



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

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



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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 8th 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*:



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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 13th 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 13th 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.



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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 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 or mailed to City Hall.

The public can watch the meetings online at 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.

* 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 13th 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 13th 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, 13th 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 13th 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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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

[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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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/, 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 13th 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 13th 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 quiet 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 11th St.