

Memorandum

Date: November 21, 2014

To: Chris Jordan, City Manager

From: John Boyd, Planning Manager

Via: Chris Kerr, Community Development Director

Subject: Code Maintenance Project: (CDC 14-02)

Purpose

Staff supports the Planning Commission recommendation to approve “CDC 14-02 – Maintenance amendments to the Community Development Code.” The purpose of the proposed amendments is to modify our code to be consistent with Oregon Revised Statute (ORS) and Oregon Administrative Rules (OAR), to correct errors or outdated information, to re-organize code provisions and to clarify/provide consistency for certain code provisions. This project is a City Council’s docket item listed for completion within this year.

Background

The City Council adopted on January 27, 2014, the City Council Goals including “Continue efforts to update & improve the Community Development Code.” On April 25, 2014, the “Docket of CDC and Comprehensive Plan Amendments” was reviewed by City Council and updated. Item 4 of the Docket described an action to complete “Routine minor code refinements.” The project description supported “Recurring package of targeted CDC amendments that are critical to administering and applying the Code. Staff anticipates processing several of these per year.” The estimated hearing dates for Docket Item 4 was July 2014 for the Planning Commission review and September 2014 for City Council action.

Beginning in May 23, 2014, and continuing over the summer, Staff collected comments on the Community Development Code (CDC) and developed the CDC maintenance edits. A work session on the proposed CDC Maintenance amendments to the CDC was held on September 17, 2014. The public hearing by the Planning Commission was held on October 1, 2014.

Important Note:

Following the Planning Commission hearing, an issue regarding the approval authority section of the CDC was discovered. The question focused on the Planning Commission authority to adopt an ordinance; as mentioned in CDC 99.060(B)(2)(a). Staff research found the City Charter limits the power to adopt ordinances to the City Council. Based upon this finding, an amendment to make the needed correction was added to the packet of recommendations under consideration by the City Council. A copy of this memo with an additional explanation was provided to the Planning Commission members.

Public Comments

1. Public Hearing
http://westlinn.granicus.com/MediaPlayer.php?view_id=2&clip_id=541&meta_id=21411
2. Submittals received following the Public Hearing on October 1, 2014
 - a. Email from Marylhurst Neighborhood Association with attached August 27, 2014 minutes and resolution.
 - b. Marylhurst Neighborhood Association minutes draft dated September 23, 2014 and submitted to the Department October 2, 2014.

Discussion

Generally, these maintenance amendments were divided into four categories. The maintenance packet contains needed amendments for:

Consistency with Oregon Revised Statutes or Administrative Rules,
Corrections,
Re-organization, or
Clarification/consistency.

Recommendation

Staff recommends that the City Council accept the Planning Commission recommendation and adopt Ordinances 1635 & 1635 amending the Community Development Code.