



Memorandum

Date: September 22, 2011

To: Chris Jordan, City Manager

From: Chris Kerr, Senior Planner

Subject: City Council work session comments on the proposed regulatory improvement package to the CDC (CDC-09-05)

During the September 19, 2011 City Council work session on the proposed code amendments, two issues were raised by the Council for staff to address prior to the hearing on September 26th:

(1) Determine if there are any maps that identify the ordinary high water mark (OHWM) and ordinary low water mark (OLWM) which could be used as base maps to be referenced in our Community Development Code (CDC).

Staff is not aware of any accepted maps that identify the OHWM/OLWM for the City of West Linn. Staff has inquired from numerous agencies, including: Department of State Lands, Army Corps of Engineers, State Marine Board, Metro, FEMA and several surrounding cities; and confirmed that they do not map these areas either. The reason stated is that an 'ordinary' high (or low) water mark is not a static, fixed location on the ground; it must be determined in the field on a case by case basis. Only a limited number of applications (e.g. docks) in the City require that the OHWM and OLWM be included on the plans submitted for review.

Staff recommends continuing to utilize the State definition for OHWM/OLWM, which is consistent with the definitions used by the Department of State Lands and the State Marine Board, and only modifying the code to delete a reference to the Oregon Administrative Rules (OAR's). As part of the overall review of the CDC, Staff is making a concerted effort to remove references to outside documents, such as the OAR's, since those documents can be amended. In fact, the OAR cited in the current CDC references the incorrect section. Therefore, no change is required to the code amendments as proposed.

(2) The Council expressed a desire to exclude the home occupation code amendment being considered that relates to vehicle trips from the current code amendment package. The Council also asked that this specific issue be remanded back to the Planning Commission for additional review and brought back to the Council as soon as possible as a separate amendment.

Per the Council's direction, Staff will not include the applicable amendment to the home occupation standards in the Ordinance. Therefore, if the Council is in agreement with the remainder of the code amendments, the motion to adopt should be on the Ordinance as proposed.

In order to have the specific home occupation issue reviewed by the Planning Commission and brought back as a code amendment for the Council to review, staff recommends that the Council direct Staff to, *"expeditiously prepare a code amendment to the vehicular trip standards of Section 37.020A of the CDC for the purpose of addressing its impacts on desirable home occupation uses without adversely impacting the surrounding neighborhood."*

With this motion from the Council, the Planning Commission will hold a separate public hearing and make a recommendation on this specific issue and the Council can expect to hold their own public hearing on this issue in early November.