

Memorandum

Date: March 22, 2013

To: Planning Commission

From: John Sonnen, Planning Director
Sara Javoronok, Associate Planner

Subject: Proposed Unrelated Amendments to the Community Development Code (CDC 12-02)

Purpose

Staff is seeking a recommendation from the Planning Commission regarding the attached proposed amendments to chapters 2, 18, 19, 33, 35, 52, 53, 55, 58, 85, 96, 98, 99, and 105 of the Community Development Code (CDC). The proposed amendments pertain to public notice requirements, sidewalk use, the number of dwellings allowed along cul-de-sacs and standards for new cul-de-sacs, in-lieu fees for required sidewalk and other improvements, projecting and sport field signs, docketing of proposed Comprehensive Plan and CDC amendments, residences in commercial districts, temporary structures and uses, Design Review submittal requirements, and stormwater control on single family and duplex lots.

Background

The proposed CDC amendments under consideration are included in the Planning Department's 2012-2013 work program. The Planning Commission reviewed and refined the proposed amendments at work sessions on July 18 and December 19, 2012. Staff subsequently submitted the draft amendments for review and comment to neighborhood associations, the Chamber of Commerce, Willamette Main Street, the West Linn-Wilsonville School District, major developers, the Transportation Advisory Board, the Historic Review Board, the Sustainability Advisory Board, and individuals that had previously expressed interest in the topics being addressed. On March 1, 2013 the Planning Commission considered the community comments they received and further refined the draft amendments to form the attached Public Hearing Draft.

Discussion

An overview and the rationale for each of the proposed amendments are included in context in the Public Hearing Draft. CDC Chapter 98 provides administrative procedures for legislative amendments such as those being proposed. Notice requirements, including notice to the state Department of Land Conservation and Development, have been met. CDC Section 98.100 lists factors (goals and polices) to be addressed when considering legislative amendments. The applicable factors along with staff's assessment of the proposed amendments compliance with them are listed in the Addendum.

Alternatives

Alternative approaches that remain under consideration for dealing with the issues addressed by the proposed amendments are identified in context in the Public Hearing Draft. In addition, the Planning Commission may choose to take a different regulatory approach or decide not pursue all or part of the proposed amendments.

Recommendation

Staff recommends that the Planning Commission consider the proposed CDC amendments in light of public comments, revise them as warranted, and recommend approval to the City Council.

ADDENDUM
PLANNING COMMISSION STAFF REPORT
March 22, 2013

**STAFF EVALUATION OF THE PROPOSAL'S COMPLIANCE
WITH APPLICABLE CRITERIA**

CDC Section 98.100 lists the factors to be addressed in the staff report for legislative proposals. The applicable factors along with staff's response are as follows:

- 1. *The Statewide Planning Goals and rules adopted under ORS Chapter 197 and other applicable state statutes.***

Staff Response: Staff reviewed the Statewide Planning Goals and found that the following goals are applicable. Staff is not aware of any other state regulations that apply to the proposed amendments that are not reflected in the Metro and City plans and regulations addressed in this Addendum.

Goal 1: Citizen Involvement: "To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process".

Staff Response: The project to develop the proposed amendments provided for public involvement as noted in the background section, including posting preliminary and public hearing drafts of the proposed amendments on the department's web page and soliciting comments from affected and interested parties. In addition, two public hearings will be held as required by CDC Chapter 98. Three of the proposed amendments enhance public involvement: increasing the public notice requirements for small scale, quasi-judicial projects; docketing of comprehensive plan and code amendments to enable anyone to request plan and code amendments and be aware of proposals under consideration (although the ability of the neighborhood associations to independently initiate plan and code amendments would be eliminated); and design review submittal requirements which provide for neighborhood meetings for proposed non residential buildings in addition to what is currently required (CDC Section 99.038). Since the process to develop and review the proposed amendments exceeds the public involvement required by the CDC Chapter 98 and, overall, the proposed amendments enhance public involvement, staff determines that the project is consistent with Goal 1.

Goal 2, Land Use Planning: "To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions." Guidelines for implementing Goal 2 call for collection of factual information pertaining to ordinances implementing land use plans and consideration of alternative solutions.

Staff Response: The Public Hearing Draft contains appendices with factual background information pertaining to the proposed amendments. Several alternative solutions for dealing with the issues being addressed have been raised and considered during the process to formulate the Public Hearing Draft. Alternative solutions that remain under consideration are identified in context in the draft.

Goal 9, Economic Development: “To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.”

Staff Response: The proposed amendments pertaining to commercial district signage and increased sidewalk use would foster local economic vitality; therefore they appear to be consistent with Goal 9. The proposed allowance for appropriate infill development along cul-de-sacs and upper story housing in commercial areas could also have economic benefits by providing opportunities for more customers for local businesses.

Goal 10 Housing: “To provide for the housing needs of citizens of the state.”

Staff Response: As previously noted, the proposed amendments allow additional opportunities for housing in commercial districts and along cul-de-sacs. Therefore they are consistent with Goal 9.

Goal 12. Transportation: “To provide and encourage a safe, convenient and economic transportation system.”

Staff Response: The proposed amendments pertaining to cul-de-sacs would prohibit dead end streets except where necessary. In that case, they would be required to meet Tualatin Valley Fire and Rescue standards for emergency response. Therefore, they appear to be consistent with Goal 12.

Goal 14, Urbanization: “To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.”

Staff Response: To the extent that the proposed amendments provide for additional infill development within the city, in commercial areas and along cul-de-sacs, it reduces the need to expand the Urban Growth Boundary. Therefore, the proposed amendments appear consistent with Goal 14.

2. Any federal or state statutes or rules found to be applicable;

Staff Response: Staff is not aware of any applicable state or federal regulations which are not implemented by the Metro and City plans and codes addressed in this Addendum.

3. Metro plans and rules found to be applicable

Staff Response: The proposed amendment facilitating upper story residential use in commercial areas is consistent with the Metro Urban Growth Management Functional Plan which fosters mixed use development in commercial centers and corridors.

Metro’s Regional Transportation Functional Plan (RTFP) requires that new cul-de-sac/dead-end streets on sites of five or more acres be limited to circumstances in which barriers prevent full street extensions and be limited to 200 feet in length and provide access for no more than 25 dwellings.

Subsection 3.08.110(F) states: “For redevelopment of contiguous lots and parcels less than five acres in size that require construction of new streets, cities and counties shall establish their own standards for local street connectivity, consistent with Subsection E”. There are no specific requirements for new development on sites of less than five acres.

As noted above, Metro RTFP Subsection 3.08.110(E)(7) provides for cul-de-sacs when necessitated by barriers, but barrier is not defined. The draft amendment makes allowances for physical, legal and financial barriers. It would prohibit new cul-de-sacs and other closed-end streets unless the applicant demonstrates that there is no feasible through street alternative due to physical constraints (e.g., existing development, steep topography, a fish bearing stream, or wetland), inability to obtain needed easements, or because the cost would render the project unviable. Metro staff has submitted comments for the Planning Commission to consider regarding the proposed amendment pertaining to cul-de-sacs.

4. *Applicable Comprehensive Plan provisions;*

Goal 1 sub-goals:

1. Provide the opportunity for broadly based, ongoing citizen participation, including opportunities for two-way dialogue between citizens and City elected and appointed officials.
 - a. Provide opportunities for citizens to shape City government and other West Linn institutions into exemplary organizations that foster trust, respect, courage, and honor.
4. Provide clear, simple, user-friendly information about how the planning process works and how citizens can be involved in land use and other City policy decisions.

Policy 5: Communicate with citizens through a variety of print and broadcast media early in and throughout the decision-making process.

Staff response: Some of the issues being addressed by the proposed code amendments were raised by the public (i.e., signs, sidewalk use, and residential use in commercial areas). The draft regulations were provided via email and the city website to affected groups and individuals known to be interested in the topics being addressed. The Planning Commission reviewed the comments from community members and amended the draft regulations as they deemed warranted prior to the release of the Public Hearing Draft. Two formal public hearings will follow.

The docketing proposal included in the proposed amendments is intended to give everyone an equal opportunity to suggest amendments to the Comprehensive Plan and CDC and become aware of proposals under consideration.

Land use goals:

1. Develop/redevelop commercial areas as mixed use/commercial districts that blend housing and commercial uses to: enhance the community's identity; encourage strong neighborhoods; increase housing choices; promote socioeconomic diversity; promote alternative modes of transportation; promote civic uses; and improve community interaction and involvement.
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.

Staff response: The proposed amendments allow for single family dwellings in the General Commercial and Neighborhood Commercial districts, which provide additional opportunities for housing in small scale commercial buildings. Staff does not find adopted neighborhood plan polices that are contrary to the proposed allowance for upper story single family residences in commercial districts. (Multifamily housing is currently allowed in the General Commercial District).

Intergovernmental coordination, Policy 1. Maintain effective coordination with other local governments, special districts, state and federal agencies, Metro, the West Linn-Wilsonville School District, and other governmental and quasi-public organizations.

Staff response: One of the proposed amendments pertains to sport field signage at schools. The School District was made aware of the proposed amendment during its formative stages and given an opportunity to comment.

Air, Water, and Land Resources Quality Goal: Maintain or improve the quality of West Linn's water resources.

Policy 1: Require that new development be designed and constructed to prevent degradation of surface and groundwater quality by runoff.

Staff response: One of the proposed amendments reconciles conflicting City regulations to ensure that stormwater management is provided on single family and duplex lots when more than 500 square feet of new impervious surface is created.

Economic Goal: Encourage the retention and economic viability of existing business and industry.

Policy 9: Adopt City regulations that are easy to understand and contain development standards that can be uniformly applied.

Policy 11: Encourage the economic vitality of the four existing commercial areas.

Staff response: As previously noted in response to corresponding state Goal 9, the proposed amendments pertaining to commercial district signage and increased sidewalk use foster local economic vitality. The proposed allowance for appropriate infill development along cul-de-sacs and upper story housing in commercial districts also could have economic benefits by potentially providing more customers for local businesses.

Housing Policy 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.

Staff response: The proposed allowance for appropriate infill residential development along cul-de-sacs and upper story housing in commercial districts appears to be compliant with the housing policy above.

Public Facilities and Services Policy 1: Ensure that police and fire protection service providers are closely involved with land use decisions that have implications for the provision of emergency services and crime prevention.

Staff response: The proposed amendment regarding cul-de-sacs calls for such streets to conform to Tualatin Valley Fire and Rescue standards for emergency response.

Transportation Goal 1. Provide a transportation system for the City of West Linn that:

- a. Provides for maximum mobility while encouraging modes of transportation other than the automobile.
- b. Provides for connectivity within and between neighborhoods, developments and community centers, using new and existing transportation services that is consistent with Metro's street and walkway spacing standards

Policy 8: Pursue an interconnected street system that provides connections both between and within developments and neighborhoods on appropriate streets in the City. An interconnected street system shall discourage closed-end street systems and will serve to reduce travel distance, promote the use of alternative modes of travel, disperse traffic, and reduce air pollution and conserve energy

Policy 10: Limit the use of cul-de-sac designs and closed street systems.

Pedestrians Policy 1: Promote a comprehensive cohesive network of pedestrian paths, lanes, and routes that accomplishes the following objectives:

- a. Connects the four commercial centers in Willamette, Bolton, Robinwood, and Tanner Basin.
- b. Provides connections to schools, recreation facilities, community centers, and transit facilities.
- c. Use off-street pedestrian "short-cut" pathways to provide routes where physical constraints or existing development preclude the construction of streets with sidewalks.

The City will enforce regulations requiring developers to include pedestrian facilities and walkway connections within proposed developments and to adjacent land uses and right-of-way in accordance with adopted policies and standards. Developer agreements for the provision of walkways will be implemented and enforced as needed.

Staff response: The proposed amendments prohibit cul-de-sacs except where necessary. When cul-de-sacs are approved, the proposed amendment would require direct pedestrian and bicycle accessways to adjacent streets unless the applicant demonstrates that such connections are precluded by physical constraints or that necessary easements cannot be obtained at a reasonable cost.

5. Portions of implementing ordinances relevant to the proposal

Staff response: Staff is not aware of any ordinances relevant to the proposed amendment that is not addressed above.

**PROPOSED AMENDMENTS
TO CHAPTERS 2, 18, 19, 33, 35, 52, 53, 55, 58, 85, 96, 98, 99, and 105
OF THE
COMMUNITY DEVELOPMENT CODE**

PUBLIC HEARING DRAFT

March 2013

Notes:	
Plain text =	existing regulation
Strike through =	proposed deletion to existing regulations
<u>Underline</u> =	proposed addition to existing regulations
<i>Italic</i> =	staff comment

The following contains several unrelated proposed amendments to the Community Development Code (CDC). The topics being addressed are as follows:

Proposed amendment	Page
<i>Public notice requirements</i>	1
<i>Sidewalk use</i>	2
<i>Number of dwellings along cul-de-sacs and standards for new cul-de-sacs</i>	3
<i>In-lieu fee for required improvements</i>	4
<i>Projecting and sport field signs</i>	5
<i>Docketing of proposed comprehensive plan and CDC amendments</i>	10
<i>Residences in commercial districts</i>	13
<i>Temporary structures and uses</i>	14
<i>Design Review submittal requirements</i>	18
<i>Stormwater control on single family and duplex lots</i>	28

Public Notice Requirements

(Overview: The City requires notification of property owners within 100 feet of proposed small scale projects (e.g., modification of landscaping, additions to commercial building of up to 5%, the addition or reduction in parking stalls, flood management permits, renovations and additions to historic homes, and minor (Class I) variances (e.g., for small reductions in building setbacks and lot dimensions) (see Attachment 1). This notification is less than other Metro jurisdictions, which typically provide 200-foot to 500-foot notice for similar projects, with a 300-foot notice being most common (see Attachment 2). The following proposed amendment would require notice of these relatively small projects to be provided to property owners within 500 feet of the subject site. In addition, a sign providing notice would have to be posted on the site).

99.080 NOTICE

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B. Class B Notice. Notice of a proposed action on a development application pursuant to CDC 99.060 shall be given by the Director in the following manner:

1. At least 14 days prior to the decision date, a notice shall be sent by mail to:
 - a. The applicant or his agent;
 - b. The affected recognized neighborhood association or citizens advisory committee; and
 - c. All property owners of record within ~~100~~ **500** feet of the site perimeter.

(Staff comment: Attachment 3 on page 32 shows the City's cost for producing and mailing notices to property owners within at 100, 300, and 500 feet of several sites. The City averaged 11 such mailings during the past 3 years. At that rate, 500-foot mailings would cost the City approximately \$559 more per year than 100-foot mailings).

2. At least 10 days prior to the earliest date that the approval authority can take action on the application, the applicant shall place a sign provided by the Planning Department on the subject property or, if the property does not have frontage on a public street, adjacent to the nearest public street frontage in plain view. The sign shall state, "This property is the subject of a land use decision," with the type of use or request indicated.
- ~~3. d.~~ The City shall make reasonable efforts to post notice of the application on the City's website at least 10 days prior to the hearing, meeting, or decision date. Failure to comply with this section is not a procedural defect entitling any party to a delay in the hearing process.

Sidewalk Use

(Overview: CDC Section 53.030 limits the placement of tables and displays to the portion of the sidewalk next to buildings. However, some wide sidewalks, particularly at sidewalk extensions at intersections, have room for tables and displays along the street without interfering with pedestrian passage. The proposed code amendment below would allow tables and displays to be placed along the street edge as well as next to buildings, provided they would not interfere with pedestrians.)

53.030 STANDARDS

A. Displays and tables may be placed, and customer service may be conducted, on sidewalks subject to the following:

1. A pedestrian accessway, a minimum of four feet in width, shall be maintained free of obstructions on all sidewalks. Such pedestrian access shall be adjacent to the curb (i.e., the display or tables shall be adjacent to the associated building), except when there is sufficient width between the building and the curb to allow more than one row of displays or tables on the sidewalk while maintaining at least the minimum unobstructed pedestrian accessway. In that case, tables and displays can be located along the building face or curb, or both.

A minimum pedestrian accessway of four feet shall be maintained adjacent to the curb (i.e., display or service shall take place adjacent to the business structure.)

2. ~~C.~~ The ~~d~~ Displays, tables, and ~~or customer~~ service shall not extend beyond the store frontage of the business associated with the products or service, with the exception

that businesses at street intersections with extended sidewalks may use the extended sidewalk consistent with this section.

See CDC Section 52.310 regarding temporary signs and Chapter 42 regarding clear vision triangle requirements.

- B. Clear vision requirements of Chapter ~~42~~ CDC shall not be violated.
- D. ~~Any temporary commercial signs shall be subject to Planning Director approval.~~

Number of Dwellings Along Cul-De-Sacs

(Overview: CDC Subsection 85.200(A)(11) limits the number of dwellings accessed by a cul-de-sac to 12 and sets a maximum cul-de-sac length of 400 feet. The primary purposes of limiting the number of dwellings along cul-de-sacs are to provide for connected streets where possible and to avoid access problems for emergency response vehicles. However, in some instances, the limit of 12 dwellings accessed by a cul-de-sac may be an impediment to appropriate development. For example, some dead end streets have no potential for connection (i.e., due to barriers such as I-205, topography or existing development) but they access land capable of accommodating infill development that would not pose traffic or public safety problems. Metro's Regional Transportation Functional Plan (RTFP), Subsection 3.08.110(E)(7), requires that new cul-de-sac/dead-end streets on sites five acres or larger be limited to 200 feet in length and provide access for no more than 25 dwellings. Metro does not limit the number of dwellings on existing cul-de-sacs. (See Attachment 4.) West Linn is required to be at least as restrictive as the RTFP. The proposed amendment below would allow longer cul-de-sacs accessing an increased number of lots under certain circumstances.)

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, finds that the following standards have been satisfied, or can be satisfied by condition of approval.

...

A. Streets

...

11. Cul-de-sacs.

- a. **New cul-de-sacs and other closed-end streets (not including stub streets intended to be connected) are not allowed unless the applicant demonstrates that there is no feasible through street alternative due to physical constraints (e.g., existing development, steep topography, a fish bearing stream, or wetland), inability to obtain needed easements, or because the cost would render the project unviable.**
- b. **New cul-de-sacs and other closed-end streets, consistent with Subsection (11) (a) above, shall not exceed 200 feet in length or serve more than 25 dwelling units unless the design complies with all applicable standards of the emergency service provider (i.e., Tualatin Valley Fire and Rescue), including accessibility and response time, and the design adequately provides for anticipated traffic, consistent with applicable requirements.**

Cul-de-sacs are not allowed except as required by topography, slope, site limitations, and lot shapes. Cul-de-sacs shall have maximum lengths of **400 feet** and serve no more than **12** dwelling units, unless by variance per Chapter 75 CDC.

- c. Applicants for a proposed subdivision, partition or a multifamily, commercial , or industrial development accessed by an existing cul-de-sac/closed-end street shall demonstrate that the proposal is consistent with traffic standards and all applicable standards of the emergency service provider, including accessibility, response time.
- d. All cul-de-sacs shall include direct pedestrian and bicycle accessways to adjacent streets or pedestrian and bicycle accessways unless the applicant demonstrates that such connections are precluded by physical constraints or that necessary easements cannot be obtained at a reasonable cost.
- e. All cul-de-sacs/closed-end streets shall terminate with a turnaround built to one of the following specifications (measurements are for the traveled way and do not include planter strips or sidewalks).

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In-lieu Fee of Required Improvement

(Overview: For some small infill lots, full public street improvements may be inconsistent with the surrounding built environment. The CDC allows in-lieu fee of sidewalks, but lacks a method for determining the amount of fee.)

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, finds that the following standards have been satisfied, or can be satisfied by condition of approval.

- A. Streets.
 - 1. General.

Internal streets are the responsibility of the developer. All streets bordering the development site are to be developed by the developer with, typically, half-street improvements or to City standards prescribed by the City Engineer. Additional travel lanes may be required to be consistent with adjacent road widths or to be consistent with the adopted Transportation System Plan and any adopted updated plans.

An applicant may submit a written request for a waiver of abutting street improvements if the Transportation System Plan prohibits the street improvement for which the waiver is requested. Those areas with numerous (particularly contiguous) under-developed or undeveloped tracts will be required to install street improvements. When an applicant requests a waiver of street improvements and the waiver is granted, the applicant shall **pay an in-lieu fee equal to the estimated cost, accepted by the City Engineer, of the otherwise required street improvements. As a basis for this determination, the City Engineer shall consider the cost of similar improvements in recent development projects and may require up to three estimates from the applicant. The amount of the fee shall be established prior to the Planning Commission's decision on the associated application. The in-lieu fee will be used for in kind or related improvements.** propose a fee amount that will be reviewed by the City Manager or the Manager's designee. The City Manager or the Manager's designee will revise the proposed fee as necessary and establish the amount to be paid on a case-by-case basis. The applicant shall pay an in-lieu fee for improvements to the nearest street identified by the City

Manager or 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 as determined in subsection (A)(22) of this section.

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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.
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.
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 the City Manager or the Manager's designee determines the transportation system plan does not include the street improvement for which the waiver is requested.
4. When an applicant applies for and is granted a waiver of street improvements under subsection (A)(3) of this section, the applicant shall pay an in-lieu fee **equal to the estimated cost, accepted by the City Engineer, of the otherwise required street improvements. As a basis for this determination, the City Engineer shall consider the cost of similar improvements in recent development projects and may require up to three estimates from the applicant. The in-lieu fee will be used for in kind or related improvements.** –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.
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 Chapter ~~99~~ CDC.

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Projecting Signs and Sports Field Signage

(Overview: The proposed amendments to the sign code, CDC Chapter 52, pertain to the following:

- *Permitting signage on sports fields;*
- *Allowing projecting signs in the Willamette Falls Drive Commercial District (WFDCD) and specifically allowing projecting signs in other commercial districts; and*
- *Relocating the signage related language for the WFDCD to Chapter 52, Signs.*

Sports Field Signage. Currently, sports fields owned by the City and the West Linn-Wilsonville School District contain signage for various businesses and organizations. The signage is a source of revenue for the associated teams and organizations. Unlike most signage, the display of signage at athletic facilities is directed towards event attendees and not toward adjacent properties and roadways. Several cities in the region regulate this type of signage and a number of others regulate signage that is not visible or intended to be visible from the public right-of-way (see Attachment 5).

Signage on City owned property that is erected and maintained by the City can be considered a "City Sign" and therefore exempt from regulation per CDC 52.109. The remaining sports field signage is not permitted by the CDC. The proposed amendments would exempt the sports field related signage at community recreation facilities provided that it is oriented toward, and only intended to be legible for, users of the site. The CDC defines "Community recreation" as "Recreational, social, or multi-purpose uses typically associated with parks, play fields, or golf courses.")

Chapter 52, Signs

52.109 EXEMPTIONS

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B. ~~Signs in the Willamette Falls Drive Commercial Overlay Zone, as defined in Chapter 58 CDC, shall be reviewed and approved subject to the criteria found in CDC 58.090(C)(25). However the dimensional standards for signs in the Willamette Falls Drive Commercial Overlay Zone shall be based on the table in CDC 52.300.~~

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F. **Signs that are oriented toward spectators at play fields or the interior of community recreation facilities provided that the lettering is no larger than necessary to be legible to the spectators. If the signs are incidentally visible from the right-of-way, the signs in that location shall be uniform in size vertically and aligned horizontally to form a banner like appearance; and the back side of such signs visible from the right-of-way shall be a uniform white, black or earth tone color.**

(Projecting signs. Business owners and others in the WFDCD have expressed a desire to amend the CDC to allow, or make it easier, for businesses to have projecting signs (also known as "blade" signs) (see Attachment 5). Projecting signs can increase the visibility of businesses, particularly for pedestrians walking along the sidewalk. Often, wall signs are not visible from that vantage point. There are a few examples of projecting signs in the WFDCD. These were typically permitted based on historic examples of similar signage. Projecting signs are not specifically addressed in other commercial areas. Staff has permitted them, typically in Central Village, as part of the business's wall signage.

The proposed amendments would allow for projecting signs in all commercial districts with limitations on their location and size so they will not detract from the district's character. The draft amendments would allow one projecting sign (up to a maximum 12 square feet) per business frontage with a customer entrance. This signage would be in addition to the signage that is currently permitted. (Currently, businesses are allowed a total of three wall signs, potentially distributed on multiple façades, with a total area of up to 10% of the area of the largest façade.)

52.300 PERMANENT SIGN DESIGN STANDARDS

	City Appvl. Reqd.	Illumination	FREESTANDING SIGNS				ON-WALL SIGNS			PROJECTING SIGNS ⁵	
			No. Allowed	Max. Sq. Ft.	Max Ht. (ft.)	ROW Setback (ft.)	No. Allowed	Max Sq. Ft.	Max Ht. (ft.)	No. Allowed	Max. Sq. Ft.
Residential Uses Including Home Occupations	No	No	1	2	4	5	or 1 [^]	2	12	n/a	n/a
Multi-family Complex	Yes	Yes	2	24 total*	8	5	or 2 [^]	24 total*	12	n/a	n/a
Subdivision Monument	Yes	Yes	5 per subdiv.	32 total*	8	5	n/a	n/a	n/a	n/a	n/a
Industrial Zone Uses	Yes	Yes	10	32	8	5	3	10%	25	n/a	n/a
Commercial Uses in Residential Zone	Yes	Yes	1	16	8	10	2	5%*	12	n/a	n/a
Commercial Zone	Yes	Yes	1 ¹	32 ²	8	5	3	10%*	25	<u>1 sign per each business frontage with a customer entrance⁴</u>	<u>12</u>
Business Center	Yes	Yes	1	150 ³	20	15	3	10%*	25	<u>1 sign per each business frontage with a customer entrance⁴</u>	<u>12</u>
Business Center Entryway	Yes	Yes	1 per entry	4	3	5	n/a	n/a	n/a	n/a	n/a
Public Uses	Yes	Yes	1 ⁴⁵	24	20	5	No limit	18 total	25	n/a	n/a

Notes for Permanent Sign Design Standards

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4 Projecting signs shall not extend above the roofline at the wall or the top of a parapet wall, whichever is higher. They shall not be located within 20 feet of another projecting sign in the same horizontal plane or project within two feet of the curb or, if there is no curb, the edge of the pavement. All projecting signs shall have clearance above the sidewalk consistent with Subsection 52.210(D). Any illumination shall be external.

⁵⁴Parks may have two signs per frontage. Signs in parks directed at pedestrians or cyclists within the parks are not limited in number or size. Schools may have two signs.

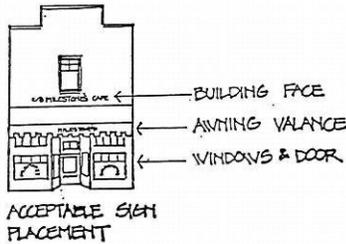
N/a means not applicable.

(Staff comment: The following proposed amendments would relocate the signage requirements for the WFDCD from Subsection 58.090(C)(25) to Chapter 52, Signs, to consolidate the signage regulations in a single chapter. Section 52.109 is proposed to be amended accordingly. While these sections are applicable to the WFDCD, staff reviews signage when a sign permit is submitted rather than during design review. Consolidating the sign requirements in a single chapter will simplify the review process.)

52.210 APPROVAL STANDARDS

K. Signs in the Willamette Falls Drive Commercial District.

- 1. Signs shall not exceed 10 percent of the square footage of the front elevation. The calculation of allowable signage is explained in CDC 52.300. The sign(s) shall be proportionate to buildings and signs on adjacent buildings. The “10 percent” shall be broken up into multiple signs. The sign(s) shall be mounted or painted on the second floor, on the valance of the awning, on the windows at pedestrian level, or on four-by-four awning posts. Signs shall not be of the internally lit can type or channel light type. No backlit awnings are allowed. Illumination by spotlight is permitted. Neon signs are permitted only inside the windows. No flashing signs are allowed. By temporary sign permit only, neon colored lettering or designs painted on windows or on paper or banners in the windows are allowed, but discouraged. Small signs or plaques which describe the building in a historical sense are exempt from the allowable square footage restrictions. Signs cannot project out from building face. (Staff comment: This deletion provides for projecting signs).**



- 2. Sign type face. Antique lettering as shown in the illustration is required. Variations are permitted where the lettering would not clash with the predominant font or style. “Gay Nineties” or “P.T. Barnum” type styles and other exaggerated styles are discouraged. Lettering may be horizontal, vertical, or slanting up from lower left to upper right. Semi-circle designs on windows are permitted. Window lettering should be either white, black, or gold with black shading.**

BROKER SHADED

Caslon Antique

Antique Bold

BETON OPEN

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ENGRAVERS

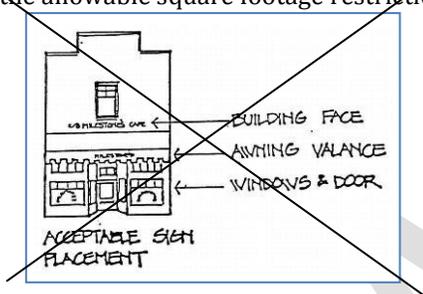
3. Temporary signs. Temporary sandwich board signs are permitted and shall be designed to be consistent with the aforementioned sign and type face provision.

Chapter 58, Section 58.090 Standards

...

25. Signs.

a. Signs shall not exceed 10 percent of the square footage of the front elevation. The calculation of allowable signage is explained in CDC-52.300. The sign(s) shall be proportionate to buildings and signs on adjacent buildings. The "10 percent" shall be broken up into multiple signs. The sign(s) shall be mounted or painted on the second floor, on the valance of the awning, on the windows at pedestrian level, or on four-by-four awning posts. Signs shall not be of the internally lit can type or channel light type. No backlit awnings are allowed. Illumination by spotlight is permitted. Neon signs are permitted only inside the windows. No flashing signs are allowed. By temporary sign permit only, neon colored lettering or designs painted on windows or on paper or banners in the windows are allowed, but discouraged. Small signs or plaques which describe the building in a historical sense are exempt from the allowable square footage restrictions. Signs cannot project out from building face.



b. Sign type face. Antique lettering as shown in the illustration is required. Variations are permitted where the lettering would not clash with the predominant font or style. "Gay Nineties" or "P.T. Barnum" type styles and other exaggerated styles are discouraged. Lettering may be horizontal, vertical, or slanting up from lower left to upper right. Semi-circle designs on windows are permitted. Window lettering should be either white, black, or gold with black shading.

BROKER SHADED

Carbon Antique

Antique Bold

BETON OPEN

Quincy Shaded

ENGRAVERS

c. Temporary signs. Temporary sandwich board signs are permitted and shall be designed to be consistent with the aforementioned sign and type face provision.

52.109 EXEMPTIONS

- A. Signs placed inside windows are exempt from the provisions of this chapter.
- B. Signs in the Willamette Falls Drive Commercial Overlay Zone, as defined in Chapter 58 CDC, shall be reviewed and approved subject to the criteria found in CDC 58.090(C)(25). However the dimensional standards for signs in the Willamette Falls Drive Commercial Overlay Zone shall be based on the table in CDC 52.300.
- BC. Parking lot signs. Signs up to three square feet in area with a maximum height no greater than five feet above grade and directed to the interior of a parking lot and not to a right-of-way shall not require a sign permit.
- CD. City signs are exempt from the provisions of this chapter.

D.E. Sunday signs are allowed within City right-of-way in any residential district on Sundays between the hours of 8:00 a.m. and 6:00 p.m., subject to the following standards:

...

Docketing

(Overview: CDC Subsection 98.030(A) allows CDC and comprehensive plan amendments to be initiated by the City Council, Planning Commission, Planning Director and neighborhood associations. In addition, community members may petition the Planning Commission or Council to consider such amendments.

CDC Section 98.030(B) requires that the proposed amendments be heard by the Planning Commission within 60 days, unless, under Section 98.030(C), the City Council authorizes more time for the Planning Commission to hold a hearing. This effectively gives the latest proposal the highest priority, consequently real priorities could be neglected. Also, this approach is inefficient since each new proposed amendment could require separate legal notice and public hearings before the Planning Commission and City Council, rather than being grouped with other proposed amendments. Further, the state requirement that the proposed amendments be submitted to the Department of Land Conservation and Development 30 days in advance of the first public hearing makes the deadline challenging at best and limits public involvement in formulating the proposed amendment.

The proposed amendments would eliminate the authority of the Planning Director, Planning Commission and others to initiate projects independently and replace it with a docketing procedure. The 60-day deadline for conducting a hearing on proposed amendments would also be eliminated.

The proposed docketing process provides a procedure for City boards and commissions, staff, community members, and other interested people to suggest comprehensive plan and CDC amendments to the City Council. (Other planning, historic, and sustainability related projects that involve significant staff or financial resources could also be considered in the docketing process, if desired.) As proposed, each requested amendment/project and its status would be posted on the internet and at City Hall so people could become aware of the proposals under consideration.

The City Council would review all of the proposed projects, along with the Planning Commission's recommendation, add projects of interest, and decide which of the proposed projects to include in the docket. This process would allow the Council to review all of the projects competing for City resources together and decide which ones are of greatest importance and community benefit. When proposed projects exceed available resources, the Council would decide what had priority and what projects would be deferred or dropped. The docket would be tied to the biennial budget to give the Council the ability to fund additional projects if desired. This process gives the Council the ability to align planning efforts to further Council goals rather than the Planning Commission and staff potentially proceeding in different directions or working on projects that the Council will not ultimately support. Upon Council approval, the docket would form the long-range work program for the Planning Department. The Council would retain the ability to proceed immediately with amendments to address urgent matters outside of the docketing process.

Issues. *Several issues have been raised regarding the proposed docketing process as follows:*

Small scale projects would have to compete with large projects. *This might result in small projects being put off for a long time. Options 1 and 3 on pages 11-12 addresses this issue.*

Responsiveness to issues raised by the public. *The docketing process could mean it would take longer for the City to look at requested code amendments, for example dealing with a neighborhood or business*

district issue. Some people believe that the City should act on the suggestions from the public right away to maintain citizen involvement. They are concerned that people might feel disenfranchised if it was more difficult for them to bring their ideas to the Planning Commission. That would tend to discourage citizen involvement. Options 1 and 2 on pages 11- 12 address this issue.

Independence of the Planning Commission. Some Planning Commission members believe that the Planning Commission should be an independent body with independent authority to initiate projects. Option 3 on page 12 would reserve a portion of the staff's capacity for projects initiated by the Commission.)

98.030 PROPOSING AND APPROVING PROPOSALS TO AMEND THE COMPREHENSIVE PLAN, CDC AND ZONING MAP

- A. **Docket. Comprehensive Plan, CDC and zoning map amendments to be prepared and processed in a given year shall be listed on a docket established through the following process, except as provided for in Subsection (A)(6) below. (Staff comment: Other planning, historic, and sustainability projects relying on Planning Department staff would also be considered through the docketing process to ensure that all projects competing for staff resources are considered together).**
1. **Proposing amendments and projects. Anyone may request a Comprehensive Plan, CDC or zoning map amendment on a form submitted to the Planning Department. The requests may be submitted at any time, but the Planning Department will establish an annual deadline for proposed projects to be considered for the next docket.**
(Staff comment: Staff would produce a form that would enable community members and others to suggest code and plan amendments and other planning, historic, and sustainability related projects and explain the rationale. The form would be posted on the City website and made available at City Hall.)
 2. **Notice. The Planning Department shall provide public notice of the annual submission deadline for proposing Comprehensive Plan, CDC and zoning map amendments at least 30 days in advance of the deadline. At a minimum, this shall include notice on the City website and, if time permits, notice to neighborhood associations and a note in the City newsletter accompanying the utility bill.**
 3. **Proposed project list. Staff shall compile and maintain a list of proposed Comprehensive Plan, CDC, and zoning map amendment projects. The list shall be available for public review on the City's website and at City Hall.**
 4. **Planning Commission review. Each year, staff shall present the proposed project list to the Planning Commission to give them the opportunity to review the proposed projects, add projects of interest, and to prioritize the proposed projects within their purview.**
 5. **City Council review and action. In each odd numbered year, the City Council shall set the docket in coordination with the proposed City budget. The process shall generally occur as follows:**
 - a. **Staff shall present the preliminary project list, along with the priorities of the Planning Commission, to the City Council for their consideration. The**

Council may add to, delete, or amend the proposals as desired. Then the Council will decide which projects to include on the two-year docket and their priority.

- b. In even numbered years, the Council will reconsider the docket in light of new proposed projects, emerging issues and current Council priorities and, if warranted, make changes to the docket as desired.**

Option 1:

- c. Amendments proposed by citizens not affiliated with the Planning Commission shall be considered at approximately 6-month intervals.**

(Rationale: This option would allow the Council to review and act on citizens' requests at shorter intervals than annually, and be more responsive to the public.)

Staff Comment: One of the benefits of docketing is that staff have greater certainty of the workload so they can commit to deadlines and have the capacity to meet them. Authorizing new projects at intervals more frequent than annually undermines this benefit. The shorter interval also somewhat reduces staff capacity to process amendments as they would have to go through the docketing process more often. Also, it is unlikely that priorities would change enough over a short period to allow a new proposal to be addressed ahead of others already approved for the docket, unless it dealt with an urgent matter (which could be addressed under 6 below.)

- 6. Exception. The City Council may initiate Comprehensive Plan, CDC and zoning map amendments at any time. The Council shall indicate the order of priority of new projects on the docket initiated other than as provided for in Subsection (A)(5).**

Option 2: Members of the public may request CDC and Comprehensive Plan amendments at any City Council public meeting.

(Rationale: This option would allow people to request amendments at any time and give the Council the opportunity to decide if it is more important than previously authorized projects or defer it to the next round of docket review. (At this point, the Planning Commission is most interested in Options 2 and 3)).

Option 3: In addition, the Planning Commission may initiate Comprehensive Plan and CDC amendments outside of the docketing process, provided they do not exceed 20% of staff's available capacity for long-range planning for the year and the project was not specifically rejected by the City Council.

(Rationale: This approach would reserve some staff capacity to enable the Planning Commission to initiate projects, address emerging issues, and preserve some autonomy. It could also allow small amendments to be considered more frequently and not make them compete with bigger projects. The possibility that the project will not ultimately be supported by the Council remains.)

APPLICATION PROCESS: WHO MAY APPLY, TIME PERIOD, REQUIREMENTS

- A. ~~Who may apply.~~
1. ~~A proposed legislative change may be initiated by:~~
 - a. ~~Motion by the City Council;~~
 - b. ~~Motion by the Planning Commission;~~
 - c. ~~The Planning Director;~~
 - d. ~~Recognized neighborhood association. The association must transmit its requested change to the Planning Director, accompanied by documentation as to the vote of the association and the minutes of its discussion;~~
 - e. ~~Any other party wishing to propose a legislative change may petition the Planning Commission or City Council to consider such change. The Planning Commission or City Council, after considering the petition, may choose to initiate a legislative change or deny the petition.~~
- B. ~~Time period. A proposed legislative change will be heard by the Planning Commission, which acts in an advisory capacity to the Council, within 60 days of initiation of proposal. The proposed legislative change will then be heard by the City Council at the next available meeting, but in any circumstance, no later than 60 days after the Planning Commission recommendation. The date of initiation is the date the motion for change is adopted by the City Council or Planning Commission, or the date the Planning Director has received a proposal from a recognized neighborhood association.~~
- C. ~~The City Council may, by same or separate motion, adopt a longer time period for Planning Commission hearings of proposed legislative changes.~~

Residences in Commercial Districts

(Overview: The CDC limits residential units above the first floor of commercial businesses in the General Commercial (GC) District to multi-family housing (three or more units). Housing is not permitted above other uses in the Neighborhood Commercial (NC) District. This precludes the opportunity to have one or two residential units above smaller commercial buildings, for example, in the Willamette Falls Drive Commercial District. The City has recently had inquiries about this possibility. The proposed amendment below would provide for one and two unit dwellings in commercial buildings in the GC (Chapter 19) district and single family residences above permitted uses in the NC (Chapter 18) district.)

...

19.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS *(General Commercial)* The following uses are allowed in this zone under prescribed conditions:

1. **Single family residential unit and attached single family units above a permitted use or a commercial use or place of assembly authorized as a conditional use (e.g., children's day care center, superstore, amusement enterprise, transient lodging, religious institution, school, lodge or community center), and M**multiple-family units: as a mixed use in conjunction with commercial development, only above the first floor of the structure, **except in and on the ground floor of businesses on the Willamette Falls Drive Commercial District where dwellings may also occupy a portion of the ground floor** pursuant to CDC 58.050.

...

18.030 PERMITTED USES *(Neighborhood Commercial)*

The following are uses permitted outright in this zone:

1. Convenience grocery store.
2. Cultural exhibits and library services.
3. Family day care.
4. Utilities, minor.

- 5. Transportation facilities (Type I).
- 6. **Single family residential unit above a permitted use.**

Temporary Uses and Structures

(Overview: The CDC allows temporary uses for up to one year. The City has recently had requests for temporary use approval for construction trailers and staging areas that were needed for at least two years. The City Council approved these applications in one year increments. Processing a temporary use subject to Council (or Planning Commission) approval requires a public hearing, takes a couple of months, and costs several thousand dollars. The proposed amendments would allow the Planning Director to approve all temporary uses for up to 1 year, rather than 6 months, and exempt construction related uses, such as trailers and staging areas, on sites approved for the associated development. The proposed amendments also reorganize the chapter; modify the provisions, notably allowing some uses to occur for a longer period. Proposed substantive amendments are shaded).

Chapter 35 TEMPORARY STRUCTURES AND USES

Sections:

- 35.020 APPLICABILITY
- 35.030 **EXEMPTIONS** TEMPORARY STRUCTURES AND USES, ADMINISTRATION AND APPROVAL PROCESS
- 35.040 TEMPORARY USES **STANDARDS**
- 35.050 **DURATION OF TEMPORARY 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~~ **the approval authority can authorize temporary uses that are consistent with the provisions of this chapter.** ~~permits may be issued for uses listed in CDC 35.040 which are temporary in nature~~

35.030 EXEMPTIONS

The following temporary uses and structures are exempt from the provisions of this chapter:

1. **Construction related uses including, but not limited to, trailers and staging areas on sites approved for the associated development.**
2. **Portable outdoor storage units or similar structures as are typically used for storing items in conjunction with a move, minor remodel or construction project that will remain on site 14 days or less during a given calendar year.** *(Staff comment: This is consistent with the current code (CDC Subsection 35.030(A)(1)).*

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 project, where these structures will remain on site in excess of 14 calendar days during a given calendar year.~~ *(Staff comment: addressed in 35.030 above).*

2. For other temporary uses for a period not to exceed 60 days from the date of issuance; and *(Staff comment: addressed under Section 35.050)*.
 - a. Such permits shall only be consecutively renewed for one additional 60-day period by the Director. *(Staff comment: addressed under Section 35.050)*.

(Staff comment: the following was moved under 35.040(A)(3) and adapted).

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 CDC 44.030 (Screening) and Chapter 46 CDC, Off Street Parking, Loading and Reservoir Areas, shall apply.

(Staff comment: the following is addressed under Section 35.050(A)(2)). 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:

- 1) That the location, color, bulk, size and design of the structure be compatible with, and appropriate to, the proposed location; *(Staff comment: addressed in 35.040(A)(3))*
- 2) That the structure be screened from adjacent residential uses, Chapter 44 CDC; *(Staff comment: addressed in 35.040(A)(2))*.

3) That the structure comply with Chapter 48 CDC; *(Staff comment: addressed in 35.040(A)(3))*

3. The Planning Director may issue temporary permits to non-profit and for-profit groups or individuals for uses described in CDC 35.040(A). *(Staff comment: Addressed in the definition.)*

- B. The Commission may issue temporary use permits that will terminate between 60 days and six months from the date of issuance. *(Staff comment: subsections B-D are addressed under Chapter 99 on page 17)*.
- 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.

(Staff comment: The following was incorporated in the definition below) 35.040 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;
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 subsection A of this section may be approved if they: *(Staff comment: The following was incorporated in 35.040 (A(1)) below)*.

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.

35.040 TEMPORARY USE STANDARDS

A. Temporary uses shall be approved if they meet the following standards:

1. **Sites accommodating a temporary use shall be appropriate for the proposed use, as determined by the approval authority with consideration of the following:**
 - a. **The proposed site shall have adequate parking and circulation space consistent with Chapter 46, Off-Street Parking, Loading and Reservoir Areas; safe ingress and egress consistent with CDC Chapter 48, Access, Egress and Circulation; and adequate line of sight and vision clearance per Chapter 42, Clear Vision Areas. (Staff comment: moved from Section 35.030 and adapted)**
 - b. **The proposed site shall have a paved or graveled surface sufficient to avoid dust generation and mud tracking from anticipated traffic or erosion control measures, consistent with CDC Section 31.070, shall be used to keep any mud, sediment and dust on site. (Staff comment: moved from Section 35.040 and adapted)**
 - c. **The proposed use shall conform to all applicable requirements of CDC Chapter 32, Water Resource Protection, Chapter 27, Flood Management Areas, Chapter 28, Willamette and Tualatin River Protection and other City regulations.**
 - d. **The proposed temporary use shall not be materially detrimental to the public welfare, or injurious to the property or improvements in the immediate vicinity.**
2. **The approval authority may require that structures and trailers allowed as temporary uses for more than 60 days be screened from any abutting occupied residential and commercial structure, consistent with CDC Chapter 44, when occupants have a view of the proposed use, unless the applicant demonstrates that such screening is not needed.**
3. **Drop boxes, trailers, or structures that serve a similar function are allowed, consistent with Subsection 35.040(A), for registered non-profit, religious or benevolent groups, orders or associations, when they are proposed to be located in General Commercial, Office Business Center, Campus Industrial, General Industrial, and Neighborhood Commercial districts. Drop boxes and structures serving a similar function, not including trailers, shall not exceed seven feet in height or have a footprint of more than 25 square feet on a single site. Their color shall be limited to earth tones. (Staff comment: adapted from Section 35.030).**

4. The property owner has authorized the proposed temporary use in writing. (Staff comment: moved from 35.040 (B) and adapted)
- B. The approval authority may attach conditions to any temporary use approval as needed to achieve compliance with the applicable standards of this section or otherwise protect public health, safety, and welfare. (Staff comment: moved from 35.030 (D)).

35.050 DURATION OF TEMPORARY USES

- A. Temporary uses may be allowed for up to 60 days, except as follows:
1. Construction trailers and associated parking and staging areas may be allowed for the duration of active construction projects. (Staff comment: Consider exempting construction trailers and staging areas on sites approved for the associated development.)
 2. Drop boxes, structures serving a similar function, and trailers authorized under Subsection 35.040 (A) will be allowed indefinitely, but they will be revoked if they are unused or abandoned for a period of 60 days and if material is not contained by the drop box or trailer and allowed to accumulate outside of the drop box, structure, or trailer. Upon revocation of the approval, the applicant shall be responsible for removing the drop box, structure, or trailer unless it is abandoned; in that case, removal shall be the responsibility of the property owner. (Staff comment: The provision above was moved from Subsection 35.030(A)(2)(b) and adapted.)
- B. Temporary use approvals may be consecutively renewed once for no greater duration than the original approval, up to a total of two years, except as provided for in Subsection 35.050 (A).

Related Proposed Amendments to Chapter 2, Definitions

Temporary use. A use which, by its nature, will last under two years. Examples of temporary uses are uses associated with the sale of goods for a specific holiday, activity or celebration, uses associated with construction, and seasonal uses. The temporary use provisions do not apply to businesses seeking a temporary or interim location

Temporary use. A use which, by its nature, will last under two years, with the exception of drop boxes and structures/trailers serving a similar function and construction related uses and facilities, such as construction trailers and staging areas. Examples of temporary uses include, but are not limited to: uses associated with the sale of goods for a specific holiday, activity or celebration, such as the sale of Christmas trees and fireworks; uses associated with construction; seasonal uses, such as the sale of fresh fruits, produce, and flowers; uses associated with festivals, celebrations or special promotional events; a real estate office within a development limited to the sale of real estate in the development; and portable outdoor storage units or similar structures as are typically used for storing items in conjunction with a move, minor remodel or construction project. Temporary uses do not include businesses seeking a temporary or interim location (Option: or uses that are otherwise allowed in the applicable district through another land use approval process (e.g., a conditional use). (Staff comment: The City Council currently has the authority to consider conditional uses as temporary uses.)

Related Proposed Amendments to Chapter 99

99.060 APPROVAL AUTHORITY

This section explains the authority of the Planning Director, Planning Commission, City Council, and Historic Review Board as it relates to quasi-judicial and legislative action.

- A. Planning Director authority. The Planning Director shall have the authority to:
 - 1. Approve, deny, or approve with conditions the following applications:
 - a. A temporary use **or structure** application for a period of **up to one year** ~~six months or less~~ (Chapter 35 CDC).
- ...
- B. Planning Commission authority. The Planning Commission shall have the authority to:
 - ...
 - 2. Approve, deny, or approve with conditions the following applications:
 - a. A quasi-judicial zone change application (Chapter 105 CDC).
 - b. A temporary use or structure application ~~for a period of greater than six months~~ (Chapter 35 CDC).
- C. City Council authority. The Council shall have the authority to:
 - 1. Approve, deny, or approve with conditions applications for the following development applications.
 - a. A quasi-judicial Comprehensive Plan Map amendment (Chapter 105 CDC).
 - b. A quasi-judicial zone change involving a concurrent application for a quasi-judicial Plan Map amendment (Chapter 105 CDC).
 - c. Boundary change proposals (Chapter 81 CDC).
 - d. Temporary use or structure application (Chapter 35 CDC), including uses allowed through another land use approval process (Staff comment: per current 35.030(C). Currently the Council action regarding temporary uses is not subject to any approval criteria, hence their ability to approval conditional uses on a temporary, trial basis).**

(Option: Eliminate Council's ability to hear temporary use applications. They would hear any appeals).

Design Review Submittal Requirements

(Overview: The following refines the submittal requirements for Design Review. The proposed changes remove duplicative requirements, remove items that are not needed for review, and add items that are needed for review to simplify and clarify the process for the applicant, staff, and the Planning Commission.)

55.070 SUBMITTAL REQUIREMENTS

- A. The design review application shall be initiated by the property owner or the owner's agent, or condemnor.
- B. A pre-application conference, **per Subsection 99.030(B)**, shall be a prerequisite to the filing of an application.
 - ~~1. The Director shall explain the applicable policies, ordinance provisions, opportunities and constraints which may be applicable to the site and type of proposed development. The Director shall determine which class of design review is required.~~
 - 2. The following subjects shall be reviewed at the pre-application conference:
 - ~~a. The parcel's location and size, the Comprehensive Plan, zoning, and other possible and applicable ordinance provisions.~~

- b. ~~The proposed use and types of adjacent land uses and the opportunities for shared use such as parking, or the need for buffers or sound barriers.~~
- c. ~~The natural features on the site: topography, drainage courses, micro-climate vegetation, and soil conditions and stability as these features relate to plan policies and ordinance provisions and the site development plan.~~
- d. ~~The availability of utilities (on site and off site).~~
- e. ~~The site access and potential traffic problems.~~
- f. ~~The availability of transit, capacity of the road system, and existence of plans for bicycle and pedestrian ways.~~
- g. ~~Existing or potential noise sources.~~
- h. ~~Conditions placed on previous applications.~~
- i. ~~Review submittal requirements.~~
- j. ~~Preferred architectural design and building orientation.~~

(Staff Comment: Pre-application conferences are addressed in Subsection 99.030 (B). This section provides sufficient information as to the purpose of and information provided at pre-application conferences.)

C. **Documentation of any required meeting with the respective City-recognized neighborhood association per CDC Section 99.038.**

(Staff Comment: Currently, CDC chapters 55, 85, and 105 require a neighborhood meeting for subdivisions with over 10 lots and multifamily housing with more than 10 units. Chapter 99 calls for neighborhood meetings for all subdivisions (defined as four or more lots) and multifamily housing (defined as three or more units). The proposed amendments are intended to eliminate the inconsistency and place the regulations in one logical location (Chapter 99). The draft amendments to Chapter 99 on page 27 would require neighborhood meetings for subdivisions with 4 or more lots and multifamily projects with more than three units. Also, all non-residential buildings would require a neighborhood meeting, rather than just commercial/industrial buildings.)

~~A prerequisite to the filing of an application for development proposals that include greater than 10 multi-family units or commercial/industrial buildings greater than 1,500 square feet in size, a four-lot or more planned unit development, a 10-lot or greater subdivision, or a zone change that requires a Comprehensive Plan amendment is a meeting with the respective City-recognized neighborhood association, per CDC 99.038, at which time the applicant will present their proposal and receive comments. Wireless communication facilities (WCF) shall also fulfill co-location protocol of CDC 57.090.~~

D. The applicant shall submit a completed application form and **one digital or electronic copy in an accessible format. In addition, the applicant must submit three copies at the original scale, three copies of all drawings and plans reduced to 11 inches by 17 inches or smaller, and three copies of all other items. Additional copies may be required as determined to be necessary by the Planning Department.**

1. The development plan for a Class I design review shall contain the following elements:
 - a. A site analysis (CDC 55.110) only if the site is undeveloped-;
 - b. A site plan (CDC 55.120) is required-;
 - c. Architectural drawings, including building envelopes and all elevations (CDC 55.140) only if architectural work is proposed-; **and;**

- d. Pursuant to CDC 55.085, additional submittal material may be required.

~~One original application form must be submitted. Three copies at the original scale and three copies reduced to 11 inches by 17 inches or smaller of all drawings and plans must be submitted. Three copies of all other items must be submitted. When the application submittal is determined to be complete, additional copies may be required as determined by the Planning Department.~~

2. The development plan for a Class II design review shall contain the following elements:

- a. A site analysis (CDC 55.110);

- b. A site plan (CDC 55.120);

- c. A grading plan (CDC 55.130);

- d. Architectural drawings, indicating floor plan and elevation (CDC 55.140);

- e. A landscape plan (CDC 55.150);

- f. A sign plan (CDC 55.160); and

- ~~g. A pedestrian and automobile circulation plan.~~

- ~~fh. The A utility plan: The application shall include a submittal appropriate to respond to the approval criteria of CDC 55.100(I)(1) through (5) relating to streets, drainage, municipal water, sanitary sewers, solid waste, and recycling storage.;~~

- g. A light coverage plan with photometric data, including the location and type of outdoor lighting, with specific consideration given to compliance with CDC Subsection 55.100(I) pertaining to crime prevention and, if applicable, CDC Section 46.150(A)(13) pertaining to parking lot lighting.;**

- h. If the land use is expected to generate noise that may exceed DEQ standards, the application shall include a noise study conducted by a licensed acoustical engineer that demonstrates that the application and associated noise sources will meet DEQ standards. Typical noise sources of concern include, but are not limited to, vehicle drive-throughs, parking lots, HVAC units, and public address systems.; and**

- i. Documents as required per the Tree Technical Manual.**

(Staff Comment: Provisions "g" and "h" are moved, and modified, from 55.120 J and M as specific requirements of a site plan since they are separate plans. Provision "i" is added to clarify the timing and the requirements that are detailed in 55.100 B and 55.110 B (10). A hyperlink to the Tree Technical Manual will be included for the web version).

3. A narrative, based on the standards contained in this code, which supports any requested exceptions as provided under CDC 55.170.

4. Submit full written responses to approval criteria of CDC 55.100 for Class II design review, or CDC 55.090 for Class I design review, plus all applicable referenced approval criteria.

E. The applicant shall submit samples of all exterior building materials and colors in the case of new buildings or building remodeling.

F. The applicant shall pay the required **deposit and** fee.

55.100 APPROVAL STANDARDS – CLASS II DESIGN REVIEW

The approval authority shall make findings with respect to the following criteria when approving, approving with conditions, or denying a Class II design review application.

...
B. Relationship to the natural and physical environment.

...
6. Architecture.

a. ~~The predominant architecture of West Linn identified in the West Linn vision process was contemporary vernacular residential designs emphasizing natural materials: wood with brick and stone detail. Colors are subdued earth tones: greys, brown, off-whites, slate, and greens. Pitched roofs with overhanging eaves, decks, and details like generous multi-light windows with oversized trim are common. Also in evidence are the 1890s Queen Anne style homes of the Willamette neighborhood. Neo-traditional homes of the newer subdivisions feature large front porches with detailed porch supports, dormers, bracketed overhanging eaves, and rear parking for cars. Many of these design elements have already been incorporated in commercial and office architecture. (Staff comment: the language above is a comment rather than a standard).~~

ab. The proposed structure(s) scale shall be compatible with the existing structure(s) on site and on adjoining sites. Contextual design is required. Contextual design means respecting and incorporating prominent architectural styles, building lines, roof forms, rhythm of windows, building scale and massing, ~~materials and colors~~ of surrounding buildings in the proposed structure. **The material and colors shall be complementary to the surrounding buildings.**

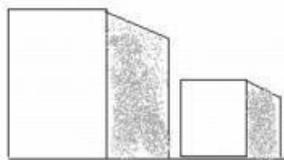


contextual design

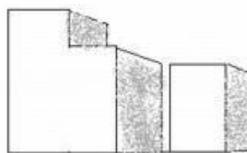


contrasting design

be. While there has been discussion in Chapter 24 CDC about transition, it is appropriate that new buildings should architecturally transition in terms of bulk and mass to work with, or fit, adjacent existing buildings. This transition can be accomplished by selecting designs that “step down” or “step up” from small to big structures and vice versa (see figure below). Transitions may also take the form of carrying building patterns and lines (e.g., parapets, windows, etc.) from the existing building to the new one.



mass/bulk overwhelms smaller building

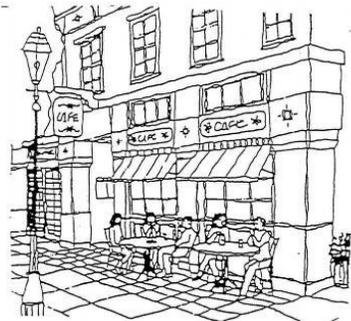


mass/bulk effectively transitions



- cd.** Contrasting architecture shall only be permitted when the design is manifestly superior to adjacent architecture in terms of creativity, design, and workmanship, and/or it is adequately separated from other buildings by distance, screening, grade variations, or is part of a development site that is large enough to set its own style of architecture.
- de.** Human scale is a term that seeks to accommodate the users of the building and the notion that buildings should be designed around the human scale (i.e., their size and the average range of their perception). Human scale shall be accommodated in all designs by, for example, multi-light windows that are broken up into numerous panes, intimately scaled entryways, and visual breaks (exaggerated eaves, indentations, ledges, parapets, awnings, engaged columns, etc.) in the facades of buildings, both vertically and horizontally.

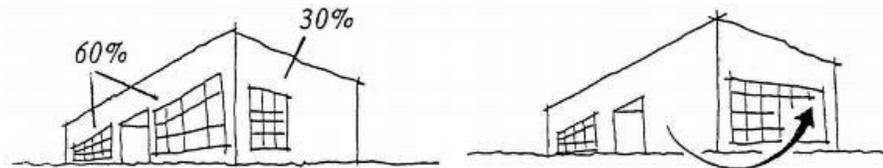
The human scale is enhanced by bringing the building and its main entrance up to the edge of the sidewalk. It creates a more dramatic and interesting streetscape and improves the “height and width” ratio referenced in this section.



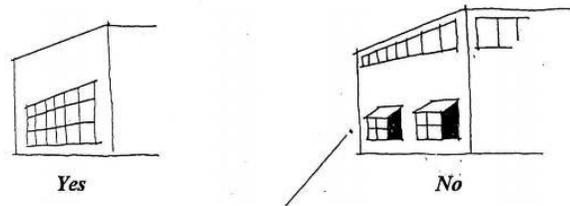
human scale is captured in this example

- ef.** The main front elevation of commercial and office buildings shall provide at least 60 percent windows or transparency at the pedestrian level to create more interesting streetscape and window shopping opportunities. One side elevation shall provide at least 30 percent transparency. Any additional side or rear elevation, which is visible from a collector road or greater classification, shall also have at least 30 percent transparency. Transparency on other elevations is optional. The transparency is measured in lineal fashion. For example, a 100-foot-long building elevation shall have at least 60 feet (60 percent of 100 feet) in length of windows. The window height shall be, at minimum, three feet tall. The exception to transparency would be cases where demonstrated functional constraints or topography restrict that elevation from being used. When this exemption is applied to the main front elevation, the square footage of transparency that would ordinarily be required by the above formula shall be installed on the remaining elevations at pedestrian level in addition to any transparency required

by a side elevation, and vice versa. The rear of the building is not required to include transparency. The transparency must be flush with the building elevation.

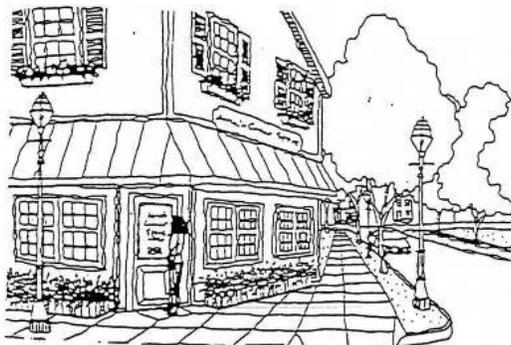


60 percent of lineal street facing or main elevation is windows. 30 percent of one side elevation is windows. You may transfer windows from the side to front, or vice versa.



(Windows not at eye level and/or not flush with building.)

- fg.** Variations in depth and roof line are encouraged for all elevations. To vary the otherwise blank wall of most rear elevations, continuous flat elevations of over 100 feet in length should be avoided by indents or variations in the wall. The use of decorative brick, masonry, or stone insets and/or designs is encouraged. Another way to vary or soften this elevation is through terrain variations such as an undulating grass area with trees to provide vertical relief.
- gh.** Consideration of the micro-climate (e.g., sensitivity to wind, sun angles, shade, etc.) shall be made for building users, pedestrians, and transit users, including features like awnings.
- hi.** The vision statement identified a strong commitment to developing safe and attractive pedestrian environments with broad sidewalks, canopied with trees and awnings.



trees, awnings, and building orientation enhance micro-climate

- ij.** Sidewalk cafes, kiosks, vendors, and street furniture are encouraged. However, at least a four-foot-wide pedestrian access way must be maintained per Chapter 53 CDC, Sidewalk Use.

55.110 SITE ANALYSIS

- B. A site analysis on a drawing at a suitable scale (in order of preference, one inch equals 10 feet to one inch equals 30 feet) which shows:

...

6. Potential natural hazard areas including:
 - a. Floodplain areas;
 - b. ~~Areas subject to a high water table;~~ **Seeps and springs;**
 - ~~b~~**e.** Landslide areas; and
 - ~~c~~**d.** Areas having a high erosion potential.
 7. Resource areas including:
 - a. ~~Marsh and wetland areas.~~ **Wetlands;**
 - b. ~~Wildlife habitat areas identified by the City in its Comprehensive Plan.~~ **Riparian corridors;**
 - ~~c.~~ **Streams, including intermittent and ephemeral streams;**
 - ~~d.~~ **Habitat conservation areas; and**
 - ~~e.~~ **Large rock outcroppings.**
 8. The site features including:
 - a. ~~Large rock outcroppings;~~
 - b. ~~Areas having unique views; and~~
 - ~~c.~~ ~~Streams and stream corridors.~~
 - ~~9.~~ Potential historic landmarks and registered archaeological sites. The existence of such sites on the property shall be verified from records maintained by the Planning Department and other recognized sources.
 10. ~~The location of trees having a six-inch caliper at five feet and where the site is heavily wooded, an aerial photograph at the same scale as the site analysis may be submitted and only those trees that will be affected by the proposed development need be sited accurately; (e.g., construction activity within the dripline of the trees). All significant trees and tree clusters identified by the City Arborist using the criteria of CDC 55.100(B)(2) and all heritage trees, shall be delineated. Trees on non-Type I and II land shall have their “dripline plus 10 feet” protected area calculated per CDC 55.100(B)(2) and expressed in square feet, and also as a percentage of total non-Type I and II area.~~
- (Staff Comment: The stricken provision above is specified in the Tree Technical Manual or otherwise addressed through its requirements. The submittal of information meeting the requirements of the Tree Technical Manual is included in CDC Subsection 55.070(D)(2)(i).)*
11. ~~Existing ambient 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.~~
- (Staff Comment: This provision above is addressed in CDC 55.070 (D)(2)(h).)*
- ~~12.~~ Identification information including the name and address of the owner, developer, and project designer, and a lineal scale and north arrow.
 - ~~10~~**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.~~

55.120 SITE PLAN

The site plan shall be at the same scale as the site analysis (CDC 55.110) and shall show:

- A. The applicant's entire property and the surrounding property to a distance sufficient to determine the relationship between the applicant's property and proposed development and adjacent property and development.

- B. Boundary lines and dimensions for the perimeter of the property and the dimensions for all proposed lot lines, ~~section lines, corners, and monuments.~~
- ~~C. The location of at least one temporary benchmark and contours as provided by CDC 55.110(B)(3).~~
- ~~CD.~~ Streams and stream corridors.
- ~~DE.~~ Identification information, including the name and address of the owner, developer, ~~and~~ project designer, ~~and~~ a lineal scale, and north arrow.
- ~~EF.~~ The location, dimensions, and names of all: ~~1. Existing and~~ **proposed** ~~platted streets, public pathways, and other public ways and easements on adjacent properties and on the site, and all associated rights-of-way.~~
 - ~~2. Proposed streets or other public ways and easements on the site.~~
- ~~FG.~~ The location, dimensions and setback distances of all:
 - 1. Existing **and proposed** structures, improvements, and utility facilities **on site; and**
 - 2. Existing structures and driveways on adjoining properties.**
 - ~~2. Existing structures, improvements, and utility facilities to remain on the site;~~
 - ~~3. Proposed structures, improvements, and utility facilities on the site.~~
- ~~GH.~~ The location and dimensions of:
 - 1. The entrances and exits to the site;
 - 2. The parking and circulation areas;
 - 3. ~~Loading and service~~ Areas for waste disposal, **recycling**, loading, and delivery;
 - 4. Pedestrian and bicycle ~~circulation areas~~ **routes, including designated routes, through parking lots and to adjacent right-of-ways;**
 - 5. On-site outdoor recreation spaces and common areas;
 - 6. All utilities; and
 - 7. Sign locations.

(Staff Comment: signs are reviewed and approved through the sign permit process not under Design Review.)

- ~~HI.~~ The location of areas to be landscaped.
- ~~J.~~ The location and type of outdoor light with specific consideration given to crime prevention. A light coverage plan shall be provided.
- ~~K.~~ The orientation of structures showing the location of windows and doors.
- ~~L.~~ The location of mailboxes.
- ~~M.~~ Submit an engineering noise control plan by a licensed acoustical engineer to satisfy appropriate noise standards, identified in CDC 55.100(D)(3), in cases where proposed land use can reasonably be expected to generate noise (e.g., automotive-related uses) or in cases where it is required by the provisions of the West Linn Community Development Code.

(Staff Comment: Staff proposes to relocate J. and M. to Subsection 55.070(D)(2) and require separate light coverage and noise control plans rather than require them as part of the site plan. The requirements in K. are already shown on the elevations that are submitted. L. is generally not applicable to staff's review.)

55.125 TRANSPORTATION ANALYSIS

Certain development proposals required that a Traffic Impact Analysis (TIA) be provided which may result in modifications to the site plan or conditions of approval to address or minimize any adverse impacts created by the proposal. The purpose, applicability and standards of this analysis are found in CDC 85.170(B)(2).

55.130 GRADING PLAN

The grading and drainage plan shall be at the same scale as the site analysis (CDC 55.110) and shall include the following:

- A. The location and extent to which grading will take place indicating general contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed.
- B. ~~Plans and statements to demonstrate the ability of the project to meet Appendix 33 requirements of the Uniform Building Code. (Staff Comment: This appendix referenced above does not exist.)~~
- BC.** A registered civil engineer shall prepare a plan and statement that shall be supported by factual data that clearly shows that there will be no adverse impacts from increased intensity of runoff off site, or the plan and statement shall identify all off-site impacts and measures to mitigate those impacts. The plan and statement shall, at a minimum, determine the off-site impacts from a 10-year storm.
- ~~D.~~ ~~Storm detention and treatment plans may be required. (Staff Comment: These plans are already required by Subsection 33.030(C).)~~
- CE.** Identification, information, including the name and address of the owner, developer, project designer, and the project engineer.

55.140 ARCHITECTURAL DRAWINGS

This section does not apply to single-family residential subdivisions or partitions, or up to two duplexes or single-family attached dwellings.

Architectural drawings shall be submitted showing:

- A. Building elevations and sections tied to curb elevation;
- B. Building materials: color and type; **and**
- C. The name of the architect or designer.

55.150 LANDSCAPE PLAN

This section does not apply to detached single-family residential subdivisions or partitions, or up to two duplexes or single-family attached dwellings.

- A. The landscape plan shall be prepared and shall show the following:
 - 1. Preliminary underground irrigation system, **if proposed**;
 - 2. The location and height of fences and other buffering of screening materials, **if proposed**;
 - 3. The location of terraces, decks, patios, shelters, and play areas, **if proposed**;
 - 4. The location, size, and species of the existing and proposed plant materials; **and**
 - 5. Building and pavement outlines.
- B. The landscape plan shall be accompanied by:
 - 1. The erosion controls that will be used, if necessary; **and**
 - 2. Planting **list** schedule; **and**
 - 3. Supplemental information as required by the Planning Director or City Arborist.

Related Proposed Amendments to Chapter 2, Definitions

Massing. The overall size and shape of a structure or building.

Significant tree. A tree is determined to be significant by the City Arborist based on its size, health, species, location, proximity to other significant trees, and other characteristics.

Related Proposed Amendment to Chapter 85

85.150 APPLICATION - TENTATIVE PLAN

A. The applicant shall submit a completed application which shall include:

...

4. ~~A prerequisite to the filing of an application for development proposals that include greater than 10 multi-family units or commercial/industrial buildings greater than 1,500 square feet in size, a four-lot or more planned unit development, a 10-lot or greater subdivision, or a zone change that requires a Comprehensive Plan amendment is a meeting with the respective City-recognized neighborhood association, per CDC 99.038, at which time the applicant will present their proposal and receive comments. (Staff comment: see proposed amendments to Chapter 99 below).~~

Related Proposed Amendment to Chapter 99

99.038 NEIGHBORHOOD CONTACT REQUIRED FOR CERTAIN APPLICATIONS

Prior to submittal of an application for any subdivision (*Staff comment: subdivisions, by City and state definitions, consist of four or more lots*), conditional use permit, multi-family project (*Staff comment: multifamily is defined as 3 or more units*), planned unit development **of four or more lots**, ~~commercial, office, or industrial development of~~ **non-residential buildings** over 1,500 square feet, or a zone change that requires a Comprehensive Plan amendment, the applicant shall contact and discuss the proposed development with any affected neighborhood as provided in this section. Although not required for other or smaller projects, contact with neighbors is highly recommended. The Planning Director may require neighborhood contact pursuant to this section prior to the filing of an application for any other development permit if the Director deems neighborhood contact to be beneficial.

(Staff Comment: CDC subsections 55.070(C), 85.150(A)(4), and 105.040(D), which conflict with the provision above, would be deleted as part of these amendments so the requirements for neighborhood association meetings are contained solely in Chapter 99. The proposed amendments also require neighborhood meetings for all non-residential buildings over 1,500 square feet, rather than just commercial/industrial buildings.)

Related Proposed Amendment to Chapter 105

105.040 QUASI-JUDICIAL AMENDMENTS AND PROCEDURES

Quasi-judicial amendments to this code and to the map shall be in accordance with the procedures set forth in this code and the following:

...

D. ~~A prerequisite to the filing of an application for development proposals that include greater than 10 multi-family units or commercial/industrial buildings greater than 1,500 square feet in size, a four-lot or more planned unit development, a 10-lot or greater subdivision, or a zone change that requires a Comprehensive Plan amendment is a meeting with the respective City-recognized neighborhood association, per CDC 99.038, at which time the applicant will present their proposal and receive comments. (Staff comment: see proposed amendments to Chapter 99 above).~~

Stormwater Management on Single Family and Duplex Lots

(Overview. *In the early 1990's, the Federal Clean Water Act required municipalities to obtain a National Pollutant Discharge Elimination System (NPDES) permit for their storm water discharges. In Oregon, this program was delegated to the Oregon Department of Environmental Quality (DEQ). As a result, DEQ directed six Oregon jurisdictions and associated co-permittees to apply for and obtain a municipal NPDES storm water permit. Clackamas County was one of the jurisdictions required to obtain an NPDES permit, and the City of West Linn is one of the 13 co-permittees on the Clackamas County permit. To meet the Municipal Separate Storm Sewer and NPDES permit, West Linn was required by DEQ to adopt and implement a Storm Water Management Plan (SWMP). The West Linn SWMP calls for City to use the current Portland Storm Water Management Manual. That document requires stormwater treatment for all projects that involve more than 500 square feet of new impervious surface. This is in conflict with CDC Chapter 33 which exempts single family and duplex lots from stormwater management. The proposed amendment would eliminate the exception for such lots from the stormwater requirement, consistent with the City's obligations to meet the SWMP and DEQ requirements).*

Chapter 33

STORMWATER MANAGEMENT QUALITY AND DETENTION

...

33.020 APPLICABILITY

This chapter applies to all new development and redevelopment sites, as required by the City's Public Works Design Standards, ~~except one and two family dwellings that do not involve a land division.~~

...

ATTACHMENT 1

West Linn Table of Notices

The following notice summary identifies the appropriate type of notice for the various land use applications of CDC 99.060.

Land Use Action	Type of Notice
Amendment or Modification of Application or Permit	Same as original application
Appeal or Review of Decision	A
Boundary Change	Special
Code Interpretation	Notice to parties requesting the interpretation
Comprehensive Plan:	
Map Amendment	A
Plan/Code Text Amendment (Legislative Action)	A***
Conditional Use	A
Design Review:	
Class I	B
Class II	A
Determination of Unlisted Use	No Notice
Enlarge or Alter Non-conforming Use/Structure:	
Commercial or Industrial	A
Single-Family Residential	B
Erosion and Sediment Control Permit	No Notice
Expedited Land Division	per State statute requirements
Extensions of Approvals	Same notice as original application
Flood Management Area	B**
Final Plat and Partition Plat	No Notice
Historic District:	
Amendments	A
Demolition	A
New Home Construction	B
Major Renovations or Additions	B
Minor Renovations or Additions	B
Construction of Non-Exempt Accessory Structures/Garages	B
Home Occupation	No Notice
Lot Line Adjustment	No Notice
Minor Partition	A
Planned Unit Development	A

Revocation of Approval	A
Sidewalk Use Permit	No Notice
Sign Permit	No Notice
Subdivision	A
Temporary Use Permit:	
60 days or less; 60-day extension	No Notice
Over 60 days, up to 1 year	A
Tualatin River Setback:	
Uses permitted outright and not subject to design review	No Notice
Uses permitted outright and subject to design review	B
Uses requiring conditional use permit and design review	A
Street Vacations	(per State statute requirements)
Variances:	
Class I (involves a small change with minor or no effect)	B
Class II (involves a significant change from code requirements)	A
Water Resource Area Permit (NDW)	A**
Willamette River Greenway:	
Development Permit	A**
Uses requiring conditional use permit and design review	A**
Zone Change	A

ATTACHMENT 2

Metro area jurisdictions' smallest public notice mailing radiuses, for decisions that have notice mailing radiuses from subject properties:

Beaverton- 300 feet (50.40.2.C*)

Gresham- 300 feet (11.502.E.2.d*)

Hillsboro- 200 feet (per Hillsboro staff)

Lake Oswego- 300 feet (50.010.1.a*)

Milwaukie- 300 feet (19.1005.3.B.1.c and 19.1006.3.D.1.c*)

Portland- 150 feet (33.730*)

Tigard- 500 feet (18.390.040C.1.a and 18.390.050.C.1.a*)

Tualatin- 1000 feet, plus all of any subdivision that is partly within 1,000 feet (31.064.1.c*)

Vancouver- 500 feet (20.210.050.F.2*)

Wilsonville- 250 feet (4.012.02.A*)

**Code section where smallest radius was found*

ATTACHMENT 3
Cost Comparison for Mailing Requirements
100' 300' 500' Radius

COST BREAKDOWN FOR MAILINGS
100' 300' 500'

POSTAGE	2303 DILLOW		3390 CRESCENT		2015 8TH AVE		1290 DOLLAR	
100'	11	4.95	11	4.95	8	3.60	12	5.40
300'	42	18.90	33	14.85	21	9.45	37	16.65
500'	87	39.15	81	36.45	47	21.15	84	37.80

.45/STAMP

ENVELOPES	2303 DILLOW		3390 CRESCENT		2015 8TH AVE		1290 DOLLAR	
100'	11	0.29	11	0.29	8	0.21	12	0.31
300'	42	1.09	33	0.86	21	0.55	37	0.96
500'	87	2.26	81	2.11	47	1.22	84	2.18

0.026/ENVELOPE

PAPER	2303 DILLOW		3390 CRESCENT		2015 8TH AVE		1290 DOLLAR	
100'	11	0.01	11	0.01	8	0.01	12	0.01
300'	42	0.26	33	0.20	21	0.13	37	0.23
500'	87	0.54	81	0.50	47	0.29	84	0.52

0.0062/SHEET

COPIER	2303 DILLOW		3390 CRESCENT		2015 8TH AVE		1290 DOLLAR	
100'	11	1.10	11	1.10	8	0.80	12	1.20
300'	42	4.20	33	3.30	21	2.10	37	3.70
500'	87	8.70	81	8.10	47	4.70	84	8.40

2-SIDED BLACK
0.05/PAGE

TIME	2303 DILLOW		3390 CRESCENT		2015 8TH AVE		1290 DOLLAR	
100'	11	13.76	11	13.76	8	13.76	12	13.76
300'	42	20.65	33	20.65	21	17.21	37	20.65
500'	87	27.53	81	27.53	47	24.09	84	27.53

27.5269/HOUR

TOTAL	2303 DILLOW		3390 CRESCENT		2015 8TH AVE		1290 DOLLAR	
100'		20.11		20.11		18.38		20.68
300'		45.10		39.86		29.44		42.19
500'		78.18		74.69		51.45		76.43

ATTACHMENT 4

Metro Requirements Pertaining to Cul-de-sacs

E. If proposed residential or mixed-use development of five or more acres involves construction of a new street, the city and county regulations shall require the applicant to provide a site plan that:

1. Is consistent with the conceptual new streets map required by subsection D;
2. Provides full street connections with spacing of no more than 530 feet between connections, except if prevented by barriers such as topography, rail lines, freeways, pre-existing development, leases, easements or covenants that existed prior to May 1, 1995, or by requirements of Titles 3 and 13 of the UGMFP;
3. If streets must cross water features protected pursuant to Title 3 UGMFP, provides a crossing every 800 to 1,200 feet unless habitat quality or the length of the crossing prevents a full street connection;
4. If full street connection is prevented, provides bicycle and pedestrian accessways on public easements or rights-of-way spaced such that accessways are not more than 330 feet apart, unless not possible for the reasons set forth in paragraph 3;
5. Provides for bike and pedestrian accessways that cross water features protected pursuant to Title 3 of the UGMFP at an average of 530 feet between accessways unless habitat quality or the length of the crossing prevents a connection;
6. If full street connection over water features protected pursuant to Title 3 of the UGMFP cannot be constructed in centers as defined in Title 6 of the UGMFP or Main Streets shown on the 2040 Growth Concept Map, or if spacing of full street connections exceeds 1,200 feet, provides bike and pedestrian crossings at an average of 530 feet between accessways unless habitat quality or the length of the crossing prevents a connection;
7. Limits cul-de-sac designs or other closed-end street designs to circumstances in which barriers prevent full street extensions and limits the length of such streets to 200 feet and the number of dwellings along the street to no more than 25;

F. For redevelopment of contiguous lots and parcels less than five acres in size that require construction of new streets, cities and counties shall establish their own standards for local street connectivity, consistent with subsection E.

ATTACHMENT 5

Existing Sports Field Signage:



Rosemont Middle School



West Linn High School





Fields Bridge Park

DRAFT

Existing Projecting Sign Examples:



Projecting Sign = 3.125 sq. ft.



Wall Sign = 33 sq. ft.



Projecting Sign = 30 sq. ft.



Projecting Sign = 6.25 sq. ft.

ATTACHMENT 6

Sports field Sign Regulations in Area Communities

Projecting/Blade Signage						
City	Code Section	Zoning District	Area (per face)	Location/Height/Clearance	Horizontal Projection	Number
Milwaukie	14.16.060	Downtown	Projecting signs shall not exceed 20% of the face of the building to which the sign is attached or maintained. However, if a projecting sign is located on the same building face as a wall sign, the total of all sign surfaces shall not exceed 20% of the building face.	No projecting sign shall be located within 20 feet of another projecting sign. No projecting sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher. 8 foot clearance	No sign shall project within 2 feet of the curb	Only 1 projecting sign will be permitted on the same business frontage. No projecting sign shall be permitted on the same premises where there is a freestanding (monument) sign.
Portland	32.32.020 32.32.030	Neighborhood and General Commercial	No more than 30 square feet of a projecting sign face may extend into a right-of-way.	A projecting sign that extends into the right-of-way more than 3 feet may not be within 200 feet of another projecting or freestanding sign that extends more than 3 feet into the right-of-way if the new sign is within in horizontal lines drawn from the top and bottom of the prior sign. The edge of the projecting sign may not be more than 1 foot from the building wall. Projecting signs are not allowed on rooftops or on pitched roofs.	Signs may extend into the right-of-way 6 ½ feet or 2/3 of the distance to the roadway, whichever is less. However, in no case may signs extend within 2 feet of the roadway.	
Tualatin	38.110	Central Design District and in Major Commercial Centers and on Multi-story Buildings in the Central and General	24 ft.	8 ft clearance Shingle shall be no higher than 3 feet (under awning or canopy), blade shall be no	Shall not extend more than 4 feet	In place of one wall sign one shingle sign or blade sign is permitted.

		Commercial		higher than 10 ft.		
Hillsboro	11.32.190	General		Attached to a building face located within 5 feet of a property line abutting a street Spacing between projecting signs is a minimum of 20 feet. It does not project above the roof line or parapet wall, whichever is higher 8 clearance	Extends no more than 8 feet from the building and is set back a minimum of 2 feet from the face of the curb.	
Vancouver WA			15% of building elevation for all signs, or 250 sq. ft.	8 clearance	3 into ROW if 8+ clearance, 4 if 10+, 6 for 12+	
Beaverton	60.40.20.7, 60.40.35.2	Commercial buildings in the Multiple Use zoning districts	32 sq. ft.	8 clearance	8 feet, up to 2/3 the width of sidewalk, or min. 2 ft to curb, whichever is less	Commercial buildings which have the front building line within five feet of the public right-of-way are permitted one projecting sign on the front building face in lieu of a freestanding sign.
Wilsonville			Part of total size of all signs			
Sherwood	16.102.03 0.2.C	Commercial		No projecting sign shall be located within 20 feet of another projecting sign in the same horizontal plane. No projecting sign shall extend more than three feet above the roof line at the wall or the top of a parapet wall, whichever is higher.	No sign shall project to within two feet of the curb of a public street or beyond five feet from the building face, whichever is less.	Only one projecting sign will be permitted on the same business frontage with wall signs. No projecting sign shall be permitted on the same premises where there is a free-standing sign or roof sign.
Troutdale			4 sq. ft.	7.5 ft. clearance		One projecting sign for each building entrance used as a customer entrance.

Forest Grove			24 sq. ft.	Maximum vertical dimension of 6 feet. May extend no more than six feet from a building's façade. 8 ft. clearance	6 ft from building	Businesses with ground-floor entrances which have the front building line within five feet of the public ROW shall be permitted one projecting sign on the front building face, side, or corner in lieu of a wall sign.
Oregon City			16 sq. ft. per face, 32 sq. ft. all faces	The greatest vertical dimension of a projecting sign shall not exceed 4 feet; provided, however, for any reduction in projection, the sign may be increased in height a like distance. The maximum projection above the wall on which the sign is erected shall be one foot. 10 foot clearance over pedestrian or vehicular areas	Maximum projection from a building wall shall be 4 feet. No sign shall project within two feet of the curb line.	One sign permitted for each business frontage. No projecting sign shall be permitted for the same business frontage where there is a freestanding or roof sign. The visible supporting structure shall be minimized to the greatest extent possible consistent with safe structural support. The minimum distance from another projecting sign shall be 20 feet in the same horizontal plane.
Lake Oswego* can substitute an overhanging sign for the 32 sq. ft. maximum sign	47.10.410 .3	Commercial Zones except Office Commercial/ Town /Home Residential or Office Commercial/ Neighborhood Commercial	32 sq. ft.	Must be attached to the building. Cannot extend more than 14 feet above the sidewalk or ground surface. 8.5 feet clearance	Must be at least 2 feet from areas subject to vehicular travel	
Tigard	18.610.05 5.A.6	Downtown	32 sq. ft. per face, 64 sq. ft. total	Can project up to four feet into the public ROW. 10 ft. clearance		

Wall Signage			
City	Number	Height	Area
Hillsboro			8% of the building elevation area on the primary frontage, with a maximum individual sign face area of 120 square feet if the building elevation area is 5,000 square feet or less or 199 square feet if the building elevation area exceeds 5,000 square feet. If a use has multiple street frontages, the signs on secondary frontages may not exceed 6 percent of the building elevation area, with a maximum individual sign face area of 60 square feet
Milwaukie	In the DR and DOS Zones 1 wall sign is permitted in addition to 1 freestanding sign.	No wall sign shall extend above the roofline at the wall or the top of a parapet wall	The maximum permitted area of a wall sign shall be 20% of the building face. In the DR and DOS Zones the maximum permitted area of a wall sign shall be 16 square feet.
Forest Grove			Shall have a gross area not greater than 15% of the face of the building to which the sign is attached or painted.
Lake Oswego	One 32 square foot sign shall be allowed on each street frontage. The maximum number of signs within the sign band on each street frontage shall equal the number of frontage businesses located on the ground floor.		The 32 square foot maximum allowed for freestanding signs may be transferred to allow signs attached to buildings as an alternative. Except in the OC/R-2.5, OC/NC and R-2.5/W zones, an additional sign or signs shall be allowed within a two foot high horizontal sign band. The sign band length signs may be 75 percent of the building or business frontage whichever is less
Oregon City			Display surface area is no larger than two square feet for each lineal foot of the wall on which the sign is erected

Sports Field/Exempt Signage		
City	Code Citation	Regulation
Lake Oswego	47.06.205.6	Regulates "Athletic Field Signs": Rigid signs located on the outfield fence of athletic fields may be installed. Each individual sign shall be no more than 32 square feet in area. There shall be no more than 32 square feet of area for any eight linear feet of fence. The maximum height shall not exceed eight feet above grade. The signs shall be placed so as to be visible from the interior of the field and/or viewing stands. One sign located at one end of the field visible to spectators shall have a maximum height of 15 feet above grade and a maximum of 64 square feet.
Wilsonville	1.156.04.B.7	Exempts from permits, but not Building or Electrical Codes, signs on scoreboards or ball fields located on public property
Hillsboro	11.32.080	Exempts signs located within a sports stadium, athletic field or other outdoor assembly area that are oriented towards the interior of the field and the viewing stands and intended for viewing by persons within the facility
Milwaukie	12.12.010.L	Exempts signs oriented toward or intended to be legible for users of a site, such as a recreational facility, and not oriented toward or intended to be legible from a right-of-way or other property

Portland	32.12.020, 32.32.030	Exempts signs that are not visible from a right-of-way or another property; regulates changing image signs on sports fields
Gladstone	17.52.050	Does not require a permit for, but must otherwise comply with standards signs that are not oriented toward or intended to be legible from a right-of-way, private road or other private property
Tigard	18.780.060	Exempts signs not oriented or intended to be legible from a right-of-way, other property or from the air; permits at least one sign, all others shall be spaced at least 50 feet apart in residential districts
Beaverton	40.60.10	Exempts signs that are not visible from public right-of-ways
Oregon City	15.28.010.B.1	Exempts signs not visible from either a public right-of-way or property of different ownership
Tualatin	38.0050.4	Exempts signs not legible from public rights-of-way or from outdoor areas open to the public, such as parking lots, outdoor hall-ways and pass-throughs.

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