CITY OF
West Linn

CITY OF WEST LINN
PLANNING COMMISSION PUBLIC HEARING
DATE: August 5, 2009

FILE NO.: CDC-08-03 – REGULATORY IMPROVEMENT PACKAGE

REQUEST: MINOR AMENDMENTS TO CDC CHAPTERS 2, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 21, 22, 23, 24, 28, 35, 37, 46, 48, 52, 55, 60, 66, 81, 85, 96, 98 & 99.

CITY OF WEST LINN
PLANNING & BUILDING DEPT.
MEMORANDUM

TO: West Linn Planning Commission (August 5, 2009 mtg.)

FROM: West Linn Planning Staff (Chris Kerr, Acting Planning Director)

DATE: July 23, 2009

FILE NO.: CDC 08-03

SUBJECT: Regulatory improvement package to clarify and update the CDC; includes minor amendments to various CDC Chapters.

Planning Director's Initials

SPECIFIC DATA

DESCRIPTION: These Community Development Code (CDC) amendments are intended to clarify and update the City's CDC. They are being presented as one "Regulatory Improvement Package" and are specifically related to the following sections of the CDC: Definitions, Zoning District Regulations, Planned Unit Development, Off-street Parking, Access, Home Occupations, Signs, Conditional Uses, Boundary Changes, Land Divisions, Decision-making procedures, Temporary Uses and Structures, and Design Review.

APPROVAL CRITERIA: CDC Chapter 98 provides administrative procedures for legislative amendments to the CDC. Section 98.100 lists the factors upon which a decision shall be based:

1. The Statewide Planning Goals and rules adopted under ORS Chapter 197 and other applicable state statutes;
2. Any federal or state statutes or rules found applicable;
3. Applicable plans and rules adopted by the Metropolitan Service District;

4. The applicable Comprehensive Plan policies and map; and,
5. The applicable provisions of implementing ordinances.

PUBLIC NOTICE: Public notice was printed in the West Linn Tidings on July 23, 2009. Notice was provided to the Oregon Department of Land Conservation and Metro. The notice requirements have been satisfied. Additional notice was provided to Metro and each of the neighborhood associations on July 17, 2009. Additionally, the Planning Commission held a public worksession to review the amendments on July 1, 2009.

PUBLIC COMMENTS: None to date. Any comments received after this report will be presented at the public hearing.

120-DAY RULE: Not applicable to this legislative action.

BACKGROUND:

The City periodically processes amendments to its CDC which are intended to clarify and update the City's Code. Most of the proposed amendments are inconsequential corrections related to formatting, Code consistency, and scriveners errors. Others provide additional clarity to specific provisions of the CDC or address 'real world' situations (**Bolded** below are the Chapters that include amendments that likely require the greatest scrutiny). Specific amendments proposed in this package include:

- *Scriveners errors* under the several zoning districts related to 'transportation facilities';
- *Scriveners errors* under the several zoning districts related to temporary uses;
- Chapter 24 - Planned Unit Development- amended for *formatting purposes* to clarify the applicant's requirement to meet with Neighborhood Associations prior to submitting an application with the City;
- **Chapter 35** - Temporary uses and structures- Language has been added to require a temporary use permit for storage 'Pods' which have become more common in the City. The proposed language requires a temporary use permit if they are proposed to remain on site for more than three (3) days;
- Chapter 37 – Home Occupation –Amended *scriveners errors* to provide greater *clarification,* to explain how a 'trip' is measured;
- Chapter 46 - Off-street Parking- amended to update the parking table to include the State changes regarding wheelchair labeling and van accessible spaces;
- **Chapter 48** – Access – amended to allow for greater options for certain driveways to residences to reduce unnecessary impervious surface areas;
- **Chapter 52** – Temporary Signs – the CDC Table related to temporary signs has proven, in practice, to be confusing. Staff has proposed changes to the

Table intended to be consistent with our current practices and to provide for greater clarity;

- Chapter 55 – Design Review – new language is proposed to require applicants to identify constrained lands and other approved Goal 5 resources with their submittals;
- Chapter 60 – Conditional Uses – new language proposed to ensure pedestrian connectivity near schools and other significant public use areas;
- Chapter 81 - Zoning Designations – corrections to *scriveners errors* related to City's current zoning classifications;
- Chapter 85 - Land Division - correct *scriveners errors* and to modify the requirement for a 'blanket utility easement' on lots. This is no longer a practice in the city or a requirement of the County surveyor or utility providers;
- Chapter 96 - Street Improvements – Clarification of language related to sidewalk requirements. The proposed language is intended to provide clearer guidance related to required street improvements that are not found in the Transportation System Plan (TSP);
- **Chapter 99 -** Procedures for Quasi-judicial Decision-making – Provide additional details for notice requirements to neighborhood associations and, clarify the distinction between when a decision is 'final' and when a decision becomes 'effective'.

The exact amendments proposed are provided in Attachment "A" in a format that incorporates a bold strike-through for deletions and a bold underline for additions.

All of the changes are consistent with the intent and purpose of the Comprehensive Plan and will satisfy the applicable criteria of Section 98.100 of the CDC. Many are needed updates and address issues that have recently been brought to the surface (e.g. finality of decisions and effective dates, noticing procedures, etc.) and will clarify certain regulations to be more easily understood by the general public and the development community.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission forward these changes to the City Council with a recommendation for approval.

dev rev/staff reports2009/CDC 08-03-regulatory improvement pkg

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02.030 SPECIFIC WORDS AND TERMS

Flood, base. The flood having a one percent chance of being ~~equalled~~equaled or exceeded in any given year.

Non-conforming structure or use. A lawful existing structure or use, at the time the ordinance codified in this title or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.

08.000 SINGLE FAMILY RESIDENTIAL DETACHED, R-40

08.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

A. The following standards apply to all development including permitted uses:

1. Chapter 34, Accessory Structures.
2. Chapter ~~36~~35, Temporary Uses.
3. Chapter 38, Additional Yard Area Required, Exceptions to Yard Requirements, Storage in Yards and Projections into Yards.
4. Chapter 40, Building Height Limitations and Exceptions.
5. Chapter 41, Structures in Steep Lots, Exceptions.
6. Chapter 42, Clear Vision Areas.
7. Chapter 44, Fences and Screening of Storage Areas.
8. Chapter 46, Off-street Parking and Loading.
9. Chapter 48, Access.
10. Chapter 52, Signs.
11. Chapter 54, Installation and Maintenance of Landscaping.

B. The provisions of Chapter 55, Design Review, apply to all uses except detached single-family dwellings, residential homes and residential facilities.

09.000 SINGLE FAMILY RESIDENTIAL DETACHED, R-20

09.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

A. The following standards apply to all development including permitted uses:

1. Chapter 34, Accessory Structures.
2. Chapter ~~36~~35, Temporary Uses.
3. Chapter 38, Additional Yard Area Required, Exceptions to Yard Requirements, Storage in Yards and Projections into Yards.
4. Chapter 40, Building Height Limitations and Exceptions.
5. Chapter 41, Structures in Steep Lots, Exceptions.
6. Chapter 42, Clear Vision Areas.
7. Chapter 44, Fences and Screening of Storage Areas.
8. Chapter 46, Off-street Parking and Loading.
9. Chapter 48, Access.
10. Chapter 52, Signs.
11. Chapter 54, Installation and Maintenance of Landscaping.

B. The provisions of Chapter 55, Design Review, apply to all uses except detached single-family dwellings, residential homes and residential facilities. (ORD. 1308)

10.000 SINGLE-FAMILY RESIDENTIAL DETACHED, R-15

10.030 PERMITTED USES

The following uses are permitted outright in this zoning district: (ORD. 1578)

1. Community recreation.
2. Family day care. (ORD. 1226)
3. Residential home. (ORD. 1500)
4. Single-family detached residential unit.
5. Utilities, minor.
6. Transportation facilities (Type I).

10.060 CONDITIONAL USES

The following are conditional uses which may be allowed in this zoning district subject to the provisions of Chapter 60, Conditional Uses. (ORD. 1578)

1. Cultural exhibits and library services.
2. Lodge, fraternal and civic assembly. (ORD. 1378)
3. Public safety facilities.
4. Public support facilities. (ORD. 1377)
5. Recycle collection center.
6. Religious institution. (ORD. 1378)
7. Schools.
8. Senior center. (ORD. 1411)
9. Utilities, major. (ORD. 1565)
10. Transportation facilities (Type II) – see section 60.090 for additional approval criteria. (ORD. 1584)

10.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

A. The following standards apply to all development including permitted uses:

1. Chapter 34, Accessory Structures.
2. Chapter ~~36~~35, Temporary Uses.

3. Chapter 38, Additional Yard Area Required, Exceptions to Yard Requirements, Storage in Yards and Projections into Yards.
4. Chapter 40, Building Height Limitations and Exceptions.
5. Chapter 41, Structures on Steep Lots, Exceptions.
6. Chapter 42, Clear Vision Areas.
7. Chapter 44, Fences and Screening of Storage Areas.
8. Chapter 46, Off-Street Parking and Loading.
9. Chapter 48, Access.
10. Chapter 52, Signs.
11. Chapter 54, Installation and Maintenance of Landscaping.

B. The provisions of Chapter 55, Design Review, apply to all uses except detached single-family dwellings, residential homes and residential facilities.

11.000 SINGLE-FAMILY RESIDENTIAL DETACHED, R-10

11.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

A. The following standards apply to all development including permitted uses:

1. Chapter 34, Accessory Structures.
2. Chapter ~~36~~35, Temporary Uses.
3. Chapter 38, Additional Yard Area Required, Exceptions to Yard Requirements, Storage in Yards and Projections into Yards.
4. Chapter 40, Building Height Limitations and Exceptions.
5. Chapter 41, Structures on Steep Lots, Exceptions.
6. Chapter 42, Clear Vision Areas.
7. Chapter 44, Fences and Screening of Storage Areas.
8. Chapter 46, Off-street Parking and Loading.
9. Chapter 48, Access.
10. Chapter 52, Signs.
11. Chapter 54, Installation and Maintenance of Landscaping.

B. The provisions of Chapter 55, Design Review, apply to all uses except detached single-family dwellings, residential homes and residential facilities.

12.000 SINGLE-FAMILY RESIDENTIAL DETACHED AND ATTACHED, R-7

12.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

A. The following standards apply to all development including permitted uses:

1. Chapter 34, Accessory Structures.
2. Chapter ~~36~~35, Temporary Uses.
3. Chapter 38, Additional Yard Area Required, Exceptions to Yard Requirements, Storage in Yards and Projections.
4. Chapter 40, Building Height Limitations and Exceptions.
5. Chapter 41, Structures on Steep Lots, Exceptions.
6. Chapter 42, Clear Vision Area.
7. Chapter 44, Fences and Screening of Storage Areas.
8. Chapter 46, Off-street Parking and Loading.
9. Chapter 48, Access.
10. Chapter 52, Signs.
11. Chapter 54, Installation and Maintenance of Landscaping.

B. The provisions of Chapter 55, Design Review, apply to all uses except detached single-family dwellings, residential homes and residential facilities. (ORD. 1308)

13.000 SINGLE-FAMILY RESIDENTIAL/DETACHED AND ATTACHED/DUPLEX, R-5

13.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

A. The following standards apply to all development including permitted uses:

1. Chapter 34, Accessory Structures.
2. Chapter ~~36~~35, Temporary Uses.
3. Chapter 38, Additional Yard Area Required, Exceptions to Yard Requirements, Storage in Yards and Projections into Yards.
4. Chapter 40, Building Height Limitations and Exceptions.
5. Chapter 41, Structures on Steep Lots, Exception.
6. Chapter 42, Clear Vision Areas.
7. Chapter 44, Fences and Screening of Storage Areas.
8. Chapter 46, Off-street Parking and Loading.
9. Chapter 48, Access.
10. Chapter 52, Signs.

14.000 SINGLE-FAMILY RESIDENTIAL ATTACHED AND DETACHED/DUPLEX, R-4.5

14.060 CONDITIONAL USES

The following are conditional uses which may be allowed in this zoning district subject to the provisions of Chapter 60, Conditional Uses. (ORD. 1584)

1. Children's day care center.
2. Cultural exhibits and library services.
3. Lodge, fraternal and civic assembly. (ORD. 1378)
4. Medical and dental offices or clinic.
5. Nursing home.
6. Postal services.
7. Professional and administrative services.
8. Public safety facilities.
9. Public support facilities. (ORD. 1377)
10. Recycle collection center. (ORD. 1172)
11. Religious institution. (ORD. 1378)
12. Schools.
13. Senior center. (ORD. 1411)
14. Utilities, major.

16. Transportation facilities (Type II) see Section 60.060 for additional approval criteria (ORD. 1584)

14.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

A. The following standards apply to all development including permitted uses:

1. Chapter 34, Accessory Structures.
2. Chapter ~~36~~35, Temporary Uses.
3. Chapter 38, Additional Yard Area Required Exceptions to Yard Requirements, Storage in Yards and Projections into Yards.

4. Chapter 40, Building Height Limitations and Exceptions.
5. Chapter 41, Structures on Steep Lots, Exceptions.
6. Chapter 42, Clear Vision Areas.
7. Chapter 44, Fences and Screening of Storage Areas.
8. Chapter 46, Off-street Parking and Loading.
9. Chapter 48, Access.
10. Chapter 52, Signs.
11. Chapter 54, Installation and Maintenance of Landscaping.

B. The provisions of Chapter 55, Design Review, apply to all uses except detached single-family dwellings.

15.000 SINGLE-FAMILY AND MULTIPLE-FAMILY RESIDENTIAL, R-3

15.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

A. The following standards apply to all development including permitted uses:

1. Chapter 34, Accessory Structures.
2. Chapter ~~36~~35, Temporary Uses.
3. Chapter 38, Additional Yard Area Required, Exceptions to Yard Requirements, Storage in Yards and Projections into Yards.
4. Chapter 40, Building Height Limitations and Exceptions.
5. Chapter 41, Structures on Steep Lots, Exception.
6. Chapter 42, Clear Vision Areas.
7. Chapter 44, Fences and Screening of Storage Area.
8. Chapter 46, Off-street Parking and Loading.
9. Chapter 48, Access.
10. Chapter 52, Signs.
11. Chapter 54, Installation and Maintenance of Landscaping.

B. The provisions of Chapter 55, Design Review, apply to all uses except detached single-family dwellings, residential homes and residential facilities.

16.000 SINGLE-FAMILY AND MULTIPLE-FAMILY RESIDENTIAL, R-2.1

16.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

A. The following standards apply to all development including permitted uses:

1. Chapter 34, Accessory Structures.
2. Chapter ~~36~~35, Temporary Uses.
3. Chapter 38, Additional Yard Area Required, Exceptions to Yard Requirements, Storage in Yards and Projections into Yards.
4. Chapter 40, Building Height Limitations and Exceptions.
5. Chapter 41, Structures on Steep Lots, Exception.
6. Chapter 42, Clear Vision Areas.
7. Chapter 44, Fences and Screening of Storage Area.
8. Chapter 46, Off-street Parking and Loading.
9. Chapter 48, Access.
10. Chapter 52, Signs.
11. Chapter 54, Installation and Maintenance of Landscaping.

B. The provisions of Chapter 55, Design Review, apply to all uses except detached single-family dwellings.

18.000 NEIGHBORHOOD COMMERCIAL, NC

18.030 PERMITTED USES

The following are uses permitted outright in this zone:

1. Convenience grocery store.
2. Cultural exhibits and library services.
3. Family day care. (ORD. 1226)
4. Utilities, minor. (ORD. 1401)
5. Transportation facilities (Type I).

18.060 CONDITIONAL USES

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

1. Children's day care center.
13. Public safety facilities. (ORD. 1401)
14. Public support facilities. (ORD. 1401)
15. Transportation facilities (Type II). See Section 60.090 for additional approval criteria.

18.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

A. The following standards apply to all development including permitted uses:

1. Chapter 34, Accessory Structures.
2. Chapter ~~36~~35, Temporary Uses.
3. Chapter 38, Additional Yard Area Required, Exceptions to Yard Requirements, Storage in Yards and Projections into Yards.
4. Chapter 40, Building Height Limitations and Exceptions.
5. Chapter 42, Clear Vision Areas.

19.000 GENERAL COMMERCIAL, GC

19.030 PERMITTED USES

The following uses are permitted outright in this zone:

1. Agricultural sales.

19. Participant sports and recreation, indoor.
20. Personal service facilities.
23. Utilities, minor.
24. Cultural exhibits and library services.
25. Extended-hour businesses. CUPs shall be required when:
    a. New extended-hour business is proposed by construction of a new building.
    b. Expansion of the size of existing buildings for use by an extended-hour business is proposed.

(ORD. 1411)

26. Transportation facilities (Type I).

19.060 CONDITIONAL USES

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

1. Children's day care center.

b. Light.

19. Recycle collection center.
20. Transient lodging.
21. Postal services.
22. Religious institutions. (ORD. 1463)
23. Schools (with under 200 students). (ORD. 1463) (ORD 1523)
24. Transportation facilities (Type II). See Section 60.090 for additional approval criteria.

19.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

A. The following standards apply to all development including permitted uses:

1. Chapter 34, Accessory Structures.
2. Chapter ~~36~~35, Temporary Uses.
3. Chapter 38, Additional Yard Area Required, Exceptions to Yard Requirements, Storage in Yards and Projections into Yards.
4. Chapter 40, Building Height Limitations and Exceptions.
5. Chapter 42, Clear Vision Areas.
6. Chapter 44, Fences; Screening of Outdoor Storage.
7. Chapter 46, Off-street Parking and Loading.
8. Chapter 48, Access.
9. Chapter 52, Signs.
10. Chapter 54, Installation and Maintenance of Landscaping.

B. The provisions of Chapter 55, Design Review, apply to all uses except detached single-family dwellings.

21.000 OFFICE - BUSINESS CENTER, OBC

21.030 PERMITTED USES

The following uses are uses permitted outright in this zone:

1. Business equipment sales and services.

11. Professional and administrative services.

12. Utilities, minor.

(ORD. 1401)

13. Transportation facilities (Type I).

21.060 CONDITIONAL USES

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

1. Children's day care center.

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

10. Postal services.

11. Public safety ~~offices~~facilities.

12. Public support facilities.

(ORD. 1401)

13. Transportation facilities (Type II). See Section 60.090 for additional approval criteria.

21.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

A. The following standards apply to all development including permitted uses:

1. Chapter 34, Accessory Structures.

2. Chapter ~~36~~35, Temporary Uses.

3. Chapter 38, Additional Yard Area Required, Exceptions to Yard Requirements, Storage in Yards and Projections into Yards.
4. Chapter 40, Building Height Limitations and Exceptions.
5. Chapter 42, Clear Vision Areas.
6. Chapter 44, Fences; Screening of Outdoor Storage.
7. Chapter 46, Off-street Parking and Loading.
8. Chapter 48, Access.
9. Chapter 52, Signs.
10. Chapter 54, Installation and Maintenance of Landscaping.

B. The provisions of Chapter 55, Design Review, apply to all uses except detached single-family dwellings.

22.000 CAMPUS INDUSTRIAL, CI

22.030 PERMITTED USES

The following uses are permitted outright in this zone:

1. Research services.
6. Offices, except corporate headquarters or regional offices allowed under Section 22.030(5) above, and those offices specified as limited uses under Section 22.050(B), may occupy up to 70 percent of the total floor area of the development.
7. Participant sports and recreation: indoor and outdoor developed to serve primarily the recreational needs of residents and employees of the district.
8. Transportation facilities (Type I).

22.060 CONDITIONAL USES

A. The following are conditional uses which may be allowed in this zone subject to the provisions of Chapter 60, Conditional Use, and, in addition, the proposed use:

1. Will have minimal adverse impact on the appropriate development of permitted uses on abutting properties and the surrounding area considering location, size, design and operating characteristics of the use.
4. Will provide vehicular and pedestrian access, circulation, parking and loading areas which are compatible with similar facilities for uses on the same site or adjacent sites.
5. Transportation facilities (Type II). See Section 60.090 for additional approval criteria.

B. Uses allowed subject to the above conditions are:

1. Transient lodging and associated convention facilities. (ORD. 1172)
2. Heliports.
3. Retail and service commercial uses.

22.100 OTHER APPLICABLE DEVELOPMENT STANDARDS

A. The following standards apply to all development including permitted uses:

1. Chapter 34, Accessory Structures.
2. Chapter ~~36~~35, Temporary Uses.
3. Chapter 38, Additional Yard Area Required, Exceptions to Yard Requirements, Storage in Yards and Projections into Yards.
4. Chapter 40, Building Height Limitations and Exceptions.
5. Chapter 42, Clear Vision Areas.
6. Chapter 44, Fences; Screening of Outdoor Storage.
7. Chapter 46, Off-street Parking and Loading.
8. Chapter 48, Access.
9. Chapter 52, Signs.

23.000 GENERAL INDUSTRIAL, GI

23.030 PERMITTED USES

The following uses are uses permitted outright in this zone:

1. Agricultural sales and services.
2. Animal sales and services:
   a. Kennels.
   b. Veterinary, small and large animals.
10. Public support facilities.
11. Research services.
12. Scrap operations, recycling collection center.
13. Utilities, minor and major.
14. Wholesale, storage and distribution:
   a. Mini-warehouse.
   b. Light.
   c. Heavy.
15. Transportation facilities (Type I).

23.060 CONDITIONAL USES

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

1. Heliport.
2. Household hazardous waste depot. (ORD. 1339)
3. Transportation facilities (Type II). See Section 60.090 for additional approval criteria.

23.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

A. The following standards apply to all development including permitted uses:

1. Chapter 34, Accessory Structures.
2. Chapter ~~36~~35, Temporary Uses.
3. Chapter 38, Additional Yard Area Required, Exceptions to Yard Requirements, Storage in Yards and Projections into Yards.

4. Chapter 40, Building Height Limitations and Exception.
5. Chapter 42, Clear Vision Areas.
6. Chapter 44, Fences; Screening of Outdoor Storage.
7. Chapter 46, Off-street Parking and Loading.
8. Chapter 48, Access.
9. Chapter 52, Signs.
10. Chapter 54, Installation and Maintenance of Landscaping.

B. The provisions of Chapter 55, Design Review, apply to all uses except detached single-family dwellings.

24.000 PLANNED UNIT DEVELOPMENT

24.020 ADMINISTRATION AND APPROVAL PROCESS

A. The Planned Unit Development (PUD) zone is an overlay zone and a pre-application conference is a precondition to the filing of an application.

B. A pre-requisite to the filing of an application for planned unit development proposals that includes more than 4 lots, is a meeting with the respective City recognized neighborhood association, per CDC Section 99.038, at which time the applicant will present their proposal and receive comments. (ORD. 1401)

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

~~C~~D. Action on the application shall be as provided by Chapter 99, Procedures for Decision-Making: Quasi-Judicial. (ORD. 1474)

28.000 WILLAMETTE AND TUALATIN RIVER PROTECTION

28.110 APPROVAL CRITERIA

No application for development on property within the protection area shall be approved unless the decision making authority finds that the following standards have been met or can be met by conditions of approval. The development shall comply with the following criteria as applicable:

A. Development: All Sites

B. Single-family or attached residential.

C. Setbacks from Top of Bank

D. Development of Lands Designated for Industrial, Commercial, Office, Public and other Non-Residential uses.

E. Hardship Provisions and Non-Conforming Structures

~~F~~F. Access and Property Rights

1. Private lands within the protection area shall be recognized and respected.

35.000 TEMPORARY STRUCTURES AND USES

35.020 APPLICABILITY

Notwithstanding the limitations of use as established by this Code in each of the several districts, the Planning Director may issue temporary permits for uses listed in Section 35.040 which are temporary in nature.

35.030 TEMPORARY STRUCTURES AND USES, ADMINISTRATION AND APPROVAL PROCESS

A. The Director may issue temporary use permits:

1. For portable outdoor storage units or similar structures, as are typically used for storing items in conjunction with a move, minor remodel or construction projects, where these structures will remain onsite in excess of 14 calendar days during a given calendar year.

2. For other temporary uses ~~F~~for a period not to exceed 60 days from the date of issuance; and

~~2~~a.. Such permits shall only be consecutively renewed for one additional 60-day period by the Director.

~~3~~b.. The Director may issue temporary permits to registered non-profit, religious or benevolent groups, orders or associations for the placement of drop boxes, trailers, or structures of similar function. These drop boxes shall be placed in General Commercial, Office Business Center, Campus Industrial, General Industrial, and Neighborhood Commercial zoning districts only. The provisions of Section 44.030 (Screening) and Chapter 46, Off-Street Parking, Loading, and Reservoir Areas, shall apply. The temporary permit will be effective indefinitely, but will be revoked if it is unused or abandoned for a period of 60 days. The permit will also be revoked if material is not

contained by the drop box or trailer and allowed to accumulate outside or on top of the drop box or trailer. Upon revocation of the permit, either the original applicant or property owner shall be responsible for removing the drop box or trailer. Approval criteria shall require:

(i.) ~~a.~~ That the location, color, bulk, size and design of the structure be compatible with, and appropriate to the proposed location.

~~b~~(ii.). That the structure be screened from adjacent residential uses, Chapter 44;

~~c~~(iii.). That the structure comply with Chapter 48 of this Code;

(ORD. 1425)

~~43.~~ The Planning Director may issue temporary permits to non-profit and for profit groups or individuals for uses described in Section 35.040(A).

(ORD. 1350)

B. The Commission may issue temporary use permits that will terminate between 60 days and six months from the date of issuance.

C. The City Council may issue temporary use permits that will terminate between six months and one year.

D. The applicable approval authority may attach reasonable conditions to any temporary use permit approval which will protect the health, safety, and welfare of the City's residents.

35.040 TEMPORARY USES

A. Temporary uses include:

1. Uses associated with the celebration of a specific holiday such as the sale of Christmas trees and fireworks;
2. Uses associated with the sale of fresh fruits, produce, and flowers;
3. Uses associated with construction;
4. Uses associated with festivals or celebrations or special promotional events; (ORD. 1350)

5. A real estate office within a development limited to the sale of real estate in the development.

6. Portable outdoor storage units or similar structures as are typically used for storing items in conjunction with a move, minor remodel or construction project.

B. Temporary uses described in Section 35.040(A) may be approved if they:

1. Are located on property that is appropriate for the proposed use as determined by the Planning Director;
2. Have a paved or graveled surface to minimize dust generation or mud tracking;
3. Have adequate parking and circulation space;
4. Are in an area that will allow safe ingress and egress including adequate line of sight and vision clearance;
5. Have the property owner's signed permission.

(AMENDED PER ORD. 1425; 11/98)

37.000 HOME OCCUPATIONS

37.020 GENERAL STANDARDS

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

1. The home occupation shall be a secondary use to the primary use of the house as a residence.
2. In no way shall the appearance of the residential structure or yard be altered, or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character by the use of colors, materials, construction, lighting, show windows, signs, or advertising visible outside the premises to attract customers or clients, other than a sign as permitted per Section 37.020(A)(9). (ORD. 1463)
3. There shall be no outdoor use or storage of material or mechanical equipment that is not part of the residential use. (ORD. 1463)
4. An accessory building which meets the provisions of Chapter 34 may be used for the home occupation.
5. Any parking generated by patrons shall be accommodated on site.
6. Off-street parking areas with three or more spaces shall be screened by a fence constructed per Chapter 44 specifications, topography, vegetation, or a combination of these methods. Screening vegetation must be in place by the time the applicant submits a home occupation application, or be reasonably expected to provide effective screening within a year and a half of approval of said application. (ORD. 1463)
7. No equipment or process shall be used in a home occupation which creates noise, odor, smoke, fumes,

fallout, vibration, heat, glare, or electrical interference resulting detectable to the normal senses off the lot.

(ORD. 1463)

8. No more than three employees, other than the residents, shall be engaged in service on the premises at any given time.

9. a. The use of signs shall be limited to one sign not greater than one foot by six inches in area and flush-mounted to the residential dwelling. In the event that the residential dwelling is set back more than 100 feet from the abutting public street, or otherwise obstructed from view due to topography or landscaping, the allowed sign may be located at the driveway access. Freestanding signs shall be mounted on a base equal to, or less than, the width of the sign. The free-standing sign and its base shall not exceed three feet in height. Approval standards in Section 52.200(A)(1) governing sign design apply.

b. Signs advertising home occupations in the Historic District or in a designated Historic Landmark per CDC 26 shall be subject to the design standards in 58.090(C)(25)(b).

10. Vehicles associated with the home occupation shall not be left with engines idling, or loaded or unloaded between the hours of 6 p.m. and 7 a.m. Monday through Friday, or between the hours of 6 p.m. to 9 a.m. on Saturday and Sunday. Other noise-generating machinery associated with conducting a home occupation shall also follow these guidelines.

11. The owner of the business must reside in the primary structure on the premises.

~~B. Home occupations shall comply with all the following operating standards:~~

~~1.~~12. Only one vehicle no larger than a ¾ ton truck may be used by the occupant, directly or indirectly, in connection with a home occupation. An off-street parking space shall be provided for this vehicle.

~~2.~~13. The use creates no more than five total deliveries including~~,~~ employee and~~or~~ customer vehicular trips per day~~;~~. One trip is equal to one vehicle entering the site and exiting the site. (ORD. 1565)

46.000 OFF-STREET PARKING, LOADING AND RESERVOIR AREAS

46.150 DESIGN AND STANDARDS

The following standards apply to the design and improvement of areas used for vehicle parking, storage, loading, and circulation:

B. Accessible Parking Standards for Persons With Disabilities:

If any parking is provided for the public or visitors, or both, the needs of the people with disabilities shall be based upon the following standards or current applicable federal standards, whichever is more stringent:

1. Minimum number of accessible parking space requirements (see following table):

MINIMUM REQUIRED NUMBER OF TOTAL PARKING SPACES	TOTAL NUMBER OF ACCESSIBLE SPACES	NUMBER OF VAN ACCESSIBLE SPACES REQUIRED, OF TOTAL	SPACES SIGNED "WHEELCHAIR USER ONLY" SPACES
1-25	1	1	-
26-50	2	1	-
51-75	3	1	-
76-100	4	1	-
101-150	5	-	1
151-200	6	-	1
201-300	7	-	1
301-400	8	-	1
401-500	9	-	2
501-999	2% of total spaces	-	1 in every 8 accessible spaces or portion thereof
Over 1,000	20 spaces plus 1 for every 100 spaces, or fraction thereof, over 1,000	-	1 in every 8 spaces or portion thereof

5. One in every eight accessible spaces, but not less than one, shall be served by an access aisle 96 inches wide.

6. Van accessible parking shall have an additional sign marked 'Van Accessible' mounted below the sign. A van accessible parking space reserved for wheelchair users shall have a sign that includes the words 'Wheelchair Use Only.' Van accessible parking shall have an adjacent 8-foot wide aisle. All other accessible stalls shall have a 6-foot wide aisle. Two vehicles may share the same aisle if it is between them. The vertical clearance of the van space shall be 96 inches.

48.000 ACCESS, EGRESS AND CIRCULATION

48.030 MINIMUM VEHICULAR REQUIREMENTS FOR RESIDENTIAL USES

A. Direct individual access from single-family dwellings and duplex lots to an arterial street, as designated in the Transportation element of the Comprehensive Plan, is prohibited for lots created after the effective date of this Code where an alternate access is either available or is expected to be available by imminent development application. Evidence of alternate or future access may include temporary cul-de-sacs, dedications or stubouts on adjacent parcels, or tentative street layout plans submitted at one time by adjacent property owner/developer or by the owner/developer, or previous owner/developer, of the property in question.

In the event that alternate access is not available as determined by the Planning Director and City Engineer, access may be permitted after review of the following criteria:

1. Topography.

7. Additional review and access permits may be required by state or county agencies.

B. When any portion of any house is less than 150 feet from the adjacent right-of-way, access to the home is as follows:

1. ~~One single-family residential home requires a 12-foot wide paved or all weather surface.~~One single-family residence, including residences with an accessory dwelling unit as defined in CDC 02.030, shall provide 10 feet of unobstructed horizontal clearance. Dual-track or other driveway designs that minimize the total area of impervious driveway surface are encouraged.

52.000 SIGNS

52.104 THE APPLICATION

A. **Permanent Sign Permits**

1. An application for a permanent sign permit shall be initiated by the property owner or the owner's authorized agent.

4. After the applicant has installed his or her sign, he or she shall inform the Planning and Development Department of the sign's completed installation.

B. **Temporary Sign Permits**

An application for a temporary sign shall include the appropriate fee, as set by City Council resolution. The fee is non-refundable. ~~require a deposit set by resolution. The deposit shall be fully refunded to the applicant if the signs are removed within three days of the date specified in the application. The deposit shall be forfeited to the City if the signs are not so removed, and the temporary sign shall be subject to impoundment.~~ (ORD. 1378)

52.310 TEMPORARY SIGN DESIGN STANDARDS

			FREESTANDING SIGNS				ON WALL SIGNS		
	City Appvl. Req'd	Illumination	No. Allwd.	Max. Sq. Ft.	Max Height (ft.)	ROW setbck (ft.) See figure 52-8 if ROW location unknown	No. Allwd	Max Sq. Ft.	Max Ht. (ft.)
Residential uses Examples include;-house for sale, apartment for rent, condo lease signs (once these units are built), political signs, etc.	No	No	5	24 total*	7	1	1	4	12
Commercial/Industrial Uses including Churches (signs per each business) in:									
Non-Business Center or GC/OBC/NC zones (less than 4 acre shopping center)	Yes	No	-1	32 total*	5	1	1	32	25
Business Center Shopping centers greater than 4 acres. (Examples include; Cascade Summit, Albertsons Shopping Center, 10th St & 8th Ave. West side of 10th St., Bolton Shopping Center, Robinwood Shopping Center north of Hidden Springs Road.)	Yes	No	-1	32 total*	5	1	2	32	25

Public Uses (incl. Gov't Buildings, Schools etc.)	Yes	No	5	32 total*	25	1	No limit	32 total	25
Undeveloped/Developing Property Less than 1 Acre Applies to businesses without a certificate of occupancy or vacant/undeveloped subdivisions. Once built or after obtaining a certificate of occupancy, the residential, commercial and public use criteria for temporary signage listed above shall apply.	No	No	2	6 each sign	9	1			
Undeveloped/Developing Property More than 1 Acre Applies to businesses without a certificate of occupancy or vacant/undeveloped subdivisions. Once built or after obtaining a certificate of occupancy, the residential, commercial and public use criteria for temporary signage listed above shall apply.	No	No	2	24 sq ft max each sign	12	20	n/a	n/a	~~n/s~~ n/a

Notes for Temporary Sign Dimensional Standards:

***Total square footage of all signs**

[1]Temporary signs are limited to 60 days per calendar year. **The 60 day period for temporary signs means that a business, for example, only has 60 days in total, during the calendar year, for any and all temporary signs. You may not have one sign for 60 days and then a different temporary sign for yet another 60 days. Also, the 60 days may be broken into shorter periods of time (e.g. 30 days at Christmas and 30 days in mid-summer) The specific dates must be on the application.**

Freestanding temporary signs shall be located within 10 feet of the business **structure**. For business centers, a maximum of two temporary signs may be located outside of the 10-foot limit, but must be located on the same tax lot as the business.

Freestanding signs for residential uses may remain **in place** until the close of the event (**e.g.** sale, open house, **for lease**, election, etc.). (ORD. 1539) **Temporary "for rent" or "for lease" signs for apartments, condos, etc. shall be sized and located using the residential criteria at the top of the table; similar to "for sale" signs for single family homes. Temporary "for rent" or "for lease" signs may be left up until the units they are advertising have been rented, leased or sold and may therefore legally exceed the 60 day period.**

~~3~~ [2]Temporary signs **(including signs that are typically allowed in commercial, public and residential areas)** may be located, with the permission of the property owner of the property fronting upon the street where the sign is to be placed, two feet **from the** adjacent sidewalk where one exists, or three feet **from** the edge of pavement where no sidewalk exists for an adjacent public right-of-way. **This distance shall be measured perpendicularly from the appropriate right-of-way feature (e.g. sidewalk, edge of pavement)** Temporary signs shall also not be located within 10 feet of the intersection of two public rights-of-way, measured from either the edge of pavement or, if a sidewalk exists, the edge of sidewalk. The entire sign must meet these setback standards. **No signs are allowed in the public right-of-way.**

[3]"N/A" means that this standard is not applicable for this type of sign or that no sign is allowed.

[4]**All temporary signage must conform with the Clear Vision requirements of CDC Chapter 42.**

55.000 DESIGN REVIEW

55.110 THE SITE ANALYSIS

The site analysis shall include:

A. A vicinity map showing the location of the property in relation to adjacent properties, roads, pedestrian and bike ways, transit stops and utility access.

B. A site analysis on a drawing at a suitable scale (in order of preference 1" = 10' to 1" = 30') which shows:

3. A slope analysis which identifies portions of the site according to the slope ranges as follows:

a. ~~0-5~~0-15 percent;

b. ~~5-15~~16-25 percent;

c. ~~15-25~~26-35 percent;

d. ~~25-35~~36-50 percent;

~~e. 35-50 percent~~greater than 50 percent~~;~~

~~f. 50 percent or more.~~

4. The location and width of adjoining streets.

5. The drainage patterns and drainage courses on the site and on adjacent lands.

6. Potential natural hazard areas including:

a. Flood plain areas;

b. Areas subject to a high-water table;

c. Landslide areas; and,

d. Areas having a high erosion potential.

11. Existing ambiant noise levels shall be determined in the case of proposed land uses which may be reasonably expected to generate noise (e.g., automotive related uses), and for previously unused sites as described by DEQ. The determination of those levels shall be consistent with current DEQ standards. (ORD. 1442)

12. Identification information including the name and address of the owner, developer, and project designer and a lineal scale and north arrow.
13. Identify Type I and II lands in map form. Provide a table which identifies square footage of Type I and II lands also as percentage of total site square footage.
14. Identify applicable Goal 5 Resources identified in the City's Comprehensive plan.

60.000 CONDITIONAL USES
60.070 APPROVAL STANDARDS AND CONDITIONS

A. The Planning Commission shall approve, approve with conditions, or deny an application for a conditional use, except for a manufactured home subdivision in which case the approval standards and conditions shall be those specified in Section 36.030, or to enlarge or alter a conditional use based on findings of fact with respect to each of the following criteria:

1. The site size and dimensions provide:
   a. Adequate area for the needs of the proposed use; and,
   b. Adequate area for aesthetic design treatment to mitigate any possible adverse effect from the use on surrounding properties and uses. (ORD. 1291)
2. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and natural features.
   a. Schools and other government facilities that attract regular and significant public users shall be located in areas servicable by sidewalks and bike routes/lanes and shall be centrally located relative to the majority of the population that they will serve. Police and fire stations shall meet these standards to the greatest degree possible but it is acknowledged that access to arterials remains a key locational determinant for those uses.
3. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

66.000 NON-CONFORMING STRUCTURES

66.030 EXCEPTIONS

A. The provisions of this chapter do not apply to lawful pre-existing single-family dwellings except that the enlargement or alterations to a single-family dwelling shall be as provided by Section 66.~~070~~080.

81.000 BOUNDARY CHANGES

81.055 ZONING DESIGNATION

A decision on annexation shall also incorporate a decision on a zone change. The applicant may concurrently apply for a comprehensive plan amendment if desired. Any approval of an annexation shall designate the City zone to be applied if the annexation is approved by the voters. The City zone shall be designated based upon the existing West Linn comprehensive plan/land use designation, pursuant to the following table:

COMPREHENSIVE PLAN/LAND USE DESIGNATION	ASSIGNED ZONING DISTRICT
Low Density Residential	~~R-7, R-10, or R-15~~R-40, R-20, R-15, R-10, or R-7
Medium Density Residential	~~R-4.5~~R-5 or R-4.5
Medium High Density Residential	R-3 or R-2.1
Mixed Use	MU
Commercial	NC, GC, or OBC
Industrial	GI or CI
Other	FU-10

Where the City Council has discretion to apply zoning, the Council shall consider the following factors in making its decision:

1. Specific site characteristics such as topography, drainage, and existing vegetation.

2. The existing zoning and development patterns of surrounding properties.

3. The capacity of the city to provide road, sanitary sewer, storm drainage, and water service to the site. (1528)

LAND DIVISION

85.200 APPROVAL CRITERIA

No tentative subdivision or partition plan shall be approved unless adequate public facilities will be available to provide service to the partition or subdivision area prior to final plat approval and the Planning Commission or Planning Director, as applicable, find that the following standards have been satisfied, or can be satisfied by condition of approval. (ORD 1544)

A. **Streets**

B. Blocks and Lots

C. Pedestrian and Bicycle Trails

3. Defensible space shall also be enhanced by the provision of a 3-4 foot high matte black chain link fence or acceptable alternative along the edge of the corridor. The fence shall help delineate the public and private spaces.

4. The bicycle or pedestrian trails that traverse multi-family and commercial sites should follow the same defensible space standards but do not need to be defined by a fence unless required by the decision-making authority.

5. Except for trails within 10 feet of a wetland or natural drainageway, soft surface or gravel trails may only be used in place of a paved, all-weather surface where it can be shown to the Planning Director that the principal users of the path will be recreational, non-destination oriented foot traffic, and that alternate paved routes are nearby and accessible. (ORD. 1463)

~~6. Planning Director that the principal users of the path will be recreational, non-destination oriented foot traffic, and that alternate paved routes are nearby and accessible. (ORD. 1463)~~

~~7.~~6. The trail grade shall not exceed 12% except in areas of

unavoidable topography, where the trail may be up to a 15% grade for short sections no longer than 50 feet. In any location where topography requires steeper trail grades than permitted by this section, the trail shall incorporate a short stair section to traverse the area of steep grades.

(ORD. 1442)

I. **Utility Easements.** ~~All subdivisions and partitions shall establish, at minimum, five-foot utility easements on front and rear lot lines. Easements may be wider and side yard easements established, as determined by the City Engineer to accommodate the particular service~~Subdivisions and partitions shall establish utility easements to accommodate the required service providers as determined by the City Engineer . The developer of the subdivision shall make accommodation for cable television wire in all utility trenches and easements so that cable can fully serve the subdivision.

(ORD. 1382)

96.000 STREET IMPROVEMENT CONSTRUCTION

96.010 CONSTRUCTION REQUIRED

A. New Construction

1. Building permits shall not be issued for the construction of any new building or structure, or for the remodeling of any existing building or structure, which results in an increase in size or includes a change in use including building permits for single-family dwellings, but excepting building permits for alteration or addition to an existing single-family dwelling, unless the applicant for said building permit agrees to construct street improvements as required by the land use decision authorizing the construction activity. The placement of new curbs and the drainage facilities required shall be determined by the City Manager or the Manager's designee. (ORD. 1544)
2. If the building permit did not require a prior land use decision, the applicant shall construct street improvements which shall include curbs, sidewalks, drainage facilities, and pavement widening to meet new curbs, along all city streets which abut the property described in the building permits. (ORD. 1544)
3. An applicant for a building permit may apply for a waiver of street improvements and the option to make a payment in lieu of construction. The option is available if~~s~~ the City Manager or the Manager's designee determines the Transportation System Plan ~~prohibits~~ does not include the street improvement for which the waiver is requested. (ORD. 1547)
4. When an applicant applies for and is granted a waiver of street improvements under CDC 96.010 (A)(3), the applicant shall pay an in-lieu fee for improvements to be applied to the nearest street identified by the Manager or the Manager's designee, as necessary and appropriate. The amount of the in-lieu fee shall be roughly proportional to the impact of the development on the street system.

(ORD. 1544)

5. The City's determination of the appropriate in-lieu fee shall constitute an interpretation of the code, as authorized by CDC 99.060(A)(3), and may be appealed subject to the provisions of CDC Chapter 99. (ORD. 1442) (ORD. 1544)

B. REMODELING OF AN EXISTING BUILDING

Building permits shall not be issued for the remodeling and conversion of any existing building or structure which results in an increase in size or includes a change of use excepting building permits for the alteration or addition to an existing single family dwelling, unless:

a) The applicant for said building permit aggress to construct street improvements; and

b) The City Manager or the Manager's designee determines that the remodeling of a structure or change of use is sufficient to cause construction of street improvements. (ORD 1544)

2. The determination of whether the remodeling of an existing building or structure is sufficient to cause the property owner to construct street improvements, shall be made by the City Manager or the Manager's designee. This determination shall be based upon finding that the increase in building size or change of use results in either:

   a. An increase in floor area which creates the need for additional on-site parking in accordance with the Community Development Code, or

   b. A change in use that results in a need for additional on-site parking, or

   c. An increase in the dwelling unit density on the site, or

   d. A change in the type, number, or location of accessways where off-site traffic will be affected. (ORD. 1314)

3. An applicant for a remodeling of an existing building or structure change may apply for a waiver of street improvements and the option to make a payment in lieiu of construction utilizing the process described in CDC 96.010 (A) (3). (ORD 1544)

C. Replacement of an existing building.

1. Building permits shall not be issued for the replacement of any existing building or structure which results in an increase in size unless:
   a) The applicant for said building permit agrees to construct street improvements; and
   b) The City Manager or the Manager's designee determines the ~~the~~ replacement is sufficiently increased in size to cause construction of street improvements. (ORD. 1544)

D. Notwithstanding any other provisions of this ordinance, in cases where the issuance of the building permit pertains to the construction or reconstruction of a building or structure within a large development owned by the same owner or owners, the City Council may, in its sole discretion, authorize the installation of street improvements of equivalent cost on another portion of the total development area. (ORD. 1544)

96.020 STANDARDS

Street improvements shall be installed according to the City standards and shall be completed prior to the issuance of any occupancy permit for the new or remodeled structure or building. In unimproved areas of the City, the City Engineer may grant a time extension of the provisions of this section, provided that the applicant provides sufficient security in amount and quantity satisfactory to the City Attorney to assure payment of such improvement costs.

(AMENDED PER ORD. 1442; 10/99; ORD. 1544 2/07)

98.000 PROCEDURES FOR DECISION MAKING: LEGISLATIVE

98.040 DUTIES OF THE DIRECTOR

A. The Director shall:

4. Transmit the record to the Council for hearing; and,

a. Give notice of the Council hearing as provided by Sections 98.070 and 98.080; and,

b. Prepare a report which shall include at a minimum the following:

1) A copy of the staff report submitted to the Planning Commission;

~~2) A copy of the Planning Commission's recommendation;~~

~~3~~2) A copy of the minutes of the Planning Commission hearing.

c. Make a report to the Council; and,

d. Administer the hearings process.

5. Maintain and preserve the file for each proposal. The file shall include, as applicable, a list of persons required to be given notice and a copy of the notice given pursuant to Section 98.070 and the accompanying affidavits, the proposal and all supporting information, the staff reports, the final adopted document, all correspondence, the minutes of any meetings at which the proposal was considered and any other exhibits, information or documentation which was considered with respect to the proposal.

(ORD. 1474)

98.110 APPROVAL PROCESS AND AUTHORITY

A. The Planning Commission shall:~~:~~

~~1.~~ After notice and a public hearing, formulate a recommendation to the Council to approve, to deny, or to approve with modifications.

~~2. Within 10 days of determining a recommendation, cause the written recommendation to be signed by the presiding officer and to be filed with the Director.~~

B. Any member of the Commission who voted in opposition to a recommendation by the Commission on a proposed change may file a written statement of opposition with the Director prior to any Council hearing on the proposed change, and the Director shall transmit a copy to each member of the Council and place a copy in the record.

99.000 PROCEDURES FOR DECISION MAKING: QUASI-JUDICIAL

99.030 THE APPLICATION PROCESS: WHO MAY APPLY, THE PRE-APPLICATION CONFERENCE, THE REQUIREMENTS, REFUSAL OF THE APPLICATION, FEES

5. The Planning Director shall prepare administrative procedures designed to allow ~~representatives from recognized Neighborhood Association~~citizens to attend and participate in pre-application conferences for applications ~~within the Neighborhood Association boundaries~~. Lack of ~~Failure of a~~ Neighborhood Association ~~to~~ participation ~~e~~ in ~~the~~ a pre-application conference ~~despite being invited to attend~~ is not a procedural defect entitling any party to a delay in the hearing process. (ORD. 1568)

99.038 NEIGHBORHOOD CONTACT REQUIRED FOR CERTAIN APPLICATIONS

3. The letter shall be sent by certified mail, return receipt requested, to the Chair of the neighborhood association, and shall be sent by regular mail to the other officers of the association and the property owners within 500 feet. The letter shall briefly describe the nature and location of the proposed development, and invite the association and interested persons to a meeting to discuss the proposal in more detail. The meeting shall be scheduled at the association's regularly scheduled monthly meeting, or at another time at the discretion of the association, and not less than 20 days from the date of mailing of the notice. If the meeting is scheduled as part of the association's regular monthly meeting, the letter shall explain that the proposal may not be the only topic of discussion on the meeting agenda. The letter shall urge concerned citizens to contact their association president prior to the meeting if they wish

to comment on the matter. If the neighborhood association does not want to meet within a reasonable amount of time, or if there is no neighborhood association, the applicant may hold a public meeting during the evening after 6 p.m., or on the weekend no less than 20 days from the date of mailing of the notice. All meetings shall be held at a location open to the public within the boundaries of the association or at a public facility within the City of West Linn. If the meeting is held at a private residence or business, it shall be posted at the time of the meeting as the meeting place and shall note that the meeting is open to the public and all interested persons may attend.

99.130 NOTICE OF THE FINAL DECISION

A. The final decision by the Planning Director shall be filed in the records of the Department of Planning and Development after the decision is signed by the Planning Director, and notice thereof, shall be mailed to the applicant, all parties to the matter as established under Section 99.140, and those persons who requested copies of such notice. (ORD. 1474, ORD 1568)

D. The appeal period is as provided in Section 99.~~150~~230.

99.230 THE EFFECTIVE DATE OF THE DECISION - APPEAL OR REVIEW

A. Any Planning Director or Planning Commission decision ~~Any decision~~ made under the provisions of this chapter shall become effective at 5:00 P.M. on the 14th day from the date of mailing the notice of the final decision, ~~-~~unless a local ~~n~~ appeal or review is taken pursuant to Section 99.240 of this chapter. If the 14th day falls on any legal holiday or on a Saturday or Sunday, then the effective date and time shall be at 5:00 P.M. on ~~-~~the next business day. ~~For example, if a final decision was mailed on July 1, the decision would be final at 5:00 P. M. on July 15.~~ (ORD. 1474, ORD 1568)

B. City Council decisions are final upon the date of the signature on the decision. The effective date shall be 21 days from the date that the final, signed decision is mailed, unless a notice of intent to appeal has been filed with the State Land Use Board of Appeals. If the 21st day falls on any legal holiday or on a Saturday or Sunday, then the effective date and time shall be at 5:00 P.M. on the next business day.

99.320 DENIAL OF THE APPLICATION - RESUBMITTAL

An application which has been denied and ~~which,~~ if~~on appeal~~appealed~~,~~ has not been reversed by a higher authority, including the Land Use Board of Appeals, the Land Conservation and Development Commission, or the courts, may not be re-submitted for the same or a substantially similar proposal, or for the same or substantially similar action for a period of at least 12 months from the date the final decision is made denying the application.