



CITY OF
West Linn

Memorandum

Date: May 12, 2011

To: Planning Commission

From: Chris Kerr, Senior Planner 

Subject: Briefing on minor Community Development Code amendments (CDC-09-05)

For the May 18, 2011 Planning Commission meeting, please find attached proposed code amendments titled, "*Housekeeping and minor substantive amendments to the Community Development Code*". At your meeting, Staff will introduce the amendments, provide an overview, and solicit any comments or questions from the Commission. The general purpose of these amendments is to correct errors, eliminate ambiguities and make modifications to the code that only involve minor policy issues. The city has historically processed these types of amendments as part of a comprehensive regulatory improvement package such as this one. Amendments of greater significance or that involve major shifts in City policy would be processed on an individual basis.

Staff expects to make further modifications to the amendments after the meeting and anticipates holding the public hearing in front of the Planning Commission in approximately 45 days.

Attachment

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PROPOSED AMENDMENTS PERTAINING TO
Housekeeping and minor substantive amendments to the
Community Development Code

PLANNING COMMISSION BRIEFING DRAFT

May 18, 2011

Notes:

Plain text = existing regulation
~~Strike through~~ = proposed deletion to existing regulations
Underline = proposed addition
Double underline = proposed addition is to be underlined
Italic = staff comment
... = unaffected text omitted

Chapter 2: DEFINITIONS

02.010 INTERPRETATION

For the purpose of this code, certain terms or words used herein shall be interpreted as follows.

- A. The word "shall" is mandatory, the word "may" is permissive.
- B. The words "used" or "occupied" shall include the words "intended, designed, or arranged to be used or occupied."
- C. The word "lot" includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- D. Words not specifically defined herein shall have the meaning specified in Webster's Third New International Dictionary of the English Language, Unabridged.

02.030 SPECIFIC WORDS AND TERMS

(Staff note: The formatting of this section of the CDC is such that the word to be defined is already underlined in the CDC. Therefore, for this section, only double-underlined words represent a new term proposed to be added; e.g. glare)

1 ~~Administrative action.~~ A quasi-judicial action, including the following: through 106 in
2 which the legal rights, duties or privileges of specific parties are determined, and any appeal
3 or review therefrom.

4
5 *(Staff note: This definition does not make sense grammatically and is not the correct*
6 *definition of an administrative action on quasi-judicial matters. It is likely a remnant from an*
7 *older version of the Code. In any case, there is no need to define "administrative action" in*
8 *the CDC, since the quasi-judicial procedures are outlined in chapter 99 of the Code. This*
9 *term is only used in one other location, under the title for 99.170, and it is proposed for*
10 *deletion from that location as well.)*

11
12 Building height. The vertical distance above a reference datum measured to the highest
13 point of a flat roof or to the deck line of a mansard roof or to the highest gable, ridgeline or
14 peak of a pitched or hipped roof. Mere projections above rooves, such as Cupolas, towers,
15 etc., are not used as the high point per Chapter 40 CDC. The reference datum shall be
16 selected by either of the following, whichever yields a greater height of building.

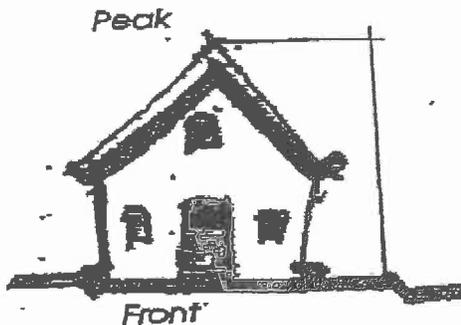
17 1. For relatively flat sites where there is less than a 10-foot difference in grade
18 between the front and rear of the house building, the height of the house building shall be
19 measured from grade five feet out from the exterior wall at the front of the house building;
20 or

21 2. For steeper lots where there is more than a 10-foot difference in grade between
22 the front and rear of the house building, the height of the house building is measured from
23 grade at a point five feet out from the exterior wall on the lowest side (front or rear) of the
24 house building. One then measures vertically to the peak or ridgeline of the roof to
25 determine the height.

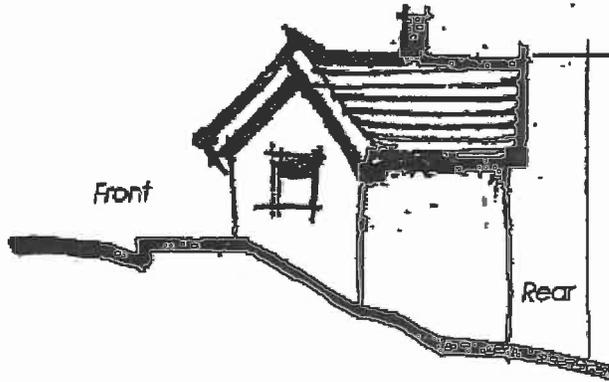
26 3. Homes-Buildings on cross slopes or side slopes are measured at either the front
27 or rear of the house building using methods described in subsections 1 and 2 of this
28 definition only.

29 Even if the cross slope creates a tall elevation on the side, the method of determining
30 height is not modified.

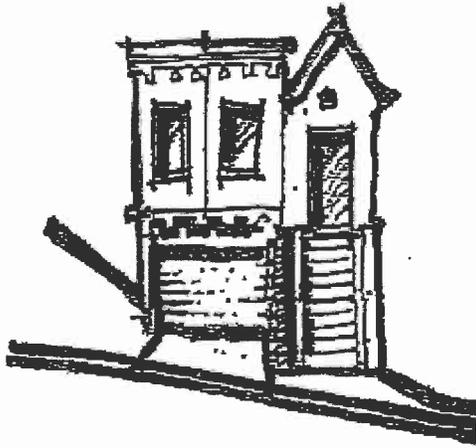
31
32 Also see CDC 41.020, Height Exceptions.



*Height of home building on relatively flat lot is
measured from grade at front of house to peak of roof.*



Height of ~~home~~ building on steep lots where there is more than a 10-foot difference in elevation between the front and rear of the ~~home~~ building is measured from grade at a point five feet out from the front or rear exterior wall on the lowest side of the house to the peak of the ~~home~~ building.



Height of ~~home~~ building with a cross slope is still measured at either the front or rear by methods described in subsection (1) or (2) of this definition.

1 *(Staff note: The existing definition of 'building' height inappropriately morphs into the*
 2 *height of a 'home'. If it were read literally, this would mean that the definition and*
 3 *mechanism for measuring building heights would not be applicable to non-residential*
 4 *structures such as commercial buildings. This amendment will rectify this discrepancy, but*
 5 *not alter the way in which building height is measured in the City.)*

6

7 Glare. Light that causes visual discomfort or disability, and the wattage and/or light
 8 distribution is excessive for the purposes for which the illumination is necessary.

9

10 *(Staff note: This is a new term proposed for the Definition Section)*

11

12 Lowest floor. The lowest floor of the lowest enclosed area (including basement). An
 13 unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access
 14 or storage, in an area other than a basement area is not considered a building's lowest floor;
 15 provided that such enclosure is not built so as to render the structure in violation of the
 16 applicable non-elevation design requirements of Chapter 27 CDC.

17

18 Noise Definitions.

1 ~~Statistical noise.~~ A composite noise level obtained through statistical analysis of noise levels
2 over a selected time period. The standard time period for such analysis as set by the Oregon
3 Department of Environmental Quality is one hour.

4 ~~Impulse sound.~~ Also known as impact noise, an instantaneous rapid noise event which is
5 very short in duration. Examples include a hammer blow on hard material, a quick
6 compressed air discharge, an automobile horn blow, or an engine backfire.

7 ~~Unweighted sound level.~~ A measurement of the level of sound without using statistical
8 analysis to weight the results over time.

9 ~~Center frequency.~~ The mid-point of each of nine octave-band frequencies set by the Oregon
10 Department of Environmental Quality which are used to measure noise impacts of sounds at
11 different frequencies or pitches.

12
13 *(Staff note: The definitions above are no longer applicable in the CDC. Noise regulations are*
14 *now provided in the Municipal Code, not the CDC.)*
15

16 ~~Structure.~~ Anything constructed or erected, the use of which requires location on, in, or
17 underneath the ground or attachment to something having such location, including
18 buildings, decks, fences, towers, utility equipment, flag poles, signs, porches, pools,
19 carports, and other similar objects. Something constructed or built and having a fixed base
20 on, or fixed connection to, the ground or another structure, and Also included are platforms,
21 walks, and driveways that exceed more than 30 inches above grade, and not over any
22 basement or story below.
23

24 ~~Review.~~ A request that a final decision by the initial approval authority be considered by a
25 higher authority only on the basis of the record as set forth in CDC 99.020 Chapter 99 CDC.
26 made before the initial hearing body.
27

28 ~~Yard.~~ An open space on a lot, which is unobstructed by a building or structure from the
29 ground upward except as otherwise provided in this Code.
30

31 Chapter 3: DEFINITIONS-USES

32 03.030 SPECIFIC WORDS AND TERMS

33 ...

34 Lodge, fraternal, community center and civic assembly. Meetings and activities primarily
35 conducted for the members of a particular group. Excluded from this use type are uses
36 classified as "group residential," "residential care facilities," "senior centers," and "transient
37 lodging." Typical uses include meeting places for civic clubs, community centers, indoor
38 community recreation uses, lodges, or fraternal or veteran organizations.
39

1 *(Staff note: Staff believes that 'indoor community recreation' is appropriately grouped in this*
2 *category; it is akin to 'community center'. This is in contrast to current definition for*
3 *community recreation which is based on outdoor recreational uses such a : Recreational,*
4 *social, or multi-purpose uses typically associated with parks, play fields, or golf courses).*
5

6 **13.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED**
7 **UNDER PRESCRIBED CONDITIONS**

8 Except as may be otherwise provided by the provisions of this code, the following are the
9 requirements for uses within this zone:

10 A. The minimum lot size shall be:

- 11 1. For a single-family detached unit, 5,000 square feet.
- 12 2. For each attached single-family unit, 4,500 square feet. No yard shall be
13 required between the units.
- 14
- 15 3. For a duplex, 9,000 square feet, or 4,500 square feet for each unit.
- 16

17 *(Staff note: Duplexes are permitted in this chapter, however, most chapters for zones that*
18 *allow SF detached, SF attached, and duplex specify the minimum lot size for each type of*
19 *housing. Chapter 13 (R-5), which allows all of these, does not include the minimum lot size*
20 *for duplexes. In the other chapters the minimum lot size for duplexes is twice the minimum*
21 *for SF attached (making it the same per unit). The proposed amendment would be*
22 *consistent with the remainder of the code. Which would mean Ch. 13 would have a 9,000*
23 *minimum lot size for duplex.)*
24

25 **Chapter 14: SINGLE-FAMILY RESIDENTIAL ATTACHED AND DETACHED/DUPLEX, R-4.5**

26 ...

27 **14.060 CONDITIONAL USES**

28 ..

29 g. The design of the building(s) and the site and landscaping plans shall be
30 subject to Design Review, Chapter 55 CDC. Special considerations for this use are the
31 following:

- 32 1) Structures shall be compatible in style, color, materials, and scale
33 with the general character of the neighborhood.
- 34 2) The building design and site layout shall define recognizable semi-
35 public, semi-private and private spaces; ensure a sense of protection and community
36 identity; and minimize barriers to handicapped or elderly persons.
- 37 3) A minimum of 25 percent of the property shall be in landscaping.
38 The landscaping shall include areas for outdoor recreation, pedestrian access and amenities,
39 and adequate site visual and sound buffering of adjacent properties.
- 40

1 **Chapter 15: SINGLE-FAMILY AND MULTI-FAMILY RESIDENTIAL, R-3**

2
3 **15.060 CONDITIONAL USES**

4
5 g. The design of the building(s) and the site and landscaping plans shall be
6 subject to Design Review, Chapter 55 CDC. Special considerations for this use are the
7 following:

8 1) Structures shall be compatible in style, color, materials, and scale
9 with the general character of the neighborhood.

10 2) The building design and site layout shall define recognizable semi-
11 public, semi-private and private spaces; ensure a sense of protection and community
12 identity; and minimize barriers to handicapped or elderly persons.

13 3) A minimum of 25 percent of the property shall be in landscaping.
14 The landscaping shall include areas for outdoor recreation, pedestrian access and amenities,
15 and adequate site visual and sound buffering of adjacent properties.

16
17
18 **Chapter 16: SINGLE-FAMILY AND MULTIPLE-FAMILY RESIDENTIAL, R-2.1**

19
20 **16.060 CONDITIONAL USES**

21
22 g. The design of the building(s) and the site and landscaping plans shall be
23 subject to Design Review, Chapter 55 CDC. Special considerations for this use are the
24 following:

25 1) Structures shall be compatible in style, color, materials, and scale
26 with the general character of the neighborhood.

27 2) The building design and site layout shall define recognizable semi-
28 public, semi-private and private spaces; ensure a sense of protection and community
29 identity; and minimize barriers to handicapped or elderly persons.

30 3) A minimum of 25 percent of the property shall be in landscaping.
31 The landscaping shall include areas for outdoor recreation, pedestrian access and amenities,
32 and adequate site visual and sound buffering of adjacent properties.

33
34 **Chapter 19: GENERAL COMMERCIAL, GC**

35 **19.060 CONDITIONAL USES**

36 The following are conditional uses which may be allowed in this zone subject to the
37 provisions of Chapter 60 CDC, Conditional Uses:

38

39 12. Single-family homes, which were ~~presently~~ non-conforming structures and were
40 damaged, whereby the cost of rebuilding the damaged portions would exceed 50 percent of
41 the then current replacement cost of the entire building. Determination of rebuilding costs
42 shall be per CDC 66.070(A).

1
2 **Chapter 21: OFFICE BUSINESS CENTER, OBC**

3
4 **21.060 CONDITIONAL USES**

5 The following uses are conditional uses which may be allowed in this zone subject to the
6 provisions of Chapter 60 CDC, Conditional Use:

7
8 9. Single-family homes, which were ~~presently~~ non-conforming structures and
9 were damaged, whereby the cost of rebuilding the damaged portions would exceed 50
10 percent of the then current replacement cost of the entire building. Determination of
11 rebuilding costs shall be per CDC 66.070(A).

12
13 **Chapter 28: WILLAMETTE AND TUALATIN RIVER PROTECTION**

14
15 **28.070 PLANNING DIRECTOR VERIFICATION OF METRO HABITAT PROTECTION MAP**
16 **BOUNDARIES**

17
18 C. Class ~~C-B~~ public notice, per Chapter 99 CDC, shall be required prior to issuance of the
19 reclassification decision if it involves reclassification of the HCA boundary to allow the
20 construction of, or addition to, a house.

21
22 **34.040 SETBACK PROVISIONS FOR NOISE-PRODUCING ACCESSORY STRUCTURES AND USES**

23 Noise-producing accessory uses, equipment, and structures such as heat pumps, swimming
24 pool motors or pumps shall meet the front, rear, and interior side yard setback requirements
25 of the applicable zone zoning district. Noise producing structures, equipment, and uses
26 must, either by design or with sound baffles, maintain external noise below the minimum
27 noise requirements of the City.

28
29 *(Staff comment: Currently, the code prohibits any noise producing equipment from*
30 *encroaching into any yards (setbacks). The rationale is that this type of equipment can*
31 *adversely impact adjacent homeowners. The proposed amendment would allow noise*
32 *producing accessory uses to encroach into street side yards, since there is no adjacent*
33 *neighbor.)*

34
35 **37.050 PERMITS**

36 A. A home occupation permit shall be required for a home occupation, subject to the
37 provision of this chapter, prior to issuance of a business license.

38
39 B. A copy of each home occupation permit, including the permit number, shall be kept by
40 the Planning and Building Department and on the premises of the business.

1 C. A home occupation permit is non-transferable to any other person or any other property,
2 and shall expire upon discontinuance of the home occupation by the person to whom it is
3 issued.

4
5 *(Staff comment: The home occupation chapter does not currently specify that a permit is*
6 *required.)*

7
8 **37.020 GENERAL STANDARDS**

9 A. A home occupation shall comply with all the following operating standards:

10

11 13. The use creates no more than two deliveries per day by a vehicle that exceeds three-
12 quarters of a ton, and no more than five ten total deliveries vehicle trips per day including
13 employees, all deliveries, and customers. ~~vehicular trips per day~~. One trip is equal to one
14 vehicle entering the site and exiting the site.

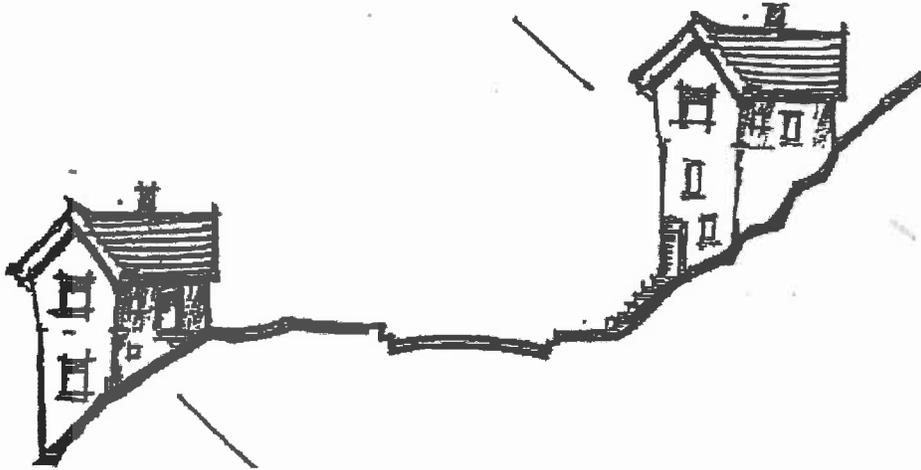
15
16 *(Staff comment: Since the Code was amended several years ago to apply a specific limitation*
17 *on the number of vehicle trips associated with a home occupation (five trips per day), the*
18 *concern has been raised that the trips per day methodology may be inconsistent with certain*
19 *commonly accepted home occupation uses that generate more than five cars per day. These*
20 *include in-home music or language teachers or businesses that require some limited contact*
21 *with customers, such as accountants or attorneys. In Staff's experience, a greater concern is*
22 *the increase in number of larger trucks that frequent certain home occupation uses, such as*
23 *with landscaping or home improvement services. Larger trucks are less compatible in*
24 *residential neighborhoods. The proposed amendment would increase the maximum number*
25 *of vehicle trips permitted from a home occupation use, but add a limitation on the trips*
26 *associated with larger trucks.)*

27
28 **41.020 HEIGHT EXCEPTIONS**

29 ...

30 B. If the highest grade of a building site which fronts on the upslope side of the street is
31 greater than 10 feet above the lowest grade, as measured along the planes of the proposed
32 structure, the total building height shall not exceed 45 feet. In the R-15, R-20, and R-40
33 zones the 45-foot height may be increased to 50 feet.

34
35 Height of ~~homes~~ buildings on uphill slopes where there is more than a 10-foot difference
36 between the rear and front elevation is measured from a point five feet downhill from the
37 front of the ~~house~~ building to the peak or dominant ridgeline and shall not exceed 45 feet
38 (50 feet in the R-15, R-20 and R-40 zones).



1
 2 Height of ~~homes~~ buildings on downhill slopes where there is more than a 10-foot difference
 3 between the rear and front elevation is measured from point five feet downhill from the rear
 4 of the ~~house~~ building to the peak or dominant ridgeline and shall not exceed 45 feet (50 feet
 5 in the R-15, R-20 and R-40 zones). Front house height cannot be more than 24 feet above
 6 average street grade.

7
 8 **Chapter 46: OFF-STREET PARKING, LOADING AND RESERVOIR AREAS**

9
 10 **46.150 DESIGN AND STANDARDS**

- 11
 12 3. Bicycle parking must be provided in the following amounts:
 13 . Bicycle parking must be provided in the following amounts:

14

LAND USE CATEGORY	MINIMUM REQUIRED BICYCLE PARKING SPACES	MINIMUM COVERED AMOUNT
Residential		
Multi-family Residential - General	1 space per unit	50%
Multi-family Residential - 55 years Physical Disab.		0%
Institutional		
Schools - Elementary	2 spaces per classroom	50%
Schools - Jr. High or Middle Schools	4 spaces per classroom	50%
Schools - Sr. High	2 spaces per classroom	50%

College	1 space per 4 students	50%
Transit Centers/Park & Ride Lots	5% of auto spaces, or 100% of demand, depending on location/accessibility to bicyclists	100%
Religious Institutions	1 space per 40-seat capacity	25%
Hospitals	1 space per 5 beds	50%
Doctor, Dentist Offices	2, or 0.5 spaces per 1,000 gross sq. ft., whichever is greater	25%
Libraries, Museums, Government Offices, etc.	2, or 1.5 spaces per 1,000 gross sq. ft., whichever is greater	25%
Commercial		
Retail Sales	0.33 space per 1,000 gross sq. ft.	50%
Auto-oriented Services (including 7-11s)	2, or 0.33 spaces per 1,000 gross sq. ft., whichever is greater	10%
Groceries/Supermarkets	0.33 space per 1,000 gross sq. ft./bldg.	10%
Office	2, or 0.5 spaces per 1,000 gross sq. ft., whichever is greater	10%
Quality Restaurant	1 space per 1,000 gross sq. ft.	25%
Drive-in Restaurant	2 spaces per 1,000 gross sq. ft.	25%
Shopping Center (by size)	0.33 space per 1,000 gross sq. ft./bldg.	50%
Financial Institutions	2, or 0.33 spaces per 1,000 gross sq. ft.	25%
Theaters, Auditoriums, etc.	1 space per 30 seats	25%
Industrial		
Industrial Park	2, or 0.5 spaces per 1,000 gross sq. ft.	50%
Warehouse	2, or 0.1 spaces per 1,000 gross sq. ft.	50%
Manufacturing, etc.	2, or 0.15 spaces per 1,000 gross sq. ft.	50%

1

2

3 Chapter 52: SIGNS

1
2 **52.210 APPROVAL STANDARDS**

3
4 All signs shall meet the following standards:

5

6 E. The light from any illuminated sign shall be shaded, shielded, directed or reduced so
7 that the glare light intensity or brightness is minimized, ~~light pollution from the sign.~~ "Light
8 ~~pollution~~" shall mean ~~light or illumination other than on the sign face.~~

9
10 *(Staff note: The proposed language is more commonly used in other zoning codes. A new
11 definition for "glare" is proposed with these amendments.)*

12
13 **52.300 PERMANENT SIGN DESIGN STANDARDS**

14

	FREESTANDING SIGNS						ON-WALL SIGNS		
	City Appvl. Reqd.	Illumination	No. Allowed	Max. Sq. Ft.	Max Ht. (ft.)	ROW Setback (ft.)	No. Allowed	Max Sq. Ft.	Max Ht. (ft.)
Residential Uses Including Home Occupations	No	No	1	2	4	5	or 1^	2	12
Multi-family Complex	Yes	Yes	2	24 total*	8	5	or 2^	24 total*	12
Subdivision Monument	Yes	Yes	5 per subdiv.	32 total*	8	5	n/a	n/a	n/a
Industrial Zone Uses	Yes	Yes	10	32	8	5	3	10%	25
Commercial Uses in Residential Zone	Yes	Yes	1	16	8	10	2	5%*	12
Commercial Zone	Yes	Yes	1 ¹	32 ²	8	5	3	10%*	25
Business Center	Yes	Yes	1	150 ³	20	15	3	10%*	25
Business Center Entryway	Yes	Yes	1 per entry	4	3	5	n/a	n/a	n/a
Public Uses	Yes	Yes	1 ⁴	24	20	5	No limit	18 total	25

15 Notes for Permanent Sign Design Standards *(Staff comment: existing underline)*

16 * To calculate maximum area, numbers followed with the word "total" are the maximum total area of all
17 signs combined. Standards expressed as ~~consents a percentage~~ represent the allowed percentage of
18 area on a single building face that may be used as a wall sign. ~~signage size a percentage of one building~~
19 ~~face.~~ For example, a wall 10 feet tall by 30 feet wide has 300 square feet. If the standard is 10 percent,

1 signs totaling 30 square feet are permitted. The maximum percentage is for the building – a building
2 with multiple occupants is restricted to the stated percentage per building, not per occupant.
3 ^ For number of signs allowed, “or 1” and “or 2” designate that the total number of freestanding and
4 wall signs cannot exceed the number stated. If the standard is “or 1,” the applicant may have one
5 freestanding sign or one wall sign, but not both.
6

7 *(Staff note: The only change proposed is to the footnote.)*
8

9 Chapter 55: DESIGN REVIEW

10 55.025 EXEMPTIONS

11 The following activities are exempt from the provisions of this chapter:
12

13 A. exempt individual Detached single-family residential house construction, single-family
14 detached housing subdivisions,

15 B. aAccessory structures,

16 C. eOne to two duplexes or single-family attached structures except as indicated
17 otherwise in this Chapter.

18 D. Architectural replacements in kind or replacement of building materials that are equal
19 or superior to existing materials (in terms of performance or quality) but that do not alter
20 the architectural style of the structure. for example replacing a composition roof on a
21 commercial building with another roof. Also exempt is replacement in kind of building
22 materials that are equal or superior to existing materials (for example), replacing T-111
23 wood siding with cedar lap siding or brick. Retrofitted awnings, changes in color schemes,
24 wall art, and freestanding statuary or art under five feet tall are exempt from design
25 review, but shall be subject to Planning Director review under the provisions of CDC
26 99.060(A)(2), prescribed conditions, and the approval criteria of CDC 55.100(B)(6)(a) and
27 (b). (Ord. 1408, 1998)
28
29
30

31 *(Staff Comment: The existing language lacked clarity for property owners and staff. The*
32 *intent of the proposed language is to clarify that only in-kind replacements or replacements*
33 *that don't alter the architectural style are exempt.)*
34

35 55.100 APPROVAL STANDARDS – CLASS II DESIGN REVIEW

36

37 D. Privacy and noise.

38 1. Structures which include residential dwelling units shall provide private outdoor
39 areas for each ground floor unit which is screened from view by from adjoining units.

40 2. ~~Residential dwelling units shall be placed on the site in areas having minimal~~
41 ~~noise exposure to the extent possible. Natural appearing sound barriers shall be used to~~
42 ~~lessen noise impacts where noise levels exceed the design standards of Table 1 below.~~

1 ~~32.~~ Structures or on-site activity areas which generate noise, lights, or glare shall
 2 be buffered from adjoining residential uses in accordance with the standards in ~~s~~Subsection
 3 C of this section where applicable.

4 3. Businesses or activities that can reasonably be expected to generate noise in
 5 excess of the noise standards contained in Section 5.487 of the Municipal Code shall
 6 undertake and submit appropriate noise studies and mitigate the noise impact as necessary
 7 to comply with the code (See CDC 55.110(B)(11) and 55.120(M).)

8 If the decision making authority reasonably believes a proposed use may generate noise
 9 exceeding city standards, then the authority may require the applicant to supply professional
 10 noise studies from time to time during the use's first year of operation, to monitor
 11 compliance with city standards and permit requirements.

12 ~~To protect the health, safety, and welfare of the citizens of West Linn, the following design~~
 13 ~~standards are established in Tables 1 and 2. In the case of land uses that are expected to be~~
 14 ~~close to adopted noise standards, follow-up studies in the first year of operation may be~~
 15 ~~required by conditions of approval or required by the Planning Director as appropriate in~~
 16 ~~order to monitor compliance.~~

TABLE 1

Allowable Sound Levels Within 25 Feet of a Dwelling

Type of Sound	7 a.m. – 7 p.m.	7 p.m. – 7 a.m.
Statistical Noise	L50 = 55 dBA	L50 = 50 dBA
	L10 = 60 dBA	L10 = 55 dBA
	L1 = 75 dBA	L1 = 60 dBA
Impulse Sound	100 dB	80 dB

TABLE 2

Center Frequency	Unweighted Sound Level	
	7 a.m. – 7 p.m.	7 p.m. – 7 a.m.
31.5 Hz	68 dB	65 dB
63 Hz	65 dB	62 dB
125 Hz	61 dB	56 dB
250 Hz	55 dB	50 dB
500 Hz	52 dB	46 dB

1,000 Hz	49 dB	43 dB
2,000 Hz	46 dB	40 dB
4,000 Hz	43 dB	37 dB
8,000 Hz	40 dB	34 dB

1 See Chapter 02 CDC for definitions of these terms, as sub-headings under the alphabetic
2 category of “Noise Definitions.”

3 ~~Ambient degradation associated with new noise sources. Any new commercial or~~
4 ~~industrial development to be built on a vacant or previously unused industrial or~~
5 ~~commercial site shall not cause or permit the operation of a noise source if the noise~~
6 ~~levels generated, or indirectly caused by that noise source, would increase the ambient~~
7 ~~statistical noise levels, L50 or L10, by more than five dBA in any one hour. In some~~
8 ~~instances, the ambient degradation standard may establish lower allowable dBA levels~~
9 ~~than those established in Table 1, and in those instances, the lower level shall apply.~~
10 ~~Ambient noise levels shall be determined by a licensed acoustical engineer.~~

11 *(Staff comment: This gets the outdated noise regulations out of the CDC, but allows us to*
12 *ask for a study and clarifies that we can condition noise generating equipment)*

13
14 **Chapter 56: PARKS AND NATURAL AREA DESIGN REVIEW**

15
16 **56.100(B) APPROVAL STANDARDS – CLASS II DESIGN REVIEW**

17
18 B. Visual and physical accessibility. *(Staff comment: existing underline)* Many of the
19 City’s parks suffer from inadequate visibility, such as Sunburst Park and North Willamette
20 Park, surrounded as they are by housing. Increased frontage on streets allows greater use of
21 on-street parking and less park space being used for parking. The surrounding streets also
22 provide transitions between on- and off-site activities as discussed in CDC
23 ~~56.100(C)(5)~~ 56.100 (D)(1). Physical access is also facilitated by having good cognitive
24 locations that can be safely accessed by bike paths and sidewalks. Improved visual access
25 amplifies the investment and positive benefits of parks in that many people who do not stop
26 the car and actually use the park derive emotional benefits by exposure to scenes of open
27 space, trees, and grass fields in a world increasingly dominated by built environments.

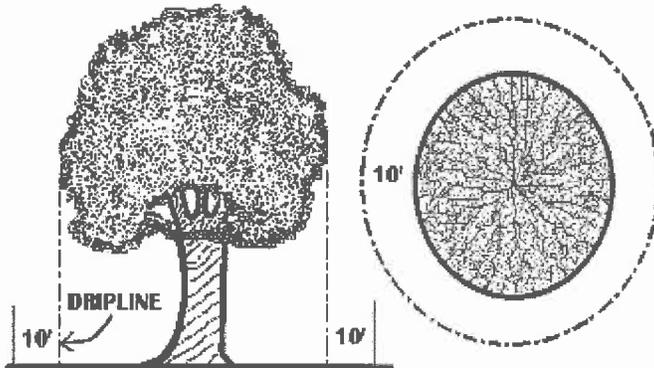
28
29 C. Relationship to the natural environment. *(Staff comment: existing underline)*

30

31 2. All heritage trees, as defined in the municipal code, and all trees and clusters of
32 trees (“cluster” is defined as three or more trees with overlapping driplines; however, native
33 oaks need not have an overlapping dripline) that are considered significant by the City
34 Arborist, either individually or in consultation with certified arborists or similarly qualified
35 professionals, based on accepted arboricultural standards including consideration of their
36 size, type, location, health, long term survivability, and/or numbers, shall be protected

1 pursuant to the criteria of ~~subsections (C)(2)(a) through (c) of this section~~ Section 55.100
 2 (B)(2). It is important to acknowledge that all trees are not significant.

3 a. Areas of the park that include non-Type I and II lands shall protect all
 4 heritage trees and all significant trees through the careful layout of streets, building pads,
 5 playing fields, and utilities. The method for delineating the protected trees or tree clusters
 6 ("dripline + 10 feet") is explained in ~~sub-Subsection (C)(2)(b)~~ 55.100(B)(2)(a) and in
 7 Subsection (C)(2)(b) of this section. ~~Exemptions of subsection (C)(2)(c) of this section shall~~
 8 ~~apply.~~



9

10 **PROTECTED AREA = DRIPLINE + 10 FEET**

11 b. Areas of the park that include Type I and II lands shall protect all heritage,
 12 significant and non-significant trees. Groundcover, bushes, etc., shall be protected and may
 13 only be disturbed to allow the construction of trails or accessing and repairing utilities.
 14 Exemptions permitted under ~~of Subsection 55.100(b)(2)(c) - through (f)~~ subsection (e) below
 15 shall apply.

16

17 *(Staff comment: There is no subsection C.2(c) - we have often morphed these regulations*
 18 *with Chapter 55)*

19

20

LAND USE CATEGORY	MINIMUM REQUIRED BICYCLE PARKING SPACES	MINIMUM COVERED AMOUNT
Residential		
Multi-family Residential - General	1 space per unit	50%
Multi-family Residential - 55 years Physical Disab.		0%
Institutional		

Schools—Elementary	2 spaces per classroom	50%
Schools—Jr. High or Middle Schools	4 spaces per classroom	50%
Schools—Sr. High	2 spaces per classroom	50%
College	1 space per 4 students	50%
Transit Centers/Park & Ride Lots	5% of auto spaces, or 100% of demand, depending on location/accessibility to bicyclists	100%
Religious Institutions	1 space per 40 seat capacity	25%
Hospitals	1 space per 5 beds	50%
Doctor, Dentist Offices	2, or 0.5 spaces per 1,000 gross sq. ft., whichever is greater	25%
Libraries, Museums, Government Offices, etc.	2, or 1.5 spaces per 1,000 gross sq. ft., whichever is greater	25%
Commercial		
Retail Sales	0.33 space per 1,000 gross sq. ft.	50%
Auto-oriented Services (including 7-11s)	2, or 0.33 spaces per 1,000 gross sq. ft., whichever is greater	10%
Groceries/Supermarkets	0.33 space per 1,000 gross sq. ft./bldg.	10%
Office	2, or 0.5 spaces per 1,000 gross sq. ft., whichever is greater	10%
Quality Restaurant	1 space per 1,000 gross sq. ft.	25%
Drive-in Restaurant	2 spaces per 1,000 gross sq. ft.	25%
Shopping Center (by size)	0.33 space per 1,000 gross sq. ft./bldg.	50%
Financial Institutions	2, or 0.33 spaces per 1,000 gross sq. ft.	25%
Theaters, Auditoriums, etc.	1 space per 30 seats	25%
Industrial		
Industrial Park	2, or 0.5 spaces per 1,000 gross sq. ft.	50%
Warehouse	2, or 0.1 spaces per 1,000 gross sq. ft.	50%

Manufacturing, etc.	2, or 0.15 spaces per 1,000 gross sq. ft.	50%
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(Staff comment: Table appears in two places in the Code. It should be deleted from Chapter 55 since the appropriate location is Chapter 46 Off-Street parking, Loading and Reservoir Areas)

57.080 APPROVAL CRITERIA

....

~~N. Noise. Noise-generating equipment shall be sound-buffered by means of baffling, barriers, or other suitable means to reduce sound level to meet CDC 55.100(D)(3) noise standards. (Ord. 1408, 1998)~~

Chapter 58: WILLAMETTE FALLS DRIVE - COMMERCIAL DISTRICT DESIGN STANDARDS

58.090 STANDARDS

C. The following standards shall apply to new construction and remodels.

.....

2. Minimum landscaping required. Structures Sites in this district area are exempt from landscaping requirements as identified in Chapter 54 Landscaping, with the exception of parking areas. ~~CDC 55.100(A)(11)(b), Design Review. t The provisions of CDC 55.100(A)(11)(c)(1) through (8) shall still apply, where parking lots are proposed.~~

(Staff comment: These deleted sections don't exist, the intent of the existing language is to only apply the landscaping requirements to parking lots in this district.)

Chapter 60: CONDITIONAL USES

60.040 TIME LIMIT ON A CONDITIONAL USE APPROVAL

~~Approval of a conditional use by the Commission that required a design review shall be void subject to the time limitations set forth in Section 55.050. Approval of a conditional use that did not require design review shall be void unless either the use is commenced after three years or unless an extension is granted per CDC 99.325 after within three years of the approval.~~

Chapter 66: NON-CONFORMING STRUCTURES

66.090 NON-CONFORMING STRUCTURE UNSUITED FOR A CONFORMING USE

When A a non-conforming use involving a structure is replaced by another use, the new use shall conform to this code unless the Planning Commission, after a public hearing held pursuant to Chapter 99 CDC, determines that such a structure is suitable only for another non-conforming use, so long as the new use is no more intense than the past use or other

1 uses contemplated in the zone. The determination by the Planning Commission shall be
2 based on findings of fact which support its determination of suitability.

3
4 **Chapter 85 GENERAL PROVISIONS**

5
6 **85.200 Approval Criteria**

7 ...
8 19. All lots in a subdivision shall have ~~frontage on access to~~ a public street. Lots created by
9 partition may have access to a public street via an access easement pursuant to the
10 standards and limitations set forth for such accessways in Chapter 48 CDC.

11
12 *(Staff comment: It would be inappropriate to state that all lots to have 'frontage' on a public*
13 *street. The legal requirement is for legal access to a public street.)*

14
15 **85.170 SUPPLEMENTAL SUBMITTAL REQUIREMENTS FOR TENTATIVE SUBDIVISION OR**
16 **PARTITION PLAN**

17 **B. Transportation.** *(Staff note: existing underline)*

18 ...
19 **2. Traffic Impact Analysis (TIA)** *(existing underline)*

20 ...
21 d. **Traffic impact analysis requirements.** *(existing underline)*

22 1) **Preparation** *(existing underline)*. A Traffic Impact Analysis shall be prepared by a
23 professional engineer ~~in accordance with~~ **qualified under OAR734 051-180-734-051-0040.**
24 The City shall commission the traffic analysis and it will be paid for by the applicant.

25 ...
26 e. **Approval criteria.** *(existing underline)*

27 1) **Criteria.***(existing underline)* When a Traffic Impact Analysis is required, approval of the
28 development proposal requires satisfaction of the following criteria:

29 (A) The Traffic Impact Analysis was prepared by a professional traffic engineer ~~in~~
30 **accordance qualified under with OAR734 051-180 734-051-0040** and

31 ...
32 **Chapter 89: SUBDIVISION AND PARTITION PLATS**

33
34 **89.010 SUBMISSION OF SUBDIVISION OR PARTITION PLAT**

1 A. Within three years after approval of the tentative plan and after the completion of all
2 granted extensions, the developer shall cause the final plat, or any part thereof, to be
3 surveyed and a final plat prepared by a licensed land surveyor and submitted to the Planning
4 Director in conformance with:

- 5 1. The approved tentative plan;
 - 6 2. The factors set forth in this chapter;
 - 7 3. The provisions of Chapter 9355 CDC, Design Standards; and
 - 8 4. The provisions of Chapter 91 CDC, Improvement Guarantee.
- 9

10 **98.140 FINAL DECISION**

11 A. The approved legislative change shall take effect on the thirtieth day after its
12 enactment unless it is declared to be an emergency, in which case the ordinance shall take
13 effect immediately.

14 B. Notice shall be forwarded to the Director of the Department of Land Conservation and
15 Development (DLCD) in a format and at a time if required by Oregon Revised Statutes and
16 Oregon Administrative Rules governing such notification.

17 C. Not later than five working days after the final decision, the Planning Director also
18 shall mail or otherwise submit notice to persons who:

- 19 1. Participated in the proceedings leading to the adoption of the amendment to
20 the Comprehensive Plan or land use regulation, or the new land use regulation; and
- 21 2. Requested of the Planning Director in writing that they be given such notice.

22 D. The notice required by this subsection shall:

- 23 1. Describe briefly the action taken by the City;
- 24 2. State the date of the decision;
- 25 3. List the place where, and the time when, the amendment to the acknowledged
26 Comprehensive Plan or land use regulation, or the new land use regulation, and findings,
27 may be reviewed;
- 28 4. Explain the requirements for appealing the action of the City under ORS
29 197.830 to 197.845.

30 ~~D. Not later than five working days after final action on an amendment to an
31 acknowledged Comprehensive Plan or land use regulation, or a new land use regulation
32 submitted under CDC 98.070(C)(4), the Director shall notify by mail or other submission any
33 persons who have requested notification. The notice shall:~~

34 ~~1. Explain the requirements for appealing the action of the City under ORS
35 197.830 to 197.845; and~~

36 ~~2. List the locations where the Comprehensive Plan or land use regulation
37 amendment, or new land use regulation, may be reviewed. (Ord. 1354, 1994; Ord. 1474,
38 2001)~~

39
40 *(Staff comment: This subsection is repetitive and unnecessary since the requirements are*
41 *stated in the previous section.)*
42

1 Chapter 99: PROCEDURES FOR DECISION MAKING: QUASI-JUDICIAL

3 99.033 FEES

4 The Council shall adopt a schedule of fees reasonably calculated to defray the expenses of
5 the administrative process. The Council may establish either a set fee or a deposit system in
6 which the applicant pays a deposit and the City determines the total administrative cost at
7 the end of the process and refunds any unused amount of the deposit of the applicant. ~~When~~
8 ~~a deposit rather than a set fee is required, the City shall periodically estimate the anticipated~~
9 ~~administrative cost for the application and determine whether the deposit is sufficient. If the~~
10 ~~deposit is insufficient, the City shall inform the applicant that an additional deposit is~~
11 ~~required and establish the amount to 110 percent of the City's anticipated costs that will not~~
12 ~~be covered by all previous deposits. The additional deposit shall be paid within 10 days of~~
13 ~~the demand for the additional deposit.~~ No additional deposit shall be required for additional
14 costs that are incurred because the matter is referred to or called up by a higher decision-
15 making authority. The Council shall charge no fees for City-initiated land use applications or
16 appeals filed by a recognized neighborhood association pursuant to the provisions of CDC
17 99.240. (Ord. 1527, 2005; Ord. 1568, 2008)

18
19 *Staff comment: (The City does not process deposits in the manner described.)*

21 99.060 APPROVAL AUTHORITY

22
23 C. City Council authority. The Council shall have the authority to:

24
25 2. Consider an appeal or review of a decision made by the Planning Director under
26 the provisions of CDC 99.240(A), ~~and 99.080(B).~~

28 ~~99.170AN ADMINISTRATIVE ACTION - HEARING PROCEDURES~~

29 A. ~~Unless otherwise provided by the rules of procedure adopted by t~~The Planning
30 Commission, City Council, and Historic Review Board shall conduct a public hearing on all
31 matters over which the ~~b~~Board, ~~e~~Commission, or ~~e~~Council has original jurisdiction pursuant
32 to CDC 99.060; and:

33 ...
34 *(Staff comment: The rules of procedure for the Commission, Council and Board are not*
35 *permitted to circumvent a requirements of the CDC. If they are required to hold a public*
36 *hearing under the Code, they must do so, regardless of their adopted rules.)*

38 99.180 EX PARTE CONTACTS, IMPARTIALITY, DISQUALIFICATION, AND ABSTENTION

39
40 F. Rights of abstaining or disqualified member of the hearing body.

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....

2. If ~~all~~ sufficient members of a hearing body abstain or are disqualified that renders the hearings body unable to take action on the application consistent with the applicable authority of the hearings body, all members of the hearings body shall be reinstated and participate in the decision of the application, consistent with the Rule of Necessity. ~~the consequences for the application shall be as follows:~~

....

~~d. City Council and Planning Commission both disqualified — referred to the Hearings Officer for hearing pursuant to CDC 99.170 and decision.~~