPORT** mailed to applicant, City Council/Planning Commission and any other applicable parties 10 days prior to the decision date.

10/30/20	<i>Chris Myers</i>
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**FINAL DECISION** notice mailed to applicant, all other parties with standing, and, if zone change, the County surveyor's office.

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**CITY OF WEST LINN CITY COUNCIL  
PUBLIC HEARING NOTICE  
FILE NO. ZC-20-01**

The West Linn City Council will hold a virtual public hearing, on **Monday, November 9, 2020 at 6:00 p.m.** to consider a Comprehensive Plan Map Amendment from Mixed-Use to Medium-High Density Residential and associated Zoning Map Amendment from Willamette Neighborhood Mixed-Use Transitional Zone to R-2.1 at 1791 Blankenship Road.

The City Council will decide the zone change request based upon the applicable criteria found in Chapters 99 and 105 of the Community Development Code (CDC). The hearing will be conducted in accordance with the rules of Section 99.170 of the CDC.

You have been notified of this proposal because County records indicate that you own property within 500 feet of the affected site on Clackamas County Assessor Map 21E35CB, Tax Lot 2600 or as required by Chapter 99 of the CDC.

**It is important to submit all testimony in response to this notice.** All comments submitted for consideration of the application should relate specifically to the applicable criteria. Failure to raise an issue at the hearing or by written comment, or failure to provide sufficient specificity to respond to the issue, precludes raising the issue on appeal or before the Land Use Board of Appeals.

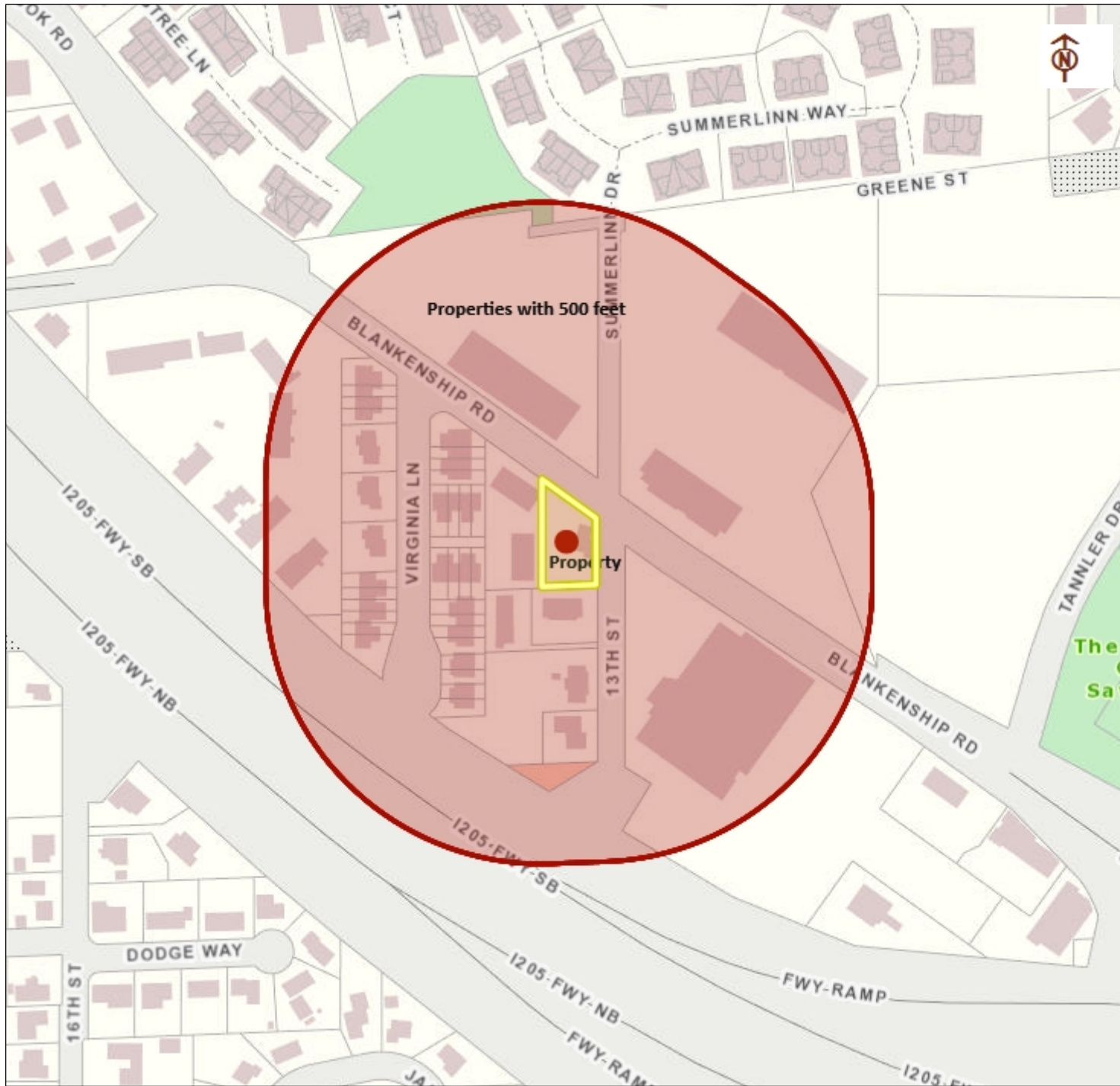
The complete application posted on the City website <https://westlinnoregon.gov/planning/1791-blankenship-road-zone-change>. Alternatively, the complete application is available for inspection at no cost at City Hall or copies can be obtained for a minimal charge. The staff report will be posted on the website ten days before the hearing and available for inspection at City Hall.

The hearing will be conducted according to CDC Section 99.170. **Anyone wishing to present written testimony for consideration shall submit all materials before 12:00 pm on November 9, 2020.** Written comments should be submitted to [cmyers@westlinnoregon.gov](mailto:cmyers@westlinnoregon.gov) or mailed to City Hall. **All comments must be received before 12:00 pm on the meeting day.**

The public can watch the meetings online at [www.westlinnoregon.gov/meetings](http://www.westlinnoregon.gov/meetings) or on Cable Channel 30. To speak during the meeting, go to <https://westlinnoregon.gov/citycouncil/meeting-request-speak-signup> to **complete the speaker sign-up form before 12:00 pm on the day of the meeting.** Instructions on how to access the virtual meeting will be emailed before the meeting. If you do not have email access or need assistance under the American with Disabilities Act, please call 503-742-6061 for assistance 48 hours before the meeting.

Contact: Associate Planner Chris Myers, City Hall, 22500 Salamo Road, West Linn, OR 97068, or [cmyers@westlinnoregon.gov](mailto:cmyers@westlinnoregon.gov) or 503-742-6063.

# ZC-20-01 Properties within 500 feet of Site Property



## Legend

- City Limit
- ⋯ Unimproved ROW
- Parks and Open Space
- City Owned Property

0 0.06 0.11 Miles



1: 4,514



## Notes

This map was automatically generated using Geocortex Essentials.





**NOTICE OF UPCOMING  
CITY COUNCIL DECISION**

**PROJECT # ZC-20-01  
MAIL: 10/20/20 TIDINGS: 10/28/20**

**CITIZEN CONTACT INFORMATION**

To lessen the bulk of agenda packets and land use application notice, and to address the concerns 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.