

**ORDINANCE NO. 1590  
WEST LINN, OREGON**

**AN ORDINANCE AMENDING MULTIPLE CHAPTERS OF THE WEST LINN COMMUNITY  
DEVELOPMENT CODE**

**WHEREAS**, the Community Development Code (“CDC”) is an evolving document that is modified as errors and inconsistencies are identified; and

**WHEREAS**, changes such as corrections of minor errors, deletion of outdated references to code sections that no longer exist, and changes to simplify the format and provide greater clarity of the language in the CDC improve its usefulness; and,

**WHEREAS**, the City has historically undertaken to make such minor amendments periodically in years past; and,

**WHEREAS**, the City provided legislative notice of its intent to undertake a review of the CDC to identify revisions to the CDC pursuant to CDC notice provisions; and,

**WHEREAS**, the West Linn Planning Commission held public hearings on proposed amendments on August 5 and August 19, 2009; and

**WHEREAS**, after considering the public testimony regarding the proposed code amendment, the West Linn Planning Commission recommended approval of the amendments; and

**WHEREAS**, the City Council held a public hearing on October 12, 2009, and subsequently adopted findings of fact and conclusions justifying its decision:

**NOW, THEREFORE, THE CITY OF WEST LINN ORDAINS AS FOLLOWS:**

Section 1: The West Linn Community Development Code is hereby amended to read as identified in Exhibit A (attached hereto).

PASSED AND APPROVED THIS 12TH DAY OF OCTOBER 2009.

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PATTI GALLE, MAYOR

ATTEST:

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TINA LYNCH, CITY RECORDER

APPROVED AS TO FORM:

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City Attorney

## **EXHIBIT "A"**

(Deletions are struck through with a line while proposed additions are underlined. Edits proposed by Staff after the Planning Commission approval are highlighted in yellow)

**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:

...

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

**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:

...

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

**10.000 SINGLE-FAMILY RESIDENTIAL DETACHED, R-15**

**10.030 PERMITTED USES**

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

...

6. Transportation facilities (Type I).

**10.090 OTHER APPLICABLE DEVELOPMENT STANDARDS**

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

...

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

**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:

...

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

**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:

...

2. Chapter [3635](#), Temporary Uses.

**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:

...

2. Chapter [3635](#), Temporary Uses.

**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)

...

16. Transportation facilities (Type II) [see Section 60.090 for additional approval criteria](#) (ORD. 1584)

**14.090 OTHER APPLICABLE DEVELOPMENT STANDARDS**

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

...

2. Chapter [3635](#), Temporary Uses.

**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:

...

2. Chapter ~~3635~~, Temporary Uses.

**.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:

...

2. Chapter ~~3635~~, Temporary Uses.

**18.000 NEIGHBORHOOD COMMERCIAL, NC**

**18.030 PERMITTED USES**

The following are uses permitted outright in this zone:

...

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.

...

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:

...

2. Chapter ~~3635~~, Temporary Uses.

**19.000 GENERAL COMMERCIAL, GC**

**19.030 PERMITTED USES**

The following uses are permitted outright in this zone:

...

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:

...

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:

...

2. Chapter ~~3635~~, Temporary Uses.

**21.000 OFFICE - BUSINESS CENTER, OBC**

**21.030 PERMITTED USES**

The following uses are uses permitted outright in this zone:

...

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:

...

11. Public safety ~~offices~~facilities.

...

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:

...

2. Chapter ~~3635~~, Temporary Uses.

**22.000 CAMPUS INDUSTRIAL, CI**

**22.030 PERMITTED USES**

The following uses are permitted outright in this zone:

....

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:

...

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

**22.100 OTHER APPLICABLE DEVELOPMENT STANDARDS**

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

...

2. Chapter ~~3635~~, Temporary Uses.

**23.000 GENERAL INDUSTRIAL, GI**

**23.030 PERMITTED USES**

The following uses are uses permitted outright in this zone:

....

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:

...

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:

...

2. Chapter ~~3635~~, Temporary Uses.

**24.000**

**PLANNED UNIT DEVELOPMENT**

**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. -a ~~Attending a~~ pre-application conference ~~with the City~~ ~~Planning Department pursuant to CDC Section 99.030~~ ~~is a precondition to the filing of an application.~~
2. Attending a ~~A~~ meeting with the respective City-recognized neighborhood association(s), per CDC Section 99.038, ~~at which time the applicant will and~~ presenting their preliminary proposal and ~~receiveing~~ comments. (ORD. 1401)

## 28.000 WILLAMETTE AND TUALATIN RIVER PROTECTION

### 28.040 EXEMPTIONS/USES PERMITTED OUTRIGHT

- W. Low impact public or private outdoor recreation facilities including, but not limited to, multi-use water permeable paths and trails to a maximum width of four feet, picnic areas, interpretive displays, benches. Gazebos or similar structures must be out of the HCA areas to be exempt. No more than 500 square feet of new lot coverage allowed under this provision. ~~Maintenance and repair of public paths are exempt.~~

### 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:

- ~~F.~~ ...  
Access and Property Rights
- 5. Legal access to, and along, the riverfront in single family residential zoned areas shall be encouraged and pursued especially when there are reasonable expectations that a continuous trail system can be facilitated. The City recognizes the potential need for compensation where nexus and proportionality tests are not met. Fee simple ownership by the City shall be preferred. The trail should be dimensioned and designed appropriate to the terrain it traverses and the user group(s) it can reasonably expect to attract. ~~Where there is sufficient space such as at a riverfront mixed use or multi-family development the desired path way width shall be at least 20 feet and constructed of all weather material.~~ The City shall be responsible for signing the trail and delineating the boundary between private and public lands or access easements.

**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 for a period not to exceed 60 days from the date of issuance; and

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

3b. 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.

....

~~(i.)~~—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;

~~e(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:

...

4. Are in an area that will allow safe ingress and egress including adequate line of sight and vision clearance;

## **37.000 HOME OCCUPATIONS**

### **37.020 GENERAL STANDARDS**

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

...

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

**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.

**13.** The use creates no more than five total deliveries including, employee ~~and~~ 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):

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

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 spaces shall have an additional sign marked 'Van Accessible' mounted below the handicapped parking 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

...

- 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**

...

**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**

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

Public Uses  <u>(incl. Gov't Buildings, Schools etc.)</u>	Yes	No	5	32 <u>total*</u>	25	1	No limit	32 total	25
Undeveloped/Developing Property Less than 1 Acre  <u>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.</u>	No	No	2	6 <u>each sign</u>	9	1			
Undeveloped/Developing Property More than 1 Acre  <u>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.</u>	No	No	2	24 <u>sq ft max each sign</u>	12	20	n/a	n/a	<u>n/s-n/a</u>

**Notes for Temporary Sign Dimensional Standards:**

**\*Total square footage of all signs on site**

<sup>1</sup>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.**

<sup>-3 2</sup>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.**

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

**<sup>4</sup>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:

...

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. ~~0-50~~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.

....

14. Identify applicable Goal 5 Resources identified in the City's Comprehensive Plan.

**60.000**      **CONDITIONAL USES**  
**60.070**      **APPROVAL STANDARDS AND CONDITIONS**

...

**60.100**   **ADDITIONAL CRITERIA FOR SCHOOLS AND OTHER GOVERNMENT FACILITIES THAT ATTRACT REGULAR AND SIGNIFICANT USERS**

- A. Schools and other governmental facilities that attract a regular and significant volume of users shall be located in areas serviceable by sidewalks and bike routes/lanes shall be centrally located relative to the majority of the population that they will serve. Police and fire stations shall meet these standards to degree possible but it is acknowledged that access to arterials remains a key locational determinant for those uses.

**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~~66.080.

**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	<del>R-7, R-10, or R-15</del> <u>R-40, R-20, R-15, R-10, or R-7</u>
Medium Density Residential	<del>R-4.5</del> <u>R-5 or R-4.5</u>
Medium High Density Residential	R-3 or R-2.1
Mixed Use	MU
Commercial	NC, GC, or OBC
Industrial	GI or CI
<u>Other</u>	<u>FU-10</u>

## 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)

...

#### C. Pedestrian and Bicycle Trails

...

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

...

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~~ if 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)

**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) A copy of the minutes of the Planning Commission hearing.

**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.~~

**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**

...

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 14<sup>th</sup> day from the date of mailing the notice of the final decision, ~~-unless a local 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.~~

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 21<sup>st</sup> 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.