



CITY OF
West Linn

PLANNING AND DEVELOPMENT

RESIDENTIAL INFILL / PUD TASK FORCE

Background Materials Meeting #2

June 23, 2010

Statewide Goals **A**

Regional Planning Authority (Metro) **B**

COWL Comprehensive Plan and Supporting documents (excerpts). **C**

Imagine West Linn Vision

Neighborhood Plans

Sustainable West Linn

COWL Community Development Code (excerpts) **D**

Chapt. 1: Purpose

Chapt 2: Definitions

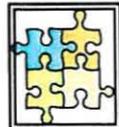
Chapt. 11: R-10 District

Chapt. 24: PUD

Chapt. 43: Transitions

Chapt. 55: Tree preservation

Chapt. 85: General provisions



Task Force meeting #2:

Staff will provide background information and an overview of the planning framework that all Code revisions must adhere to in the City of West Linn. This will involve a brief review of applicable state and regional regulations, procedures and their relationship to the City's Code. Then, a review of the City's existing policy documents (Comprehensive Plan) that guides code revisions will be provided. Staff will also provide a summary of our current land use procedures and elements of the CDC that regard smaller, infill properties in the City. Finally, Staff will provide a detailed review of the 'PUD' chapter of the CDC and an example of how the Code is applied to a 'real world' project.

NOTE: The attachments included herein includes only selected portions, but they are direct quotations from documents described.

The following information is for your information only.

On the 1st of January 1991, the following information was received from the Department of Health and Social Security. The information is for your information only and is not to be used for any other purpose. The information is for your information only and is not to be used for any other purpose. The information is for your information only and is not to be used for any other purpose.

The following information is for your information only.

A

Statewide Planning (ATTACHMENT A)

Oregon's statewide goals are achieved through local comprehensive planning. State law requires each city and county to have a comprehensive plan and the zoning and land-division ordinances needed to put the plan into effect. The local comprehensive plans must be consistent with the statewide planning goals. Plans are reviewed for such consistency by the state's Land Conservation and Development Commission (LCDC). When LCDC officially approves a local government's plan, the plan is said to be "acknowledged." It then becomes the controlling document for land use in the area covered by that plan. *The laws strongly emphasize coordination —keeping plans and programs consistent with each other, with the goals, and with acknowledged local plans.*

Due to time constraints, State Statutes and administrative rule are not discussed.

IF NOTHING ELSE READ THIS:

Local code revisions are sent to the State (DLCD) prior to adoption to review for compliance against the Statewide Goals. Generally however, if our code revisions are consistent with the Metro's requirements and our Comprehensive Plan, DLCD will determine them to be in compliance with the Statewide Goals.

State statutes require that at least 50 percent of new residential units be attached single family housing or multiple family housing and a density of 8 du/ac.

OREGON'S STATEWIDE PLANNING PROGRAM

Introduction

The Statewide Planning Goals

Since 1973, Oregon has maintained a strong statewide program for land use planning. The foundation of that program is a set of 19 statewide planning goals. The goals express the state's policies on land use and related topics, such as citizen involvement, housing, and natural resources.

Most of the goals are accompanied by "guidelines," which are suggestions about how a goal may be applied. As noted in Goal 2, guidelines are not mandatory. The goals are, however, adopted as administrative rules (Oregon Administrative Rules Chapter 660, Division 015).

City and County Planning

Oregon's statewide goals are achieved through local comprehensive planning. State law requires each city and county to have a comprehensive plan and the zoning and land-division ordinances needed to put the plan into effect.

The local comprehensive plans must be consistent with the statewide planning goals. Plans are reviewed for such consistency by the state's Land Conservation and Development Commission (LCDC). When LCDC officially approves a local government's plan, the plan is said to be "acknowledged." It then becomes the controlling document for land use in the area covered by that plan.

Oregon's planning laws apply not only to local governments but also to special districts and state agencies. The laws strongly emphasize coordination —

keeping plans and programs consistent with each other, with the goals, and with acknowledged local plans.

A Partnership

Oregon's planning program is a partnership between state and local governments. The state requires cities and counties to plan, and it sets the standards for such planning. Local governments do the planning and administer most of the land-use regulations. The resulting mosaic of state-approved local comprehensive plans covers the entire state.

The state does not write comprehensive plans. It doesn't zone land or administer permits for local planning actions such as variances and conditional uses. And unlike some other states, Oregon does not require environmental impact statements.

The Land Conservation and Development Commission

Oregon's statewide planning program is directed by the Land Conservation and Development Commission (LCDC). The commission's seven members are unsalaried volunteers, appointed by the governor, and confirmed by the state senate. The term of appointment is four years.

The Department of Land Conservation and Development

LCDC's administrative arm is the Department of Land Conservation and Development (DLCD). DLCD is a small state agency with its main office in Salem. The department has regional

offices in Portland, Springfield, Newport, Central Point Bend and La Grande.

The Land Use Board of Appeals

The state has a special “court” — the Land Use Board of Appeals (LUBA). LUBA has three members, known as “referees,” which review appeals of land use decisions. LUBA is based in Salem.

Citizen Involvement

It’s no coincidence that *Citizen Involvement* is the first among Oregon’s 19 statewide planning goals. Extensive citizen participation has been the hallmark of the state’s planning program from the outset. Every city and county has a Committee for Citizen Involvement (CCI) to monitor and encourage active citizen participation. The state’s Citizen Involvement Advisory Committee (CIAC) also encourages such participation in all aspects of planning.

The Local Comprehensive Plan

The local comprehensive plan guides a community’s land use, conservation of natural resources, economic development, and public facilities. Each plan has two main parts. One is a body of data and information called the inventory, background report, or factual base. It describes a community’s resources and features. It must address all of the topics specified in the applicable statewide planning goals. The other part is the policy element. That part of the plan sets forth the community’s long-range objectives and the policies by which it intends to achieve them. The policy element of each community’s plan is adopted by ordinance and has the force of law.

Local plans may be changed through *plan amendments* or *periodic*

review. Plan amendments are smaller, unscheduled adjustments to a plan. Periodic reviews are broad evaluations of an entire plan that occur every four to 10 years. A plan may be modified extensively after such a review.

Each plan is accompanied by a set of *implementing measures*. There are many different kinds. The two most common measures are zoning and land-division ordinances. Every city and county in Oregon has adopted such land-use controls.

Need More Information?

If you need information about a certain community’s comprehensive plan or its zoning and land-division ordinances, please contact the appropriate city or county planning department.

If you would like more information about Oregon’s statewide planning program, please contact DLCD.

METRO (ATTACHMENT B)

Overview of Metro's role:

Under Oregon law, each city or metropolitan area in the state has an urban growth boundary that separates urban land from rural land. Metro is responsible for managing the Portland metropolitan region's urban growth boundary.

Urban Growth Boundaries (UGBs) are one of the primary components of Oregon's statewide land use planning program used to manage growth, control sprawl, protect resource lands, and separate urbanizable land from rural land. The Portland metropolitan area UGB forms the western boundary of West Linn's urban area. Within the Portland metropolitan area, Metro has the responsibility of managing the UGB and identifying future areas for urbanization in the region.

The boundary controls urban expansion onto farm and forest lands. Land inside the urban growth boundary supports urban services such as roads, water and sewer systems, parks, schools and fire and police protection that create thriving places to live, work and play. The urban growth boundary is one of the tools used to protect farms and forests from urban sprawl and to promote the efficient use of land, public facilities and services inside the boundary. Other benefits of the boundary include:

- motivation to develop and redevelop land and buildings in the urban core, helping keep core "downtowns" in business

- assurance for businesses and local governments about where to place infrastructure (such as roads and sewers), needed for future development

- efficiency for businesses and local governments in terms of how that infrastructure is built. Instead of building roads further and further out as happens in urban "sprawl," money can be spent to make existing roads, transit service and other services more efficient.

Definition – 'Metro Functional Plan' A set of regional requirements adopted by Metro for cities and counties to implement the Region 2040 Growth Concept. The plan addresses issues such as projected housing and job growth, parking management, water quality, and the regional road system.

The "Urban Growth Functional Plan" is the implementation tool for Metro's policies and is not unlike our CDC.

IF NOTHING ELSE READ THIS:

Metro requires the COWL to provide a specific amount of housing (including the type of housing) within our City limits. Every time we 'downzone' property, or redesignate property such that it is not longer 'buildable', we have to provide for that housing somewhere else. Also,

Also, Metro recognizes regionally significant environmental areas (Title 3 and Title 13) that the City must inventory and regulate (we have done this, but the infill project cannot violate those provisions.)

Metro is about to adopt NEW standards that require calculations of capacity to be based on the minimum density for districts allowing dwellings

Attachment 'B' includes relevant excerpts from the Functional Plan.

Urban Growth Management Functional Plan in its entirety:
<http://library.oregonmetro.gov/files/chap307.pdf>

METRO

CHAPTER 3.07
URBAN GROWTH MANAGEMENT FUNCTIONAL
PLAN

3.07.010 Purpose

The regional policies which are adopted by this Urban Growth Management Functional Plan recommend and require changes to city and county comprehensive plans and implementing ordinances. The purpose of this functional plan is to implement regional goals and objectives adopted by the Metro Council as the Regional Urban Growth Goals and Objectives (RUGGO), including the Metro 2040 Growth Concept and the Regional Framework Plan. The comprehensive plan changes and related actions, including implementing regulations, required by this functional plan as a component of the Regional Framework Plan, shall be complied with by cities and counties as required by Section 5(e)(2) of the Metro Charter.

Any city or county determination not to incorporate all required functional plan policies into comprehensive plans shall be subject to the conflict resolution and mediation processes included within the RUGGO, Goal I provisions, prior to the final adoption of inconsistent policies or actions.

(Ordinance No. 97-715B, Sec. 1.)

3.07.020 Regional Policy Basis

The regional policies adopted in this Urban Growth Management Functional Plan are formulated from, and are consistent with, the RUGGOs, including the Metro 2040 Growth Concept. The overall principles of the Greenspaces Master Plan are also incorporated within this functional plan. In addition, the updated Regional Transportation Plan (RTP)¹, when adopted, will serve as the primary transportation policy implementation of the 2040 Growth Concept. However, early implementation land use policies in this functional plan are integrated with early implementation transportation policies derived from preparation of the 1996 Regional Transportation Plan, and consistent with the Metro 2040 Growth Concept.

(Ordinance No. 97-715B, Sec. 1. Amended by Ordinance No. 02-972A, Sec. 1.)

3.07.030 Structure of Requirements

The Urban Growth Management Functional Plan is a regional functional plan which contains "requirements" that are binding on cities and counties of the region as well as recommendations that are not binding. "Shall" or other directive words are used with requirements. The words "should" or "may" are used with

¹ Metro has an adopted Regional Transportation Plan. However, because of changing local and regional conditions, as well as state and federal requirements, the RTP is scheduled to be amended in 1997.

recommendations. In general, the plan is structured so that local jurisdictions may choose either performance standard requirements or prescriptive requirements. The intent of the requirements is to assure that cities and counties have a significant amount of flexibility as to how they meet requirements. Performance standards are included in most titles. If local jurisdictions demonstrate to Metro that they meet the performance standard, they have met that requirement of the title. Standard methods of compliance are also included in the plan to establish one very specific way that jurisdictions may meet a title requirement, but these standard methods are not the only way a city or county may show compliance. In addition, certain mandatory requirements that apply to all cities and counties are established by this functional plan.

(Ordinance No. 97-715B, Sec. 1.)

REGIONAL FUNCTIONAL PLAN REQUIREMENTS

TITLE 1: REQUIREMENTS FOR HOUSING AND EMPLOYMENT ACCOMMODATION

3.07.110 Purpose and Intent

One goal of the Framework Plan is the efficient use of land. Title 1 intends to use land within the UGB efficiently by increasing its capacity to accommodate housing and employment. Title 1 directs each city and county in the region to consider actions to increase its capacity and to take action if necessary to accommodate its share of regional growth as specified in this title.

(Ordinance No. 97-715B, Sec. 1. Amended by Ordinance 02-969B, Sec. 1.)

3.07.120 Housing and Employment Capacity

- A. Each city and county shall determine its capacity for housing and employment in order to ensure that it provides and continues to provide at least the capacity for the city or county specified in Table 3.07-1, supplemented by capacity resulting from addition of territory to the UGB. Local governments shall use data provided by Metro unless the Metro Council or the Chief Operating Officer determines that data preferred by a city or county is more accurate.
- B. A city or county shall determine its capacity for dwelling units by cumulating the minimum number of dwelling units authorized in each zoning district in which dwelling units are authorized. A city or county may use a higher number of dwellings than the minimum density for a zoning district if development in the five years prior to the determination has actually occurred at the higher number.
- C. If a city annexes county territory, the city shall ensure that there is no net loss in regional housing or employment capacity, as shown on Table 3.07-1, as a result of amendments of comprehensive plan or land use regulations that apply to the annexed territory.
- D. After completion of its initial determination of capacity, each city or county shall report changes in its capacity by April 15 of the first calendar year following completion of its initial determination and by April 15 of every following year.

(Ordinance No. 97-715B, Sec. 1. Amended by Ordinance No. 02-972A, Sec. 1; Ordinance No. 02-969B, Sec. 1; Ordinance No. 07-1137A, Sec. 1.)

3.07.130 Design Type Boundaries Requirement

For each of the following 2040 Growth Concept design types, city and county comprehensive plans shall be amended to include the boundaries of each area, determined by the city or county consistent with the general locations shown on the 2040 Growth Concept Map or on maps adopted by ordinances adding territory to the UGB:

Central City--Downtown Portland is the Central City which serves as the major regional center, an employment and cultural center for the metropolitan area.

Regional Centers--Seven regional centers will become the focus of compact development, redevelopment and high-quality transit service and multimodal street networks.

Station Communities--Nodes of development centered approximately one-half mile around a light rail or high capacity transit station that feature a high-quality pedestrian environment.

Town Centers--Local retail and services will be provided in town centers with compact development and transit service.

Main Streets--Neighborhoods will be served by main streets with retail and service developments served by transit.

Corridors--Along good quality transit lines, corridors feature a high-quality pedestrian environment, convenient access to transit, and somewhat higher than current densities.

Employment Areas--Various types of employment and some residential development are encouraged in employment areas with limited commercial uses.

Industrial Areas--Industrial areas are set aside primarily for industrial activities with limited supporting uses.

Regionally Significant Industrial Areas--Industrial areas with site characteristics that are relatively rare in the region that render them especially suitable for industrial use.

Inner Neighborhoods--Residential areas accessible to jobs and neighborhood businesses with smaller lot sizes are inner neighborhoods.

Outer Neighborhoods--Residential neighborhoods farther away from large employment centers with larger lot sizes and lower densities are outer neighborhoods.

(Ordinance No. 97-715B, Sec. 1. Amended by Ordinance No. 02-969B, Sec. 1; Ordinance No. 07-1137A, Sec. 1.)

3.07.140 Measures to Increase Development Capacity

- A. Each city and county shall adopt a minimum dwelling unit density, as prescribed in this subsection, for each zoning district in which dwelling units are authorized inside the UGB:
1. Any city or county minimum density standard deemed to comply with the Urban Growth Management Functional Plan pursuant to Section 3.07.810 prior to January 1, 2003, shall be deemed to comply with this subsection.
 2. A city or county shall not approve a subdivision or development application that will result in a density below the minimum density for the zoning district.
 3. A city or county may change the dwelling unit density of any zoning district so long as the zoning district continues to comply with this subsection and so long as the city or county continues to provide at least the overall capacity for housing for the city or county specified in Table 3.07-1.
- B. A city or county shall not prohibit the partition or subdivision of a lot or parcel that is at least twice the size of the minimum size for new lots or parcels in any zoning district in which dwelling units are authorized.
- C. A city or county shall authorize the establishment of at least one accessory dwelling unit for each detached single-family dwelling unit in a zoning district and for each detached or attached single-family dwelling unit in a Regional Center or Station Community. The authorization may be subject to reasonable regulation for siting and design purposes.
- D. In order to assist Metro to evaluate the effectiveness of Title 1 in aid of accomplishment of the 2040 Growth Concept, and to comply with state progress reporting requirements in ORS 197.301, by April 15 of each even-numbered year beginning 2004, each city and county shall report to Metro the actual density of new residential development per net

developed acre authorized in those zoning districts that allow residential development in the preceding 24 months.

(Ordinance No. 97-715B, Sec. 1. Amended by Ordinance No. 02-969B, Sec. 1.)

3.07.150 Transfer of Capacity

- A. A city or county may amend its comprehensive plan and land use regulations to transfer capacity for housing or employment shown on Table 3.07-1 to another city or county inside the UGB upon a demonstration that:
1. The transfer complies with the policies of the Regional Framework Plan;
 2. The transfer will not reduce the capacity of the region for housing or employment specified on Table 3.07-1;
 3. The housing or employment capacity to be transferred is reasonably likely to occur at the receiving site within the 20-year planning period of Metro's last UGB capacity review under ORS 197.299; and
 4. The transfer does not move capacity from a designated Center to an Inner or Outer Neighborhood, or from a Regional Center to a Town Center.
- B. A city or county may seek a transfer of capacity as authorized in subsection A by filing an application on a form provided for that purpose by Metro. After receipt of a complete application, Metro shall set the matter for a public hearing before the Metro Council and shall notify MPAC and those persons who request notification of requests for transfers of capacity.
- C. The Metro Council shall hold a public hearing to consider the request for a transfer of capacity. Any person may participate in the hearing. The Metro Council may set terms and conditions upon approval of a transfer so long as they relate to the criteria in subsection A and are incorporated into the Metro Council's order.
- D. The Metro Council shall issue an order with its conclusions and analysis and send a copy to the local governments involved in the transfer and any person who participated in the hearing before the Metro Council. Any person who participated in the hearing may seek review of the Metro Council's order as a land use decision under ORS 197.015(10) (a) (A).

(Ordinance No. 97-715B, Sec. 1. Amended by Ordinance No. 01-925E, Sec. 4; Ordinance No. 02-972A, Sec. 1; Ordinance No. 02-969B, Sec. 1.)

3.07.160 Local Plan Accommodation of Expected Growth Capacity for Housing and Employment-Performance Standard

All cities and counties within Metro shall demonstrate that:

- A. The provisions required in Section 3.07.140 of this title have been included in comprehensive plans and implementing ordinances; and
- B. Using the computation method in Section 3.07.120, calculated capacities will achieve the target capacities for dwelling units and full-time and part-time jobs contained in Table 3.07-1; and
- C. Effective measures have been taken to reasonably assure that the calculated capacities will be built for dwelling units and jobs; and
- D. Expected development has been permitted at locations and densities likely to be achieved during the 20-year planning period by the private market or assisted housing programs, once all new regulations are in effect.

(Ordinance No. 97-715B, Sec. 1. Amended by Ordinance No. 02-969B, Sec. 1.)

3.07.170 Design Type Density Recommendations

- A. For the area of each of the 2040 Growth Concept design types, the following average densities for housing and employment are recommended to cities and counties:

- Central City - 250 persons per acre
- Regional Centers - 60 persons per acre
- Station Communities - 45 persons per acre
- Town Centers - 40 persons per acre
- Main Streets - 39 persons per acre
- Corridor - 25 persons per acre
- Employment Areas - 20 persons per acre
- Industrial Areas - 9 employees per acre
- Regionally Significant Industrial Area - 9 employees per acre
- Inner Neighborhoods - 14 persons per acre
- Outer Neighborhoods - 13 persons per acre

(Ordinance No. 97-715B, Sec. 1. Amended by Ordinance No.
02-969B, Sec. 1.)

Table 3.07-1 Zoned Capacity for Housing and Employment Units – Year 1994 to 2017 Section 3.07.120(A)(1)(b)		
City or County	Dwelling Unit Capacity	Job Capacity
Beaverton	13,635	21,368
Cornelius	1,285	3,054
Durham	243	522
Fairview	2,929	7,063
Forest Grove	3,054	5,943
Gladstone	880	1,569
Gresham ³	20,020	27,679
Happy Valley ⁴	5,705	1,418
Hillsboro ⁵	16,106	59,566
Johnson City	38	82
King City ⁶	461	470
Lake Oswego	4,049	13,268
Maywood Park	12	5
Milwaukie	3,188	3,650
Oregon City	9,750	8,298
Portland ³	72,136	209,215
Rivergrove	20	0
Sherwood	5,216	9,518
Tigard	6,308	17,801
Troutdale	3,260	7,222
Tualatin ⁷	4,054	12,301
West Linn	3,732	1,935
Wilsonville ²	4,425	15,030
Wood Village	458	1,074
Clackamas County ^{1,3}	13,340	31,901
Multnomah County ⁸	0	0
Washington County ¹	51,649	55,921
Regional Total	246,053	516,873

¹Standards apply to the urban unincorporated portion of the county only.

² Wilsonville has not completed its capacity analysis (as of October 2002), 1996 Title 1 data used.

³Includes capacity for Pleasant Valley Concept Plan, former Urban Reserve Nos. 4 and 5.

⁴Includes capacity for former Urban Reserve Nos. 14 and 15.

⁵Includes capacity for former Urban Reserve No. 55.

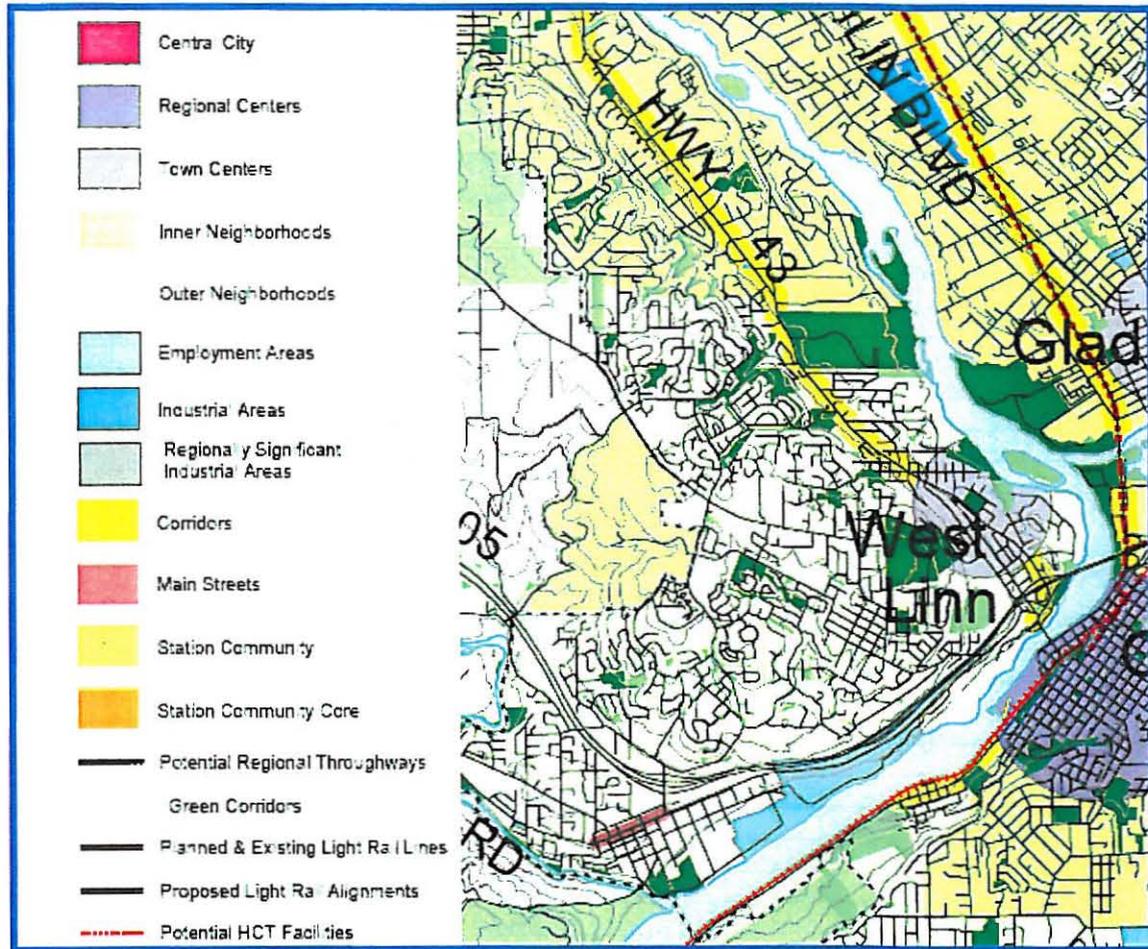
⁶Includes capacity for former Urban Reserve No. 47.

⁷Includes capacity for former Urban Reserve No. 43.

⁸Capacity for unincorporated Multnomah County is included in the capacities of the Cities of Gresham, Portland and Troutdale.

(Ordinance No. 97-715B, Sec. 1. Amended by Ordinance No. 02-969B, Sec. 1.)

APPROVED REGIONAL GROWTH CONCEPT PLAN



CITY OF WEST LAKE COUNTY, CALIFORNIA
RESOLUTION NO. 100000

WHEREAS, the Board of Supervisors has the honor to receive from the Board of Directors of the City of West Lake County, California, a resolution of the Board of Directors of the City of West Lake County, California, dated and captioned as above, and

WHEREAS, the Board of Supervisors has the honor to receive from the Board of Directors of the City of West Lake County, California, a resolution of the Board of Directors of the City of West Lake County, California, dated and captioned as above, and

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C

CITY OF WEST LINN Comprehensive Plan and supporting documents (ATTACHMENT C)

Overview:

The City's Comprehensive Plan addresses a wide range of topics and issues related to the growth and development of a community. The Plan is comprehensive in scope and its goals and policies are intended to be supportive of one another. West Linn's Comprehensive Plan provides guidelines and standards for decision makers, including City employees and officials, citizens, developers, community groups, and other local, state, regional, and federal agencies.

The Comprehensive Plan provides the basis for other plans, ordinances and other implementing documents that set forth more detailed direction regarding specific activities and requirements. All City plans and implementing ordinances must be consistent with the Plan.

Goal. A statement indicating a desired end or aspiration including the direction the City will follow to achieve that end. The City's goals must be consistent with the Statewide Planning Goals.

Policy. A statement indicating a definitive course of action to implement City goals. A policy may not be the only action the City can take to implement the goals. The City must follow relevant policies when developing other plans or ordinances that affect land use, such as public facility plans, zoning, and development standards.

Recommended Action Measure. A statement outlining a specific City activity, action, project or standard, which if executed, would implement goals and policies. Recommended action measures also refer to courses of action the City desires other jurisdictions to take regarding specific issues, and help define the relationship the City desires to have with other jurisdictions and agencies in implementing the Comprehensive Plan. These statements are suggestions to City decision-makers as ways to implement the goals and policies. Completion of projects, adoption of standards, or the creation of certain relationships or agreements with other jurisdictions and agencies will depend on a number of factors such as City priorities, finances, and staff availability.

Attachment 'C' includes relevant excerpts from the COMPREHENSIVE PLAN

The entire Comprehensive Plan can be found at <http://westlinnoregon.gov/sites/default/files/fileattachments/WEB%20Version%20revised%20April%202009%20with%20maps.pdf>

ATTACHMENT C

CITY OF WEST LINN Comprehensive Plan excerpts

Definitions:

Accessory Dwelling Unit. Attached or detached dwelling that is secondary to the primary dwelling unit and intended to provide convenient and affordable housing opportunities.

Carrying Capacity. The level of use that can be accommodated and sustained without unacceptable damage to the environment, including air, land, and water quality, the transportation network, storm water management, and overall quality of life.

Cluster Development. A development design technique that concentrates buildings on part of the site to allow the remaining land to be used for recreation, common open space, and/or preservation of environmentally sensitive features.

Infill. Use of vacant lots in predominantly developed areas, or the undeveloped portion of developed lots, to make more efficient use of land resources.

Planned Unit Development (PUD). A type of development based on a comprehensive design addressing the entire complex of land, structures, and uses as a single project.

Redevelopment. Additional or new residential, commercial, or industrial development on land that is already developed, but has the capacity for additional or more intensive development through remodeling or demolition and reconstruction.

GOAL 2. LAND USE PLANNING

GOALS

1. Maintain land use and zoning policies that continue to provide for a variety of living environments and densities within the city limits.
2. Allow mixed residential and commercial uses in existing commercial areas only in conjunction with an adopted neighborhood plan designed to ensure compatibility and maintain the residential character of existing neighborhoods.

3. Consideration of the concept of carrying capacity should also include the transportation network, storm water management, air quality, and overall quality of life.

4. Encourage energy efficient-housing (e.g., housing with solar energy, adequate insulation, weatherproofing, etc.).

POLICIES

1. Require all residential uses, except for single-family detached dwellings, to be subject to the design review process.

2. Allow clustering of residential development on land with significant environmental constraints only if:

a. Such clustering can be demonstrated to protect environmental resources, not only on the affected parcel, but on surrounding parcels; and,

b. Such clustering is found to be compatible with and complementary to existing neighborhoods in the vicinity of the parcel to be developed.

3. Develop incentives to encourage superior design, preserve environmentally sensitive open space, and include recreational amenities.

4. Require open space to be provided in planned unit developments to allow for shared active and passive recreational opportunities and meeting areas for future residents.

5. New construction and remodeling shall be designed to be compatible with the existing neighborhood through appropriate design and scale.

8. Protect residentially zoned areas from the negative impacts of commercial, civic, and mixed-use development, and other potentially incompatible land uses.

9. Foster land use planning that emphasizes livability and carrying capacity.

RECOMMENDED ACTION MEASURES

1. Establish development regulations for accessory dwelling units.

2. Establish design standards that encourage attractive, pedestrian friendly, and compatible structures.

3. Develop and implement measures to connect service areas, neighborhoods, and subdivisions via all practical modes of travel.
4. Establish regulations that set minimum and maximum number of housing units to be allowed in each residential district. Regulations shall be established that encourage using land appropriately and wisely to both accommodate new residents and respect existing neighborhood design.
5. Coordinate land use decisions with the City's Transportation System Plan, which is a supporting document of the Comprehensive Plan.
6. Review current development code standards for subdivisions and create regulations that preserve environmentally sensitive open space, require recreational amenities, and promote design excellence.

Goal 5: NATURAL ENVIRONMENT

GOALS

1. Encourage and assist in the preservation of permanent natural areas for fish and wildlife habitat in suitable, scientific/ecological areas.
2. Protect sensitive environmental features such as steep slopes, wetlands, and riparian lands, including their contributory watersheds.
3. Preserve trees in park lands, natural areas, and open space wherever possible.

POLICIES

1. Implement site design standards that prescribe how to place roadways and buildings to preserve trees.
2. Where appropriate, require the planting of trees as a condition of approval for any land development proposal, consistent with the City's street tree ordinance and recommendations of the City Arborist.
3. Provide buffer areas around heritage trees, significant trees, and tree clusters to ensure their preservation.
4. Require that areas containing tree clusters, significant trees, and native vegetation along natural drainage courses and waterways in areas of new development be maintained to the maximum extent possible to preserve habitats, prevent erosion, and maintain water quality.
5. Preserve important wildlife habitat by requiring clustered development or less dense zoning in areas with wetlands and riparian areas, natural drainageways, and significant trees and tree clusters.

12. Protect open space areas along hillsides and areas with potential erosion hazards through development controls and appropriate zoning.

16. Where practical, obtain dedication of wetlands and riparian areas to the City to assure protection and maintenance and to preserve locations for public facilities.

RECOMMENDED ACTION MEASURES

1. Establish development strategies in the City's regulations for hillsides and flood plains that minimize or prevent loss of riparian habitat.

9. Complete a comprehensive review of the City's Development Codes and Policies to identify and amend any regulatory or procedural barriers that discourage the use of habitat friendly development practices (e.g. low impact development).

10. Develop and incorporate a set of guidelines and habitat-friendly development practices into the City's Community Development Code and encourage their use for all development located within the Wildlife Habitat Areas Inventory identified in Figure 5-4 or any other lands with significant environmental constraints, such tree clusters.

GOAL 7 Areas subject to natural disasters and hazards....

Protect life and property from flood, earthquake, other geological hazards, and terrorist threats or attacks.

POLICIES

1. Require development and associated alterations to the surrounding land to be directed away from hazardous areas

8. Minimize impacts to natural vegetation within the flood plain by restricting development and related human activity.

9. Manage land within the Willamette and Tualatin River 100-year flood plains to protect its natural functions.

Goal 10. Housing

The amount of housing needed in the City is directly related to the City's current and expected future population and the characteristics of its residents. As of July

1, 1999, the population of West Linn was 22,835. By the year 2017, the population is expected to grow to approximately 31,723, assuming 2.65 persons per household. The City will meet Metro's target of 3,226 new units in the time period between 1995 to 2017. During the five-year period of January 1995 to January 2000, 1,542 permits for new housing units were issued. As of January 2000, another 670 units were in the process of being approved and another 2,241 units could be accommodated on vacant or infill land. This equates to a buildout total of 11,971 units. This represents an average annual growth rate of approximately 1.8%. The City has enough land within the City limits and the remaining West Linn Planning Area (including areas within the Urban Growth Boundary, and contiguous to, but not within City limits) to accommodate this growth and to provide for a range of housing types, at a variety of price levels, and with a suitable mix of multi-family and single-family housing.

The number of housing units assumes development of buildable, vacant land at planned densities allowed by current zoning, as well as infill development on selected parcels that are partially vacant, and construction of some accessory dwelling units (Figure 10-3, p. H-6). Property constrained by steep slopes, located in the flood plain, and needed for roads or other public infrastructure is not included in the inventory of buildable land. Additional new units could be added to the forecast assuming codes are changed to allow for accessory dwelling units and plan policies encouraging greater redevelopment in community interest areas are implemented. Approximately 135 units would be reasonably accommodated as accessory dwelling units (i.e., small dwellings, typically for a single person attached, or in close proximity to, and on the same lot as an existing house). Another 200 units also could be expected through redevelopment.

Housing affordability is an issue in West Linn. Affordable housing is defined as housing that is affordable to the majority of a city's residents – i.e., housing payments do not exceed 30% of a family's gross income. As noted above, West Linn has a higher median family income than the rest of the region. However, in 1990, 26 percent of families in the City paid more than 30% of their income for housing (including 47% of all renters and 20% of all homeowners). In 2000 this number remained at 26% (including 34% of renters and 24% of homeowners).

GOALS

1. Preserve the character and identity of established neighborhoods.
2. Assure good functional and aesthetic design of multi-family and clustered single-family developments.
3. Encourage the development of affordable housing for West Linn residents of all income levels.

POLICIES

1. Ensure that the Comprehensive Plan is consistent with LCDC's Metropolitan Housing regulations.
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.
3. Allow manufactured housing, subject to state building code requirements, in all residential zones.
- 5.. Allow for flexibility in lot design, size, and building placement to promote housing variety and protection of natural resources.
 6. Allow accessory dwelling units, subject to City development and building regulations, in all residential zones.
7. Preserve and enhance, through design review, the Historic District in Willamette and landmark structures throughout the City.
8. Adhere to clear and objective standards to promote timely and predictable plan review.
9. Encourage new housing to incorporate the following design elements (except in the case of infill lots, where existing patterns shall take precedence):
 - A. Location of garages behind the primary building line of a house, side-loading garages, or garages in the rear; and,
 - b. Provisions for front porches.

RECOMMENDED ACTION MEASURES

1. Evaluate how West Linn can meet its share of the regional need for affordable housing.
2. Identify constitutionally justifiable measures to encourage provision of affordable housing.

Goal 12. Transportation

Policies

2. Require in-fill development in older neighborhoods to contribute to needed transportation facilities within their neighborhoods to the extent allowed by law.

IMAGINE WEST LINN DOCUMENT

The Imagine West Linn document defines West Linn's future vision in a proactive and constructive manner. It is the 'vision statement' for the City. It establishes the principles for establishing policies and decision making. The entire document can be found here:

http://westlinnoregon.gov/sites/default/files/fileattachments/ImagineWL_FINAL_appd_9-8-08.pdf

Below are relevant excerpts from the document.

Community Development Trends

- As urban land values continue to increase, West Linn's neighborhoods and town centers will experience significant redevelopment pressure. West Linn is already transitioning from a developing city to a redeveloping city.
- National and regional development trends indicate a shift away from suburban forms of development – i.e., neighborhoods primarily consisting of automobile-oriented subdivisions with large single-family homes – to more mixed use neighborhoods with a variety of housing types and lot sizes within walking distance of parks, schools, and neighborhood-oriented commercial services. The concept of the mixed-use neighborhood is no longer "a vision"; it is a reality in the marketplace. West Linn's planning program will be called upon to find better ways to interconnect the town's older subdivisions, while guiding new development and redevelopment.
- With the regional trend towards mega-stores subsiding, and more shopping occurring online or in small specialty stores, retail activity will become more neighborhood focused. This trend favors the layout of West Linn with its small neighborhood centers arrayed within walking distance of most residents.
- While convenience sales and services will continue to dominate West Linn's commercial centers, rising transportation costs and congestion will drive these uses to locate near the highest concentration of residents, preferably within walking distance of neighborhoods.
- The market shift toward infill and redevelopment will place pressure on existing neighborhoods to accept residential development at higher densities, and it may lead to more frequent zone change requests in established neighborhoods; e.g., from singlefamily residential to commercial or mixed-use.

Housing Action Items

- 1 Periodically update the City's Comprehensive Plan and Development Code to ensure an adequate supply of appropriately zoned land for needed housing.
- 2 Respond to increasing housing costs with proactive land use planning and regulatory tools, as well as incentives to meet the full range of housing needs in the community.
- 3 As the community transitions from a developing city to a redeveloping city,

- encourage the design of housing to be sympathetic to surrounding homes.
- 4 Adopt land use policies and regulations that allow for flexibility in housing types to meet the needs of the elderly with alternative lifestyle needs. These policies should provide for affordable housing, close to needed services and should encourage modes of transportation beyond the single occupancy vehicle.
 - 5 Consider establishing form-based land use codes that respond to the scale and character of existing neighborhoods while adding predictability in the development review process for projects that achieve context-sensitive design requirements.
 - 6 Adopt land use policies and regulations that support residential green building practices (e.g., energy efficiency, resource conservation, housing choices, pollution prevention, indoor environmental quality, innovation in design, etc.), consistent with the *Sustainable West Linn Strategic Plan*.
 - 7 Consider adopting land use policy and code amendments supporting an incentive- or performance-based approach to housing density bonuses and affordable housing.
 - 8 Continue to maintain and improve the City's tree preservation and permitting requirements in concert with other sustainability measures.

NEIGHBORHOOD ASSOCIATION PLANS (SUPPORTING DOCUMENTS OF COMPREHENSIVE PLAN)

Overview: The purpose of a neighborhood plan is to identify issues that are of concern to the residents of the neighborhood, and to devise strategies for addressing these concerns. In conjunction with broader policies and implementation measures contained within the City's Comprehensive Plan, the neighborhood planning process is intended to protect and enhance livability within specific neighborhoods, as well as help fulfill the overall community vision and create a more livable city.

The goals and policies of the Neighborhood Plans have the same effect as goals and policies of the West Linn Comprehensive Plan, as applied to the individual neighborhood. They supplement the goals and policies of the Comprehensive Plan, and do not conflict with them. Where the Neighborhood Plans do not discuss a particular issue, the Comprehensive Plan goals and policies shall have authority. The Actions contained in the Neighborhood Plans are carefully considered, but non-binding, recommendations. The City may choose to take different actions to implement the goals and policies of the plan, these actions should be given special consideration and influence.

.
Excerpts from various approved Neighborhood Plans

Bolton...:

Policies:

4. Protect existing single-family neighborhoods from over-sized infill residences and neighboring commercial development. Action measure: Adopt design standards for single-family infill residential development.

5. Maintain and enhance affordable housing opportunities as part of a diverse Bolton neighborhood. Limit the size of new single-family homes as part of single-family design standards

Marylhurst...

Action items:

1. Maintain existing zoning (lot sizes) per the Comprehensive Plan to maintain current densities.
2. Support only the creation of flag lots that provide the best design that is most compatible with the existing neighborhood.

3. Support subdivision of existing lots only to the extent that is compatible with the atmosphere of the neighborhood.

More actions

1. Work with the City to review the community development code for neighborhood compatibility standards and strengthen if necessary:
Accessory dwelling units, tear downs, building height, lot coverage, setbacks, floor-to-area ratios and other standards.

Parker Crest...

Policy: Encourage residential construction and remodeling that reflects the character of the neighborhood. New residential construction and remodeling should be designed to reflect the existing scale, setbacks, major architectural elements, and general appearance of nearby residences.

Recommended Action Steps:

1. Partner with homeowner associations to ensure development and redevelopment that reflects and supports neighborhood character.
2. Work with the City to develop residential design guidelines for the neighborhood that address new residential construction and remodeling.

Savanna Oaks

POLICY 2.4: Ensure that new residential development is compatible with existing neighborhoods consistent with the Vision Statement.

Recommended Action Steps:

1. Ensure that the Sustainable West Linn Strategic Plan is implemented as part of future West Linn planning processes.
2. Participate in changes to development standards
3. Enforce zoning regulations with special emphasis on maintaining minimum lot sizes as they currently exist upon annexation into the City.
4. Consider comprehensive plan and code changes, especially those that preserve open space and significant natural areas and prohibit "monster houses" (i.e. houses out of scale with their lot and surrounding neighborhood)

Robinwood.....

Policies:

- 3.1 Rezone areas inappropriately zoned for multi-family residential uses to more appropriate residential zoning districts.
- 3.2 Ameliorate the negative impacts of the use of flag lot designs in the subdividing of existing lots.

Action Measure:

- Adopt Community Development Code provisions to reduce and discourage the use of flag lots to include only those that are compatible with the existing neighborhood
- Adopt Community Development Code provisions requiring land divisions that create “flag lots” to submit concurrent design review applications showing proposed building orientation and building design that provide maximum separation from and privacy for existing adjacent single-family homes
- Adopt Community Development Code provisions ensuring that existing homes on lots that are further divided continue to meet or exceed all design standards and regulations for single-family homes

3.5 Protect existing single-family neighborhoods from over-sized infill residences and neighboring commercial development.

Associated action measures:

- Adopt Community Development Code provisions to measure building height based upon the actual height of a building from base to top of roof
- Adopt Community Development Code provisions to create a sliding scale for allowed floor area ratio (FAR) for single-family homes that reduces the FAR for larger lots
- Adopt Community Development Code provisions to reduce the bulk and mass of single-family homes along their front and side yards
- Adopt Community Development Code provisions that encourage single-family homes with lower height by reducing allowed low coverage for taller homes.
- Study an infill design review process
- Adopt Community Development Code standards that allow larger accessory dwelling units in accessory structures than is currently allowed citywide for the Robinwood neighborhood provided that the accessory structures provide separation from and privacy for neighboring single-family homes

Sunset.....

Goal one. Ensure housing is designated to complement the scale and character of nearby housing.

Policy 1. Ensure new housing is designed to complement the scale and character of nearby housing.

Policy 2. Maintain a range of housing options for Sunset's diverse socio-economic population.

Actions

Support and promote policies that maintain the current diversity of housing and zoning.

SUSTAINABLE WEST LINN STRATEGIC PLAN

This document is not written in the same format as other City documents, but includes specific actions for the City to undertake to create a more sustainable future:

Pg. 20... Kudos

West Linn has invested in park lands, controlled sprawl by promoting compact growth and mixed use development, has a storm water system that uses natural open drainage ways, completed a natural areas inventory, and adopted protective ordinances for riparian and wetland habitats. Citizens have undertaken restoration projects with help from the City, and there is a growing awareness of the ecological values and their importance in the area. City leaders have opposed inappropriate development in the Stafford Basin.

Recommendations

Our vistas and natural areas in many ways define West Linn. We must protect these natural areas, containing development. The following recommendations will help us toward that goal.

Conserve natural landscapes: Given the development pressure in West Linn, and its impact on natural landscapes, it is critical to take immediate steps to conserve remaining wetland, riparian, upland wildlife habitat, open space, and scenic vistas before they are fragmented beyond the point that they are able to provide ecosystem services. This will involve rapid updating of the inventory and taking additional steps to comply with, and exceed, the requirements of goal 5, and applying innovative strategies to address public expectations while accommodating private property rights. To provide food security, it is important to preserve farmland in and around West Linn, and in particular the Stafford Triangle.

Preserve the pattern of development: Future development and redevelopment patterns should result in attractive, naturefriendly neighborhoods that facilitate safe and comfortable walking, biking, and use of public transit. A variety of housing densities and creative new arrangements like conservation subdivisions, stacked commercial and residential villages, more parks and natural areas, and community gardens will be pleasing and make efficient use of city revenue for development, through SDCs and maintenance funds. Storm water is managed using low impact development with soft engineering approaches including bioswales, porous pavements, and green streets.

-Make it easier for people to work in West Linn: Existing barriers to the creation of home businesses that are compatible with residential uses should be examined and modified. Revisit the code for home-based businesses and make more efficient use of commercial areas. Encourage businesses that provide jobs for

residents, supply products and services to be consumed locally, especially those with negligible environmental impact. More efficient use and modest expansion of existing commercial areas will provide jobs and services without fundamentally changing the character of the community. Big box stores are not allowed.

Recommendations for City Government

Short Term:

Complete Goal 5 inventories and implementing measures. Cluster highest density housing zones near public transportation.
Update natural areas inventory and develop a strategy for conserving each high-priority parcel (e.g., through acquisition, easement, landowner agreement, etc.)
Review the Community Development Code and amend as appropriate to remove barriers to sustainable development and include requirements and incentives to encourage sustainable development. Examples include solar access, increased density or height to encourage more compact development or structured parking, rainwater harvesting, encourage open drainage in lieu of piping, encourage porous pavements, etc.)

Intermediate term:

Implement the strategy for conserving priority parcels and adopt ordinances to restrict or limit development on priority lands.
Adopt ordinances for 'conservation subdivisions' for lands that are developed.

Recommendations for Neighborhoods, Schools & Civic Organizations

Short Term:

- Resist over-developing areas; leave natural areas natural.
- Support higher-density, mixed-use development to protect our natural areas.

ATTACHMENT D

CITY OF WEST LAKE COMMUNITY DEVELOPMENT DEPARTMENT

(continued)

(last page)

The following information is provided for the City of West Lake Community Development Department. This information is intended to provide a clear and concise summary of the project and its impact on the community. The information is organized into several sections, including a description of the project, the location of the project, the estimated cost of the project, and the estimated benefits of the project. This information is intended to provide a clear and concise summary of the project and its impact on the community. The information is organized into several sections, including a description of the project, the location of the project, the estimated cost of the project, and the estimated benefits of the project.

D

ATTACHMENT D

CITY OF WEST LINN COMMUNITY DEVELOPMENT CODE

(EXCERPTS)

Chapt 1. Purpose

As a means of promoting the general health, safety and welfare of the public, this Code is designed to set forth the standards and procedures governing the development and use of land in West Linn and to implement the West Linn Comprehensive Plan. To these ends, it is the purpose of this Code to maintain and improve the existing character and quality of West Linn through:

- A. Identifying and protecting resource lands from urban development encroachment.
- B. Providing for the natural and cultural resources of the community.
- C. Providing adequate land to meet anticipated future demands for development in a logical and orderly manner.
- D. Encouraging flexibility and innovation in development techniques to permit diversity within the community. (ORD. 1408)
-
- E. Providing for a range of housing types and costs in order to offer a wide variety of choices to present and future West Linn residents.

Chapt. 2 Definitions

Accessory dwelling unit (ADU). Attached or detached dwelling unit which is secondary to the primary dwelling unit and intended to provide convenient and affordable housing opportunities

Accessory structure. A subordinate structure with a maximum area of 1,500 square feet, except for agricultural buildings, located on the lot, the use of which is clearly incidental to and associated with the principal use

Acres, gross. All of the land area owned by the applicant in the subject parcel or parcels under consideration.

Acres, net. The total gross acres less the public right-of-way and other acreage deductions, as applicable

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

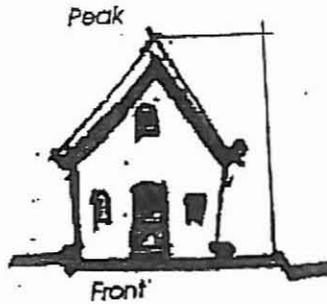
1. For relatively flat sites where there is less than a 10 foot difference in grade between the front and rear of the house, the height of the house shall be measured from grade five feet out from the exterior wall at the front of the house; or,

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

3. Homes on cross slopes or side slopes are measured at either the front or rear of the house using methods described in (1) and (2) above only.

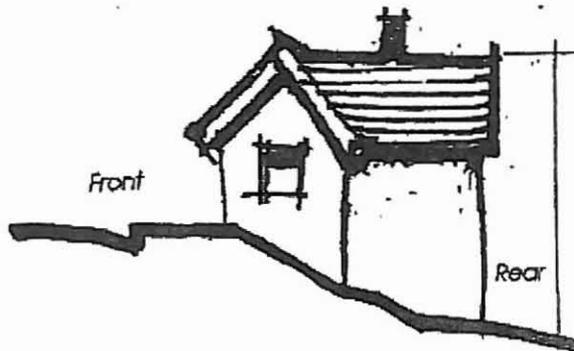
Even if the cross slope creates a tall elevation on the side; the method of determining height is not modified.

Also see CDC Section 41.020, HEIGHT

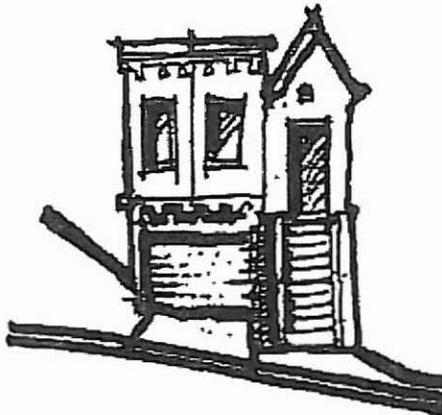


Height of home on relatively flat lot is measured from grade at front of house to peak of roof.

EXCEPTIONS.



Height of home on steep lots where there is more than a ten foot difference in elevation between the front and rear of the house, 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 house.



Height of home with a cross slope are still measured at either the front or rear by methods described in (1) or (2) above.

Floor Area Ratio (FAR). The FAR is that percentage of the total lot size that can be built as habitable space. A FAR of .45 means that the square footage of the lot is multiplied by .45 to yield the total habitable square footage of the house including accessory dwelling units. For example, on a 10,000 square foot lot, an FAR of .45 will allow a 4,500 square foot house ($10,000 \times .45 = 4,500$).

Type I and II lands are excluded from FAR calculations. But the property owner is guaranteed at least a FAR of .3 (30%) for the total site including type I and II lands.

Type I lands. Lands that have severe constraints that preclude the use of standard development techniques and technical criteria. Type I lands exist in the following areas:

Slope: All lands with 35 percent or more slopes.

Drainage: All lands within the 100 year flood plain.

Geological Hazard: All existing or known landslide areas. (ORD. 1463)

Type II lands. Lands which have constraints that are sufficient to preclude most standard types of development. Constraints in these areas generally do not constitute a health or safety hazard, but require the use of non-standard technical design criteria. Type II lands exist in the following areas:

Slope: All lands with slopes between 25 and 35 percent.

Drainage: All drainage courses.

Geology: All known mineral and aggregate deposits. (ORD. 1463)

Type III lands. These lands are considered within the major portion of the City's developable lands. Standard development criteria can be applied through normal implementation measures. Type III lands have slopes between 15 and 25 percent. (ORD. 1463)

Type IV lands. These lands are considered to have few, if any, constraints to development and are within the major portion of the City's developable lands. Normal development standards will apply in these areas. Type IV lands have slopes between 0 and 15 percent. (ORD. 1463)

Unlisted use. A use that is not listed as either a use permitted outright or a conditional use in a particular zone.

Use. The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

Variance. A discretionary decision to permit modification of the terms of an implementing ordinance based upon specific findings delineated in the Community Development Code. (ORD. 1463)

Water Resource Area: Any area that consists of a wetland identified in the West Linn Local Wetlands Inventory and the required transition and setback area around the wetland pursuant to CDC Chapter 32, or any major or minor open channel drainageway identified by the most recently adopted West Linn Surface Water Management Plan and the required transition and setback area around the major or minor open channel pursuant to CDC Chapter 32, except for small man-made open roadside drainage swales in residential areas, or any riparian corridor (not including lands adjacent to the Willamette or Tualatin Rivers) and the required transition and setback area for the riparian corridor pursuant to CDC Chapter 32. (ORD. 1545)

Water Resource Area Transition and Setback Area: The land adjacent to the protected water feature that constitutes a buffer, or transition, to protect the resource from conflicting development and activities.

Yard, front. A yard between side lot lines and measured horizontally at right angles to the front lot line from the lot line to the nearest point of the building. In the case of flag lots, the front yard may either face an adjacent street right-of-way or the access driveway along the flag lot stem. The front of the house or dwelling faces the front yard. (See Figure B.)

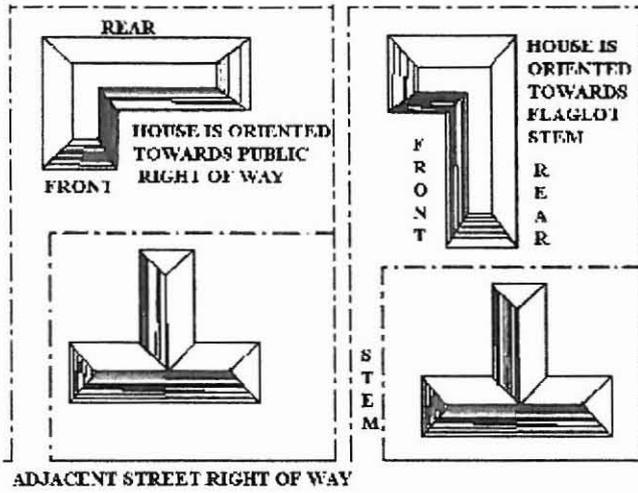


Figure B (ORD. 1401)

EXAMPLE OF SINGLE FAMILY ZONE (R-10)

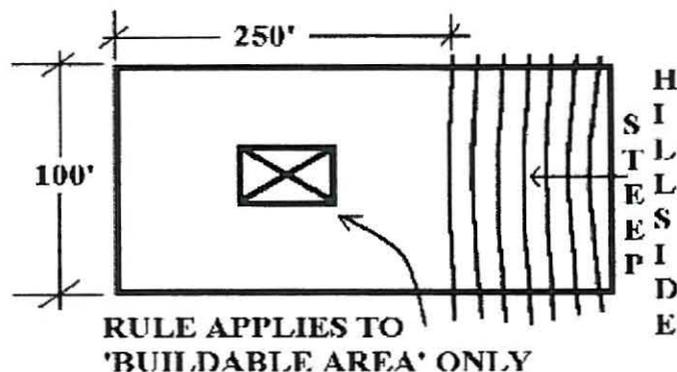
Chapt. 11. DIMENSIONAL REQUIREMENTS...

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

1. The minimum lot size shall be 10,000 square feet for a single-family detached unit.
2. The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.
3. The average minimum lot width shall be 50 feet.

(ORD. 1298)

4. The lot depth comprising non-Type I and II lands shall be less than two and one half times the width, and more than an average depth of 90 feet. (See diagram below.) (ORD. 1377)



5. The minimum yard dimensions or minimum building setback area from the lot line shall be:
 - a. For the front yard, 20 feet; except for steeply sloped lots where the provisions of Section [41.010](#) shall apply; and as specified in Section [26.040\(D\)](#) for the Willamette Historic District. (ORD. 1175)
 - b. For an interior side yard, 7 1/2 feet; except as specified in Section [26.040\(D\)](#) for the Willamette Historic District.
 - c. For a side yard abutting a street, 15 feet.
 - d. For a rear yard, 20 feet.
6. The maximum building height shall 35 feet, except for steeply sloped lots in which case the provisions of Section [41.000](#) shall apply. (ORD. 1538)
7. The maximum lot coverage shall be 35 percent.
8. The minimum width of an accessway to a lot which does not abut a street or a flag lot, shall be 15 feet.
9. The floor area ratio shall be .45. Type I and II lands shall not be counted toward lot area when determining allowable floor area ratio, except that a minimum floor area ratio of .30 shall be allowed regardless of the classification of lands within the property. That 30 percent shall be based upon the entire property including Type I and II lands.
10. The sidewall provisions of CDC Chapter [43](#) shall apply.

24.000 PLANNED UNIT DEVELOPMENT

24.010 PURPOSE

The purpose of the Planned Unit Development overlay zone is to provide a means for creating planned environments:

A. To produce a development which would be as good or better than that resulting from traditional lot by lot development.

B. To preserve, to the greatest extent possible, the existing landscape features and amenities through the use of a plan that relates the type and design of the development to a particular site.

C. To correlate comprehensively the provisions of this title, and all applicable plans; to encourage developments which will provide a desirable, attractive, and stable environment in harmony with that of the surrounding area.

D. To allow flexibility in design, placement of buildings, use of open spaces, circulation facilities, off street parking areas, and to best utilize the potentials of sites characterized by special features of geography, topography, size, and shape.

E. To allow a mixture of densities between zoning districts and plan designations when more than one district or designation is included in the development.

F. To develop projects that are compatible with neighboring development in terms of architecture, massing, and scale. Where that cannot be accomplished, appropriate transitions should be provided that are deferential or sympathetic to existing development.

G. To carry out the goals of West Linn's Vision, Imagine West Linn; especially goals relating to housing, commercial, and public facilities.

24.020 ADMINISTRATION AND APPROVAL PROCESS

A. The Planned Unit Development (PUD) zone is an overlay zone and the following are preconditions to filing an application:

1. Attending a pre-application conference with the City Planning Department pursuant to Section [99.030](#);

2. Attending a meeting with the respective City-recognized neighborhood association(s), per Section [99.038](#), and presenting their preliminary proposal and receiving comments.

B. The application shall be filed by the owner of record or authorized agent.

C. Action on the application shall be as provided by Chapter 99, Procedures for Decision-Making: Quasi-Judicial. (ORD. 1474; ORD. 1590 § 1, 2009)

24.030 EXPIRATION OR EXTENSION OF APPROVAL

If the final plat has not been recorded with the County within three years from the date of approval of the development plan, the application shall be null and void unless an extension

is granted per Section [99.325](#). If an extension is granted, the final plat must be recorded with the County before the extension lapses. (ORD. 1408; ORD. 1589 § 1 (Exh. A), 2010)

24.040 NON-COMPLIANCE BOND

A. Non-compliance with an approved final plat or development plan shall be a violation of this chapter.

B. The development shall be completed in accordance with the approved final plat or development plan, including landscaping and recreation areas, before any occupancy permit will be issued except that when the Planning Director determines that immediate execution of any feature of an approved final plat or development plan is impractical due to climatic conditions, unavailability of materials, or other temporary condition, the Director shall, as a precondition of the issuance of a required permit, require sufficient funds such as a cashier's check to guarantee completion of the feature at a time certain not to exceed one year.

24.050 STAGED DEVELOPMENT

The applicant may elect to develop the site in stages. Staged development is defined as an application that proposes numerous phases or stages to be undertaken over a period of time. Typically, the first phase will be sufficiently detailed pursuant to the submittal standards of CDC Chapter [85](#). Subsequent phases shall provide the type of use(s); the land area(s) involved; the number of units; generalized location and size (square feet) of commercial, industrial, or office projects; parks and open space; street layout, access, and circulation; etc. Generalized building footprints for commercial, office, public, and multi-family projects and parking lot layout will be required. Staged development shall be subject to the provisions of Section [99.125](#).

24.060 AREA OF APPLICATION

A. Planned Unit Developments (PUDs) may be established in all residential, commercial, and industrial districts on parcels of land which are suitable for and of sufficient size to be planned and developed in a manner consistent with the purposes of this section.

B. All qualifying non-residential, all mixed use developments, and all qualifying residential developments of five or more lots shall be developed as PUDs with the Hearings Officer as the decision-making body, while all qualifying residential developments of four or fewer lots shall be developed as a PUD with the Planning Director as the decision-making body, whenever one of the following qualifying criteria apply:

1. Any development site composed of more than 25 percent of Type I or Type II lands, as defined by Section [24.060\(C\)](#), shall be developed as a PUD.

2. More than 20 percent of the dwelling units are to be attached on common wall except in the R-3 and R-2.1 zones. A PUD is not required in R-3 and R-2.1 zones where common wall/multi-family projects are proposed. However, other criteria (such as density transfer, mixed uses, etc.) may trigger a PUD.

3. A large area is specifically identified by the Planning Director or Planning Commission as needing greater design flexibility, increased open space, or a wider variety of housing types. (ORD. 1408)

24.070 EXEMPTIONS FROM PLANNED UNIT DEVELOPMENT REQUIREMENTS

A Planned Unit Development (PUD) shall not apply in cases where all the following conditions exist:

1. No density transfer is proposed pursuant to provisions of this Chapter.
2. No development, construction, or grading will take place on Type I and II lands.
3. All the Type I and II lands shall be dedicated to the City as open space, or protected by easement with appropriate delineation.

24.080 SUBMITTAL REQUIREMENTS

The submittal requirements shall apply to non-exempt projects as identified in Section [55.025](#), and shall include the following: (ORD. 1408)

1. Narrative discussing proposal and applicability of the PUD and addressing approval criteria of this chapter and Design Review Section [55.100](#).
2. Narrative and table showing applicable density calculations.
3. Map showing how the densities will be distributed within the project site.
4. Compliance with submittal requirements of Chapter 55, Design Review, including full response to approval criteria for Chapter 55, Design Review, and Chapter 85, if it is a single-family PUD.
5. Narrative, tables, and showing all density transfers.
6. Tables and maps identifying all Type I, II, III and IV lands by acreage, location and type (please refer to definitions of these lands in CDC Chapter 2). (ORD. 1463)
7. Other material as required by the Planning Director.

24.090 APPLICABILITY AND ALLOWED USES

Subject to the provisions of Sections [24.080](#), [24.070](#) and [24.090](#), the PUD Overlay Zone may be applied to all residential, commercial, and industrial zones.

A. In addition to the uses allowed outright in the underlying zone the following uses shall be allowed outright where all other applicable standards are met.

1. Single-family, duplex, attached housing and multiple family housing.
2. Community buildings.
3. Indoor recreation facility, athletic club, fitness center, racquet ball court, swimming pool, tennis court, or similar use.
4. Outdoor recreation facility, golf course, swimming pool, tennis court, or similar use.
5. Recreation vehicle storage area.
6. Public safety facilities.
7. Major or minor utilities.
8. Religious institution, day care center, public or private schools. (ORD. 1463)

B. Any commercial uses listed under the Neighborhood Commercial (NC) zone shall be allowed in the manner provided by the base zone or adopted plan document and, in addition, the applicant must prove:

1. The uses are for the purpose of primarily serving the residents of the proposed development; and,
2. There is a need for the type and amount of commercial space. A market analysis may be required.
3. The use will reduce vehicle miles traveled (VMT) between residents and existing neighborhood commercial locations.

24.100 APPROVAL CRITERIA

A. The approval criteria of Section [55.100](#), Design Review, shall apply to non-exempted projects per Section [55.025](#). Single-family detached, single family attached, and duplex residential units proposed shall comply with the provisions of Chapter 43 at time of building permit application. (Ord. 1463) (Ord 1547)

B. The application shall also demonstrate compliance with the following criteria:

1. The proposal shall preserve the existing amenities of the site to the greatest extent possible by relating the type and design of the development to the topography, landscape features, and natural amenities existing on the site and in the vicinity.
2. The proposed PUD shall provide a desirable, attractive, and stable environment in harmony with that of the surrounding area through thorough, well developed, detailed planning and by comprehensively correlating the provisions of this Code and all applicable adopted plans.
3. The placement and design of buildings, use of open spaces, circulation facilities, off-street parking areas, and landscaping shall be designed to best utilize the potentials of the site characterized by special features of geography, topography, size, and shape.
4. The PUD shall be developed so that it is compatible with neighboring development in terms of architecture, massing, and scale. Where that cannot be accomplished, appropriate transitions shall be provided that are deferential or sympathetic to existing development.

C. All densities, density transfers, transitions, density bonuses, and proposed setbacks shall conform to provisions of this chapter as required by Sections [24.080](#), [24.110](#) to [24.170](#) inclusive.

24.110 RESIDENTIAL DENSITY CALCULATIONS

A. The PUD allows density to be transferred on residential portions of the site. The following sections explain how the allowed number of dwelling units per acre is calculated. The standards are also intended to ensure that PUDs and adjoining developments are compatible and maintain a sense of neighborhood unity.

B. Net acres for land to be developed with detached single-family dwellings, or multi-family dwellings including duplexes, is computed by subtracting the following from the gross acres:

1. Any land area which is included in a boundary street right of way or water course, or planned open space areas if density transfer is not requested.
2. An allocation of 25 percent for public or private facilities (e.g., streets, paths, right-of-way, etc.) or when a tentative plat or plan has been developed, the total land area allocated for public or private facilities.
3. A lot of at least the size required by the applicable base zone, if an existing dwelling is to remain on the site.

C. The allowed density or number of dwelling units on the site, subject to the limitations in Sections [24.140](#) and [24.150](#) is computed by dividing the number of square feet in the net acres by the minimum number of square feet required for each lot, by the base zone.

24.120 EXAMPLES OF RESIDENTIAL DENSITY CALCULATIONS

When density is to be transferred on a land area with Type I or Type II land, the following procedure will apply:

EXAMPLE

FACTS:

RIGHT OF WAY:

PUBLIC	(59,677 sq. ft.)	
PRIVATE	(33,106 sq. ft.)	2.13 AC

OPEN SPACE:

DEDICATION TO CITY	(60,113 sq. ft.)	
COMMON OWNERSHIP	(2,614 sq. ft.)	1.44 AC

SINGLE FAMILY USE:

TYPE I & II LANDS	(104,000 sq. ft.)	
TYPE III & IV LANDS	(197,433 sq. ft.)	6.92 AC

GROSS SITE AREA:		10.49 AC
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DENSITY CALCULATIONS:

	GROSS SITE AREA	10.49 AC.
(-)	RIGHT OF WAY	2.13 AC.
	NET SITE AREA	8.36 AC.

OPEN SPACE:

(1.44 Ac. x 100% transfer – 10,000 sq. ft. min. lot size) = 6.27 lots

TYPE I & II LANDS DEVELOPED

(104,000 sq. ft. x 50% developable – 10,000 sq. ft. min. lot size) = 5.2 lots

TYPE III & IV LANDS DEVELOPED

(197,435 sq. ft. x 100% developable – 10,000 sq.ft. min. lot size) = 19.74 lots

TOTAL ALLOWED DENSITY: 31 LOTS

24.130 ALLOWABLE DENSITY ON TYPE I AND II LANDS

A. This table relates to the allowed density of development on Type I and II lands. Development means when the footprint of a home is placed on Type I or II lands, or when over 50 percent of the lot comprises Type I or II lands. Generally speaking, the greater the constraints, the lower the density; and the lower the constraints, the higher the allowable density.

Please note that density transfers from constrained lands generally allows a 50–100 percent transfer. The rationale for only a 50 percent transfer is that these lands have historically been of marginal development value (e.g., wetlands, 52 percent slopes, etc.); so to say those lands should have the same 100 percent development value and potential as less constrained lands, would be wrong since they are tougher to build on and they are generally appraised at a lower land value than flatter, more developable sites.

There are three categories of allowable density: 1) “building not allowed;” 2) allowable density “when developed;” and, 3) allowable density “when transferred.” The first category means that no building is allowed in, for example, slopes over 50 percent or in wetlands. The prohibition is represented by an “X.” The second category means that if a developer wants to develop an area, that it can only be developed at 50 percent of normal density or not at all. The third category, “when transferred,” explains what percentage of the normal density of the Type I and II lands can be transferred to on-site non Type I and II lands.

B.

Type I or Type II lands	Allowable Density*		
	Building Not Allowed	When Developed	When Transferred
Slopes			
25 - 35%		50%**	75%
35 - 50%		X	75%
More than 50%	X	X	50%
Confirmed Land Slide Hazards			
	X	X	50%
Flood Management			
100 year flood plain	X	X	50%
Floodway	X	X	50%
Water Quality Resource Area			
	X	X	50%
Significant Natural Areas			
	X	X	50%
Significant Tree/Tree Clusters on Type I and II Lands			
	X	X	50%
Significant Tree/Tree Clusters on Non-Type I and II Lands			
	X	X	100%
(ORD. 1408)			
Planned Public Open Space/Regional Storm Treatment Facility***			
	X	X	100%

* Development of single-family detached residences on pre-existing lots of record are exempt from this chart; most restrictive density governs in the event of conflict or overlap.

** The "50 percent allowable density when developed" means that if we reduce the number of homes on constrained lands, we reduce the hazard potential which typically increases with higher density and increased site disturbance. Consequently, the density is reduced in half (50%). That means that to develop on a predominantly steep lot would require twice the minimum lot size of the underlying zone (e.g., you would need a 20,000 square foot lot in the R-10 zone). When Type I and II lands are to be developed, the 70 percent rule shall not apply to those areas; it shall only apply to the developable net area as defined in CDC Section 85.200(j)(7).

(ORD. 1408)

24.140 TRANSITIONS AND LIMITATIONS ON DENSITY TRANSFER

A. Because the PUD and the provisions of this chapter allow increased residential densities and various housing types, it is necessary that some kind of transition be provided between the project site and the surrounding properties. These transitions will, for example, mitigate the impacts of multi-family housing next to single-family housing. Transitions are not required in all cases, however. The following exceptions shall apply:

1. Single-family PUD next to single-family non-PUD does not
2. require a transition (e.g., even though it is R-5 single-family next to R-10, etc.).

Also, similar type housing does not need to transition (e.g., duplex next to duplex).

2. Two housing units attached side by side by common wall are considered compatible with detached single-family units; but,
3. More than two attached housing units (e.g., a triplex) are not considered compatible with a single-family detached unit; however,
4. Where a proposed residential unit is to be located at least 200 feet from the nearest existing single family home, the provisions of Section 24.140(B)(1-5) below shall not apply. The 200-foot transition must be on the subject property. All parking and access shall be a 20-foot minimum setback from abutting property line, unless the approval authority, based upon the City Engineer's recommendation, approves a circulation plan which supports reduced transition to accommodate joint access between adjoining properties.

B. Where transitions are required, they shall be satisfied by at least one of the following provisions:

1. An intervening street or driveway that is existing, platted or specifically proposed in the Transportation Master Plan and has a minimum width of 24 feet.
2. Natural topography such as a drainageway or wetland that provides adequate horizontal separation (minimum 40 feet), or a cliff or embankment that provides adequate vertical separation which shall be defined as having the PUD site at least 10 feet below the abutting non-PUD site, plus vegetation for adequate screening. The natural topography may be on an adjoining parcel.
3. Man-made berm (5 feet minimum height) with landscaping for adequate screening with a 40-foot minimum width. This transition must be on the subject parcel.
4. The on-site lot sizes for detached single-family homes adjacent to each property line shall not be smaller than a lot 75 percent of the minimum size of the lot size allowed on the abutting lots by the applicable zone, or 7,000 square feet, whichever is less; or,
5. A horizontal separation of at least 200 feet between on- and off-site structures. The 200-foot transition must be on the subject site.

24.150 DENSITY BONUSES

A. Although the density may be reduced by Section 24.130 above, applicants are encouraged to seek density bonus credits under such categories as "site planning and design excellence." The permitted number of dwelling units may be increased up to 29 percent above those computed under the formula above based on a finding of the Planning Director

that the Density Bonus credits have been satisfied as set forth in the following section and in Section [24.160](#):

B. **Site planning and design excellence** allows additional units up to the maximum indicated on the chart when excellence in site planning and building design is demonstrated with respect to neighborhood compatibility, recreation space, security and crime prevention, and livability of on site environment, as determined through design review. Examples of quality design features which may be used to address the foregoing include, but are not limited to:

1. Maximum retention and integration of natural features into site design in addition to open space areas dedicated to the City. (ORD. 1463)
2. Minimize impervious surfaces. Locate parking facilities and garages at the rear of buildings accessed by alleys. De-emphasis of the automobile is encouraged through placement of parking at side or rear of buildings (reference Section [55.100\(A\)\(2\)](#)).
3. Maximize recreation and open spaces in addition to open space areas dedicated to the City. (ORD. 1463)
4. Superior landscape plan in terms of quantity of materials and quality represented by size of plant/tree, variety of plant/tree, and mix to allow seasonal colors. The landscape plan should incorporate available natural site features (e.g., rock outcroppings, creeks, etc.). The landscape plan should relate to or complement on-site buildings, frame views, and show sensitivity to the micro-climate. Other landscape elements may include rockeries, ornamental pools, and pathways.
5. Architectural design that emphasizes high quality materials, finish, texture, and craftsmanship. Architectural complexity and richness of detail are sought. Contextual design that draws from the predominant architecture of the area is preferred over contrasting design. Only examples of manifestly outstanding contrasting design would be acceptable alternatives to the contextual approach. The design should accommodate the human scale with multiple light windows, appropriately scaled entryways, and porches. Facades should be broken up into multiple elements, both horizontally and vertically. Variations in the building silhouette and depth is also desirable.
6. Integration of various housing types and densities supported by neighborhood commercial uses and basic services.
7. Well articulated pedestrian and bikeway path system and public transit system, if applicable, that unifies the development site and connects with adjacent development and destinations. Transit facilities are important. (ORD. 1463)

C. The City shall encourage and assist in the accumulation of density bonus developments. The final density allowed will depend on the following factors:

1. The amount of density allowed shall be rounded up to the next figure when any partial figure of one-half or greater results from adding the percentage density increase to the base density.
2. The development shall be subject to all applicable development standards of this ordinance. The Planning Director may recommend that the proposed design of the development be modified to ensure that development standards are satisfied. Modifications of design may include, but are not limited to the following:
 - a. Reduction in building coverage.

- b. Clustering of buildings.
- c. Redesign of parking or street layout.
- d. Protection of resource areas.

24.160 DENSITY BONUS CHART

The cumulative density bonus for all categories except for design excellence or low cost housing cannot exceed 20 percent. To achieve the maximum 29 percent density bonus, the application must qualify for the low cost housing bonus, the design excellence bonus, or both. (ORD. 1463)

Bonus Category	LOW DENSITY % of increase (R-20,15,10,7, 40)	MEDIUM DENSITY % of increase (R 5 & 4.5)	HIGH DENSITY % of increase (R 2.1, 3.0)
1. Low Cost Housing: At least 20 percent of the dwelling units must qualify and be approved for lower income occupants under a federal, state, or local program. (See also senior housing bonus associated with R-4.5, R-3 and R-2.1 zones)	5%	8%	8%
2. Common wall units: At least 20 percent of the dwelling units must be common wall.	5%	n/a	n/a
3. Park Dedication: Improved site area is dedicated and accepted by the City or other public agency, as usable, accessible park land. In Tanner Basin, where System Development Charge (SDC) credits are given for certain dedications of open space, the density bonus may result in reduced SDC compensation.	5%/1/2 ac.	8%/1/2 ac.	4%/1/2 ac.
4. Design Excellence: The development satisfies the criteria for exceptional design, pursuant to 24.150.	15%	15%	15%
5. Natural Area/Resource Dedication of non-constrained lands (Type I and II lands and lands devoted to preservation of significant trees) pursuant to CDC Section Includes, but is not limited to trails, paths, trail-head construction where appropriate. The City has the authority to refuse such dedication for the purpose of bonus density if the City determines that the dedication would provide no significant benefits to the City.	5%/1/2 ac.	5%/1/2 ac.	5%/1/2 ac.

(ORD. 1463)

NOTE: To interpret the above table, 8%, for example, means the development may increase density by that amount. The "5%/¼ ac." notation means that density can increase by 5% for every ¼-acre of park land that is dedicated.

24.170 USABLE OPEN SPACE REQUIRED

Residential planned unit developments (PUDs) shall comply with the following usable open space requirements:

1. PUDs that contain multi-family units shall comply with the requirements of Section [55.100\(F\)](#).
2. PUDs that contain 10 or more single-family detached, single-family attached, or duplex residential units shall comply with the following usable open space requirements.
 - a. The plan shall include an open space area with at least 300 square feet of usable area per dwelling unit.
 - b. The usable open space shall meet the design requirements of Section [55.100\(F\)\(2\)](#).
 - c. The usable open space shall be owned in common by the residents of the development unless the decision-making authority determines, based upon a request from the applicant and the recommendation of the City Director of Parks and Recreation, that the usable open space should be dedicated to the City for public use. If owned in common by the residents of the development then a homeowner's association shall be organized prior to occupancy to maintain the usable open space.
 - d. If the usable open space contains active recreational facilities such as hard surface athletic courts or swimming pools, then the usable open space area shall not be located on the perimeter of the development unless buffered by a transition pursuant to CDC Section [24.140\(B\)](#).
(ORD. 1463)

24.180 APPLICABILITY OF THE BASE ZONE PROVISIONS

The provisions of the base zone are applicable as follows:

- A. Lot dimensional standards. The minimum lot size and lot depth and lot width standards do not apply except as related to the density computation under Chapter 24.
- B. Lot coverage. The lot coverage provisions of the base zone shall apply for detached single-family units. For single-family attached residential units, duplex residential units, and multiple-family residential units, the following lot coverage provisions shall apply, based upon the underlying base zone.

R-40, R-20	35 percent
R-15	40 percent
R-10, R-7	45 percent
R-5, R-4.5	50 percent
R-3, R-2.1	60 percent

(ORD. 1442)

- C. Building height. The building height provisions of the underlying zone shall apply.
- D. Structure setback provisions.

1. Setback areas contiguous to the perimeter of the project shall be the same as those required by the base zone unless otherwise provided by the base zone or Chapter 55.

2. The side yard setback provisions shall not apply except that all detached structures shall maintain a minimum side yard setback of five feet, or meet the Uniform Building Code requirement for fire walls.

3. The side street setback shall be 10 feet.

4. The front yard and rear yard setbacks shall be 15 feet. Porches may encroach forward another five feet. Additional encroachments, such as porches, are allowed per CDC Chapter [38](#).

5. The setback for a garage in the front yard that opens onto the street shall be 20 feet unless the provisions of Section [41.010](#) apply. Garages in the rear yard may meet the standards of Section [34.050](#).

6. The applicant may propose alternative setbacks. The proposed setbacks must be approved by the decision-making body and established as conditions of approval, or by amendment to conditions of approval. The decision-making body will consider among other things maintenance of privacy, adequate light, defensible space, traffic safety, etc.

E. All other provisions of the base zone shall apply except as modified by this chapter.

24.190 PUD AMENDMENT TRIGGER

Amendments to PUDs shall be required when 10 percent or more of the housing type changes (e.g., from single-family units to multi-family units) from the tentatively approved PUD plan, or when there is more than a 10 percent change in the number of units, or when the layout of streets and lots significantly changes. Amendments shall require review per Section [99.120](#).

(AMENDED PER ORD. 1474; 9/01; ORD. 1547; 2/07)

Chapt. 43 SINGLE-FAMILY AND DUPLEX RESIDENTIAL SIDE-YARD TRANSITIONS

43.010 PURPOSE

New homes, both infill and in new subdivisions, particularly new homes around the perimeter of the new subdivision, need to be compatible with adjacent existing homes especially when the new house is bigger than the existing one. To this end, transitions shall be required to avoid a monolithic and overbearing sidewall.

43.020 APPLICABILITY

These provisions shall apply to all new home construction and remodels in West Linn except in the following areas:

- 1) The Willamette Historic District
- 2) Historic Landmark Structures

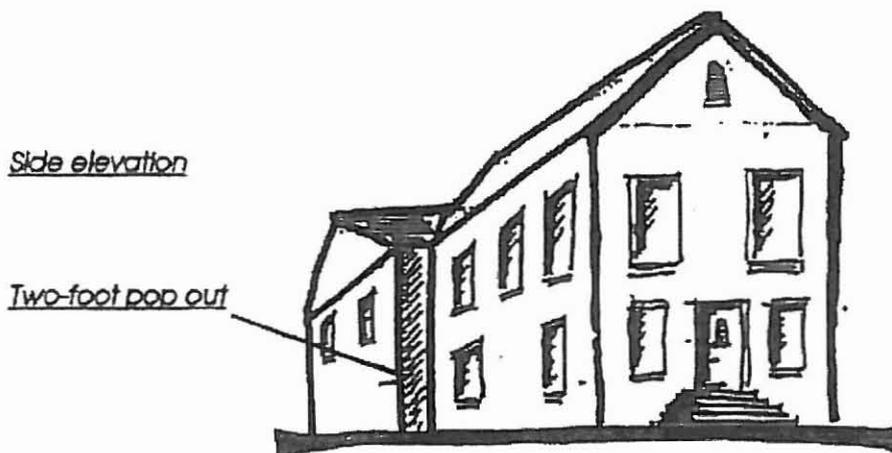
43.030 ADMINISTRATION

The Planning Director shall apply the standards of this chapter during the administrative review of building permits. No notice is required. In the event that an individual or other party wants to appeal the Planning Director's decision relative to this chapter, they may appeal the decision to City Council within 14 days of the final decision per CDC 99.140 and 99.150. For the purpose of determining the date of the final decision it shall be the Planning Department's stamped approval date on the plans.

43.040 GENERAL PROVISIONS

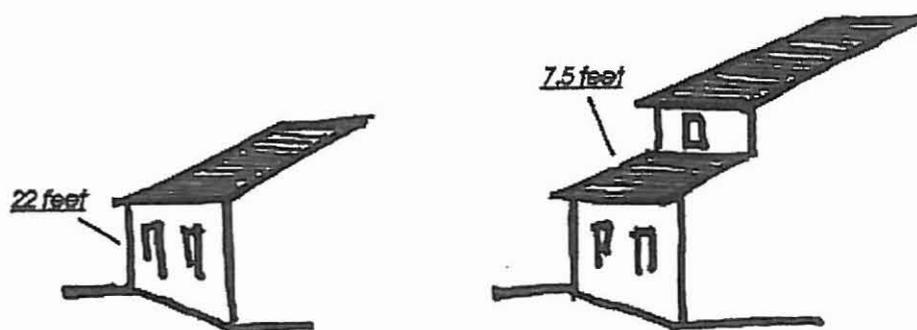
New house construction or remodels to the side wall of existing homes shall transition to homes on either side by one of two methods (A), (B) or satisfy one of the exemptions (C)(1-6) listed below.

A. The side elevation of the house must be divided into smaller areas or planes to minimize the appearance of bulk when viewed from the neighboring properties or a side street. When the side elevation of the house is more than 700 square feet in area, the elevation must be divided into distinct planes of 700 square feet or less. For the purpose of this standard, a distinct plane is created when there is a recessed or projecting section of the structure, that projects or recedes at least two feet, for a length of at least six feet.



700 square foot of vertical space on side elevation (any combination of height X width) requires a two-foot indentation or pop out

B. The height of the sidewall shall not exceed 22 feet as measured from grade at the mid-point of the sidewall to the eaves. Sidewall can resume vertically after minimum 7.5'



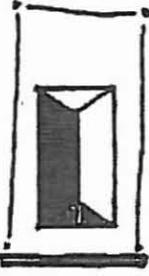
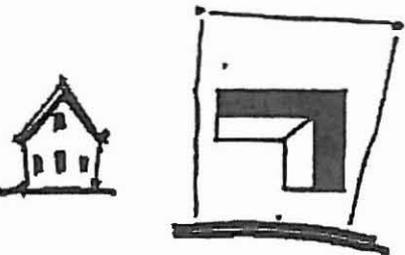
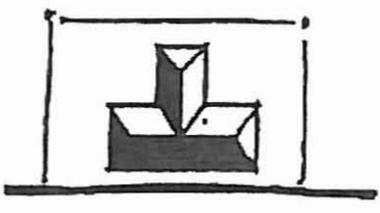
setback.

Sidewalls less than 22 feet high to eaves from average grade are exempt from pop-out/indentation requirement. Sidewall can resume vertically if set back 7.5 feet.

C. Exemptions

1. Exempt the side of homes that are built 20 feet or more from the side lot line.
2. Exempt homes on steep lots where the peak of the roof would be no more than 24 feet above the average street grade.
3. Exempt homes on narrow lots 50 feet wide or less shall be allowed a minimum side-to-side width of 30 feet for floors above the first floor. The 30-foot wide floor shall be able to accommodate a nine-foot floor-to-ceiling measurement on the second floor.
4. Exempt homes whose side yards are contiguous to an open space, unbuildable area, or non-residentially zoned lands are exempt. (No exemption if adjacent to a park.)
5. Exempt houses that have the gable end facing the side lot line are exempt.
6. Replacement in kind of building materials on the sidewall of an existing house shall be exempt. For example, the replacement of siding would be exempt.

EXEMPTIONS FROM SIDE WALL STANDARD

<p>Homes on steep lots Where the roof would be No more than 24' above Average street grade</p>	
<p>Homes on lots 50' wide Or less can have second Floor width of at least 30 feet</p>	
<p>Homes next to Open space, etc.</p>	
<p>Homes with the gable end Facing the side lot line</p>	
<p>Homes that are built 20' Or more from the side lot line</p>	

43.050 VARIANCE

In cases where the sidewall transitions and/or exemptions do not reasonably accommodate a house design, the applicant may apply for a Class II Variance under CDC Chapter 75.

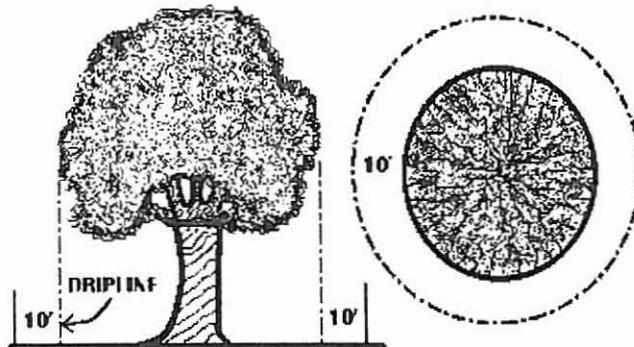
Chapt. 55.100 APPROVAL STANDARDS -

B. Relationship to the natural and physical environment.

1. The buildings and other site elements shall be designed and located so that all heritage trees, as defined in the Municipal Code, shall be saved. Diseased heritage trees, as determined by the City Arborist, may be removed at his/her direction.

2. All heritage trees, as defined in the Municipal Code, all trees and clusters of trees (cluster is defined as three or more trees with overlapping driplines; however, native oaks need not have an overlapping dripline) that are considered significant by the City Arborist, either individually or in consultation with certified arborists or similarly qualified professionals, based on accepted arboricultural standards including consideration of their size, type, location, health, long term survivability, and/or numbers, shall be protected pursuant to the criteria of subsections 2(a-f) below. In cases where there is a difference of opinion on the significance of a tree or tree cluster, the City Arborist's findings shall prevail. It is important to acknowledge that all trees are not significant and, further, that this code section will not necessarily protect all trees deemed significant.

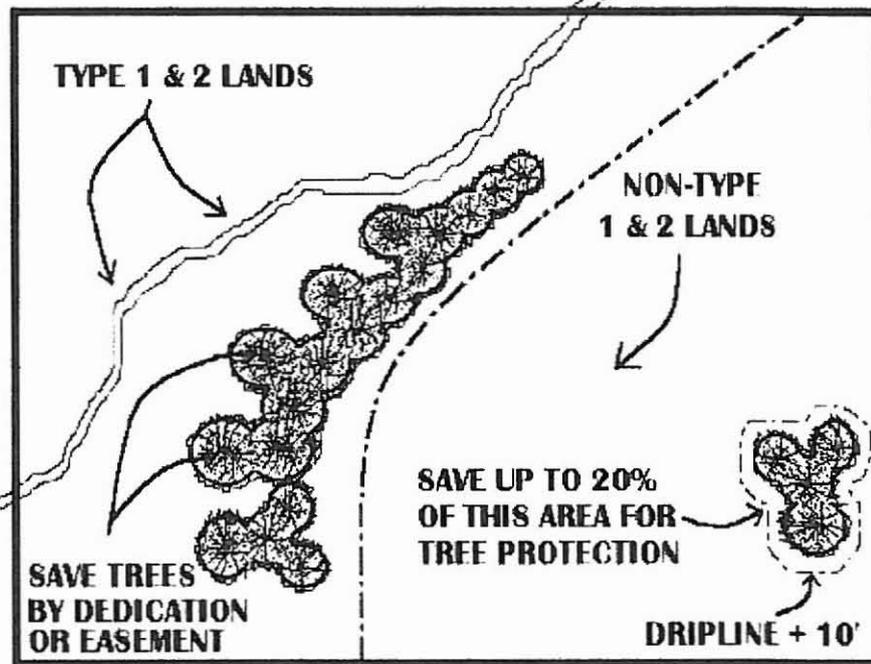
a. Non-residential and residential projects on Type I and II lands shall protect all heritage trees and all significant trees and tree clusters by either the dedication of these areas or establishing tree conservation easements. Development of Type I and II lands shall require the careful layout of streets, driveways, building pads, lots, and utilities to avoid heritage trees and significant trees and tree clusters, and other natural resources pursuant to this code. The method for delineating the protected trees or tree clusters ("dripline + 10 feet") is explained in subsection (b) below. Exemptions of subsections (c), (e), and (f) below shall apply.



PROTECTED AREA = DRIPLINE + 10 FEET

b. Non-residential and residential projects on non-Type I and II lands shall set aside up to 20 percent of the area to protect trees and tree clusters that are determined to be significant, plus any heritage trees. Therefore, in the event that the City Arborist determines that a significant tree cluster exists at a development site, then up to 20 percent of the non-Type I and II lands shall be devoted to the protection of those trees, either by dedication or easement. The exact percentage is determined by establishing the driplines of the trees or tree clusters that are to be protected. In order to protect the roots which typically extend further, an additional 10-foot measurement beyond the dripline shall be

added. The square footage of the area inside this “dripline plus 10 feet” measurement shall be the basis for calculating the percentage (see figure below). The City Arborist will identify which tree(s) are to be protected. Development of non-Type I and II lands shall also require the careful layout of streets, driveways, building pads, lots, and utilities to avoid significant trees, tree clusters, heritage trees, and other natural resources pursuant to this code. Exemptions of subsections (c), (e), and (f) below shall apply. Please note that in the event that more than 20 percent of the non-Type I and II lands comprise significant trees or tree clusters, the developer shall not be required to save the excess trees, but is encouraged to



METHOD OF PERCENTAGE CALCULATION

do so.

E.G., DRIPLINE + 10 FT. AREA = 2,500 SQ. FT. OR 18% OF TOTAL NON-TYPE I AND II LAND DENSITY CALCULATIONS FOR THIS PARCEL WILL BE BASED ON REMAINING NET SQ. FOOTAGE OF SITE (EXCLUDING THE 2,500 SQ. FT.)

c. Where stubouts of streets occur on abutting properties, and the extension of those streets will mean the loss of significant trees, tree clusters, or heritage trees, it is understood that tree loss may be inevitable. In these cases, the objective shall be to minimize tree loss. These provisions shall also apply in those cases where access, per construction code standards, to a parcel is blocked by a row or screen of significant trees or tree clusters.

d. For both non-residential and residential development, the layout shall achieve at least 70 percent of maximum density for the developable net area. The developable net area excludes all Type I and II lands and up to 20 percent of the remainder of the site for the purpose of protection of stands or clusters of trees as defined in CDC Section 55.100(B)(2).

e. For arterial and collector street projects, including Oregon Department of Transportation street improvements, the roads and graded areas shall avoid tree clusters where possible. Significant trees, tree clusters, and heritage tree loss may occur, however, but shall be minimized.

f. If the protection of significant tree(s) or tree clusters is to occur in an area of grading that is necessary for the development of street grades, per City construction codes, which will result in an adjustment in the grade of over or under two feet, which will then threaten the health of the tree(s), the applicant will submit evidence to the Planning Director that all reasonable alternative grading plans have been considered and cannot work. The applicant will then submit a mitigation plan to the City Arborist to compensate for the removal of the tree(s) on an "inch by inch" basis (e.g., a 48-inch Douglas Fir could be replaced by 12 trees, each 4-inch). The mix of tree sizes and types shall be approved by the City Arborist.

3. The topography and natural drainage shall be preserved to the greatest degree possible. (ORD. 1408)

4. The structures shall not be located in areas subject to slumping and sliding. The Comprehensive Plan Background Report's Hazard Map, or updated material as available and as deemed acceptable by the Planning Director, shall be the basis for preliminary determination.

5. There shall be adequate distance between on site buildings and on site and off site buildings on adjoining properties to provide for adequate light and air circulation and for fire protection.

Chapt. 85 Approval criteria

B. Blocks and Lots

3. Lot Size and Shape. Lot size, width, shape, and orientation shall be appropriate for the location of the subdivision, for the type of use contemplated, for potential utilization of solar access, and for the protection of drainageways, trees, and other natural features. No lot shall be dimensioned to contain part of an existing or proposed street. All lots shall be buildable, and the buildable depth should not exceed two and one half times the average width. Buildable describes lots that are free of constraints such as wetlands, drainageways, etc., that would make home construction impossible. Lot sizes shall not be less than the size required by the zoning code unless as allowed by Planned Unit Development (PUD). (ORD. 1401)

Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off street parking and service facilities required by the type of use proposed.

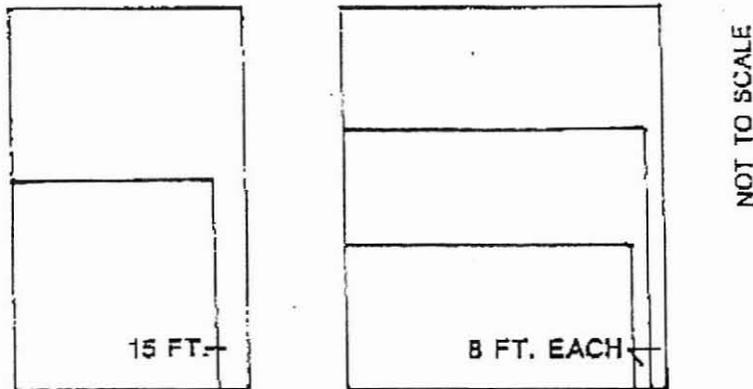
4. Access. Access to subdivisions, partitions, and lots shall conform to the provisions of Chapter 48, Access.

5. Through Lots and Parcels. Through lots have frontage on a street at the front and rear of the lot. They are also called double frontage lots. Through lots and parcels shall be avoided except where they are essential to provide separation of residential development from arterial streets or adjacent non-residential activities, or to overcome specific disadvantages of topography and orientation. A planting screen or impact mitigation easement at least 10 feet wide, and across which there shall be no right of access, may be required along the line of building sites abutting such a traffic artery or other incompatible use.

6. Lot and Parcel Side Lines. The lines of lots and parcels, as far as is practicable, should run at right angles to the street upon which they face, except that on curved streets they should be radial to the curve.

7. Flag Lots. Flag lots can be created where it can be shown that no other reasonable street access is possible to achieve the requested land division. A single flag lot shall have a minimum street frontage of 15 feet for its accessway. Where two to four flag lots share a common accessway, the minimum street frontage and accessway shall be 8 feet in width per lot. Common accessways shall have mutual maintenance agreements and reciprocal access and utility easements. The following dimensional requirements shall apply to flag lots:

FLAGLOT STEMS



- a. Setbacks applicable to the underlying zone shall apply to the flag lot.
 - b. Front yard setbacks may be based on the rear property line of the parcel which substantially separates the flag lot from the street from which the flag lot gains access. Alternately, the house and its front yard may be oriented in other directions so long as some measure of privacy is ensured, or it is part of a pattern of development, or it better fits the topography of the site.
 - c. The lot size shall be calculated exclusive of the accessway; the access strip may not be counted towards the area requirements.
 - d. The lot depth requirement contained elsewhere in this Code shall be measured from the rear property line of the parcel which substantially separates the flag lot from the street
from which the flag lot gains access.
 - e. As per Section 48.030, the accessway shall have a minimum paved width of 12 feet.
 - f. If the use of a flag lot stem to access a lot is infeasible because of a lack of adequate existing road frontage, or location of existing structures, the proposed lot(s) may be accessed from the public street by an access easement of a minimum 15 foot width across intervening property. (ORD 1442)
8. Large Lots. In dividing tracts into large lots or parcels which, at some future time, are likely to be redivided, the approval authority may require that the blocks be of such size and shape, and be so divided into building sites, and contain such easements and site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller size. Alternately, in order to prevent further partition of oversized lots, restrictions may be imposed on the subdivision or partition plat.