ORDINANCE NO. 1622

AN ORDINANCE AMENDING CHAPTERS 2, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 21, 22, 23, 27, 28, 31, 32, 33, 46, 52, 55, 56, 60, 65, 75, 85 and 99 OF THE COMMUNITY DEVELOPMENT CODE (CDC) AND VARIOUS SECTIONS OF THE WEST LINN COMPREHENSIVE PLAN FOR THE PURPOSE OF ELIMINATING INEFFECTUAL, AND INEFFICIENT REGULATIONS TO ENCOURAGE POSITIVE ECONOMIC DEVELOPMENT

Annotated to show ~~deletions~~ and additions to the code sections being modified. Deletions are ~~**bold lined through**~~ and additions are **bold underlined**.

WHEREAS, Chapter II, Section 4, of the West Linn City Charter provides:

> Powers of the City. The City shall have all powers which the Constitution, statutes and common law of the United States and of this State now or hereafter expressly or implied grant or allow the City, as fully as though this Charter specifically enumerated each of those powers;

WHEREAS, the above referenced grant of power has been broadly interpreted to allow local governments to decide upon the scope of their powers in their charter so that specific statutory authorization is not required for a city to exercise its powers, LaGrande/Astoria v. PERB, 281 Or 137, 142 (1978), *aff'd on reh'g* 284 Or 173 (1978); and

WHEREAS, the City of West Linn provided legislative notice of its intent to undertake a review of the Comprehensive Plan and the CDC and propose revisions pursuant to the applicable notice provisions; and

WHEREAS, after considering the public testimony regarding the proposed amendments, the West Linn Planning Commission recommended adoption of the proposed Comprehensive Plan amendments; and

WHEREAS, the City of West Linn published notice of the City Council public hearing for the proposed amendments; and

WHEREAS, the proposed amendments meet the criteria for approval of legislative amendments stated in Section 98.100 of the CDC; and

WHEREAS, the proposed amendments are compliant with the goals and policies of the Comprehensive Plan and the Statewide Planning Goals; and

WHEREAS, the measures adopted by this Ordinance comply with the state and other governing laws and are reasonably related to the public health, safety and welfare; and

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

SECTION 1. Amendment. The City of West Linn Comprehensive Plan, relating to the Council Goals Adopted Feb. 5, 2003, is amended as follows:

~~Council~~ Citizen Vision ~~Goals~~
~~West Linn Comprehensive Plan~~
~~Adopted Feb. 5, 2003~~ ~~September 2013~~

1. ~~Maintain and protect West Linn's quality of life and livability.~~
2. ~~Actively~~ Support and encourage West Linn's neighborhood associations and promote citizen involvement in civic life. Establish and maintain ~~Foster~~ land use planning and policies that give neighborhoods real control over their communities' future.
3. ~~Maintain and strengthen trust and credibility in City government.~~
4. ~~Preserve and protect West Linn's water resources.~~
5. ~~Maintain a budgetary process that is fiscally prudent and provides quality and cost-effective City services to the citizens of West Linn.~~ Utilize West Linn small businesses when possible to perform contracted City services.
6. ~~Promote land use policies, both locally and regionally, that are based on the concepts of sustainability, carrying capacity, and environmental quality.~~
7. ~~Foster and active partnership with the School District that promotes a safe and positive learning environment for West Linn students.~~ Foster mixed use development that integrates small business and residential dwellings in appropriate corridor areas to encourage economic development and revitalize neighborhood/community connections.
8. ~~Maintain openness and accessibility for the public to members of the City Council.~~
9. ~~Oppose urbanization of the Stafford Triangle and pursue policies that would permanently~~ to retain that area as a rural buffer between West Linn and neighboring communities.
10. ~~Pursue City policies predicated on the assumption that growth should pay for 100% of the cost it creates.~~
11. ~~Support development of remaining commercial lands through a master planning process that balances neighborhood/community desires with economic development appropriate for the geographic location and its attributes. Encourage partnering with Oregon City for development of the Arch Bridge/I-205 corridor region.~~
11. ~~Assert through both planning and policy that compatibility with existing development should be a primary goal in West Linn's land use process.~~

SECTION 2. Amendment. The City of West Linn Comprehensive Plan, Introduction, relating to the Glossary section is amended as follows:

~~**These definitions are intended to assist in understanding the intent of the Comprehensive Plan and are consistent with definitions used in supporting and implementing documents of the Plan.**~~

For the purpose of the Comprehensive Plan, the following terms or words are defined as follows:

...

Conditional Use. ~~**A proposed use of land which may be allowed after the City Planning Commission has determined that the proposed use is appropriate for the site, compatible with surrounding uses, is supported by City public facilities, and is of overall benefit to the community and meets all other relevant criteria.**~~ **A use which may be permitted by the approval authority following a public hearing, upon findings by the authority that the approval criteria have been met or will be met upon satisfaction of conditions of approval.**

SECTION 3. Amendment. The City of West Linn Comprehensive Plan, Goal 9, relating to Economic Development is amended as follows:

GOAL 9: ECONOMIC DEVELOPMENT
BACKGROUND AND FINDINGS

...

Creation of a strong and diverse economic environment is a priority for the City as it is an essential component for the City to maintain its excellent quality of life. Sustainable economic activities provide services for residents, create jobs, offer opportunities, and generate tax revenue. In particular, the City's economic development efforts should promote development that is well-planned, contextually appropriate, and which enhances the overall quality of life for our residents. These could range from smaller home-based businesses in residential areas to more vibrant mixed use developments near the Arch Bridge that would serve tourists and visitors to the City.

West Linn has significant strengths as a location for employers. West Linn is conveniently located on the regional transportation network with two interchanges

off of I-205, Highway 43, bridge connections to Oregon City and is within 30 minutes of the Portland International Airport. It is a 20 to 30 minute auto commute to the major employment centers of Portland, Vancouver, Beaverton, Gresham, Wilsonville and Hillsboro. This locational advantage can help provide options for residents employed outside West Linn and bring employment opportunities to the City.

....

Metro projects employment in the City to be 5,725 in 2017. City projections, based on a 1999 inventory of vacant and underutilized land zoned for commercial and industrial use within the City, indicate that West Linn could accommodate between 4,840 and 6,045 jobs by the year 2017, depending on market factors and the degree commercial areas develop and/or redevelop over time. This represents an increase of between 1,048 and 2,253 new employees in all employment sectors since 1996, with the greatest increases in office, retail, and service sectors.

~~**Notwithstanding these projections, the residents of the City have clearly expressed an interest in retaining the City's quiet residential character (community survey prepared prior to preparation of this Comprehensive Plan on 10/16/98). Recognizing the difficulty of accommodating the projected employment and retaining the City's current characteristics, planning will be directed towards enhancement and retention of the employment base currently in existence. In particular, the City should encourage the type of new home-based businesses that do not require commercial infrastructure and do not negatively impact surrounding residences and neighborhoods.**~~

SECTION 4. Amendment. The City of West Linn Comprehensive Plan, Goal 9, relating to Goals, Policies, and Recommended Action Measures is amended as follows:

GOALS, POLICIES, AND RECOMMENDED ACTION MEASURES

GOALS

1. Support telecommuting, home-based businesses compatible with residential neighborhoods-and, in general, a higher jobs-to-housing ratio.

2. Encourage the retention**, expansion** and economic viability of existing business and industry.

3. Encourage businesses that enhance the community; provide wanted goods and services; and pay living wages. Small, locally-owned businesses with strong ties to the community are especially desired.

4. Provide adequate commercial and industrial land for a range of employment opportunities in the City.

5. Make the most efficient use of our existing commercial and industrial lands.

6. Retain, strengthen, and expand the City's existing business base.

POLICIES

1. Promote home occupations by developing and implementing supportive zoning and building codes and services and other regulations; ~~**require compatibility**~~ **that are compatible** with surrounding neighbor~~s~~**hoods**.

2. Encourage West Linn employers, including the City, to offer the option to telecommute (i.e., work from home).

3. Support and encourage telecommunications, printing, and similar types of business support firms.

4. Update City regulations to respond to changes in technology as they affect local businesses.

5. Maintain public facilities (specifically right-of-way improvements) in established commercial and industrial districts to promote economic activity.

6. Develop a working partnership with the Chamber of Commerce, business community, and various agencies and organizations, such as the School District, to meet the economic needs of West Linn.

7. Interact with Tri-Met, Metro, the Port of Portland, Oregon Department of Economic Development, and other organizations in economic development planning and implementation efforts.

8. Maximize the use of regional, state, and federal funding for infrastructure planning and development.

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

10. Enforce design and development standards for industrial areas.

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

~~**12. Encourage the development of a tele-community center.**~~

13. Continue to maintain good working relationships with property owners in industrial areas overlooking the Willamette River to ensure the City is "at the table" when these areas transition to other uses.

14. Support efforts and programs that promote tourism in the City.

RECOMMENDED ACTION MEASURES

1. Explore ways to support and improve the business climate **and enhance employment opportunities** ~~**for businesses**~~ in the City.

2. Inventory and maintain a list of vacant and redevelopable sites for new or expanding businesses.

3. Encourage a business environment and businesses that are viable and sustainable and that add to the overall quality of life in the community.

4. ~~**Identify businesses, including those that support home occupations that do not negatively impact surrounding residences and neighborhoods, that the City will encourage to develop or expand in West Linn.**~~ **Actively identify and pursue businesses that will have a positive overall impact on the community to develop or expand in West Linn.**

5. Investigate incentives and improve regulations to support locally owned businesses.

6. Identify and provide improvements for infrastructure needs to support appropriately located businesses.

7. Recommend a West Linn business representative to serve on the Clackamas County Economic Development Commission (EDC).

8. Develop and ~~**M**~~**m**aintain a good working relationship with the West Linn business organizations.

9. Develop and ~~**M**~~**m**aintain a good working relationship with the West Linn-Wilsonville School District.

10. Participate in regional efforts to encourage employers and policy makers to promote telecommuting and other flexible work arrangements.

~~**11. Encourage the development of a tele-community center.**~~ **Develop and implement a strategy for assisting and supporting locally owned businesses, particularly successful home-based businesses and start-ups (e.g. support for a small business center,**

regulatory modifications, assisting with business education, identifying grant opportunities, etc.)

12. ~~Explore the possibility of creating~~ Create a master plan ~~special mixed use zone~~ for the ~~industrial~~ Arch Bridge area and prepare a planning framework and proposed CDC revisions, as necessary to implement the plan~~overlooking the Willamette Falls~~.

13. Explore opportunities, and create specific district plans and regulations, as necessary for each of the City's commercial areas.

~~13. Explore ways of encouraging home-based businesses that do not negatively impact surrounding residences and neighborhoods.~~

~~14. Explore the availability of high-speed data connections for voice and data transmission to all homes.~~

14. Engage and collaborate with regional partners to further our economic development efforts; particularly with regard to procuring additional sources of revenue, promoting tourism opportunities, and providing technical assistance.

15. Regularly evaluate the City's Economic Development Plan and update it as required.

16. Establish and support a standing advisory board to advise the City Council and to advance economic development efforts in the City.

SECTION 5. Amendment. Section 99.250, 99.260, 99.270, and 99.280 of the City of West Linn Community Development Code, relating to quasi-judicial appeals are amended to read as follows:

99.250 APPLICATION FOR APPEAL ~~**OR REVIEW**~~

A. The ~~**application letter**~~ **notice** of appeal ~~**or review**~~ shall contain:

1. A reference to the application sought to be appealed ~~**or reviewed**~~;
2. **A statement explaining how the petitioner qualifies as a party with standing,** as provided by CDC **99.140; and**
3. **A statement clearly and distinctly identifying the grounds for which the decision should be reversed or modified. The appeal shall identify:**

   a. applicable approval criteria that were misapplied, or

   b. procedural irregularity, and

c. **if petitioner is requesting that the Council re-open the record to allow submission of additional written testimony and evidence as part of the appeal, petitioner must show that:**

i. **The Planning Commission committed a procedural error, through no fault of the petitioner, that prejudiced the petitioner's substantial rights, and that reopening the record before the Council is the only means of correcting the error, or**

ii. **A factual error occurred before the Planning Commission, through no fault of the petitioner, which is relevant to an approval criterion and material to the decision.**

B. The appeal ~~or review~~ application shall be accompanied by the required fee.

C. The hearing on the appeal ~~or review~~ shall be **limited to the provisions of CDC**

99.280. ~~de novo; however, all evidence presented to any lower approval authority shall be made part of the record.~~

~~D. The appeal or review application may state grounds for appeal or review.~~

99.260 PERSONS ENTITLED TO NOTICE ON APPEAL ~~OR REVIEW~~ – TYPE OF NOTICE

Upon appeal ~~or review~~, notice shall be given by the Director to all persons having standing as provided by CDC 99.140 to notice as required by CDC 99.080. (Ord. 1568, 2008)

99.270 CONTENTS OF NOTICE ~~ON~~ **OF** APPEAL ~~OR REVIEW~~

Notice given to persons entitled to mailed notice under CDC 99.260 shall:

A. Reference the application sought to be appealed ~~or reviewed~~;

B. List the date, time, and location of the hearing;

C. State the appellant or petitioner name(s);

D. List **the** grounds for appeal or review stated in the application**.** ~~for appeal or review, but state that the appeal or review is not limited to the stated grounds for appeal or review and that all relevant issues may be considered;~~

E. State ~~that the hearing on appeal shall be de novo;~~ **the grounds on which new argument or testimony may be presented, if any;**

F. Include the name of government contact and phone number; and,

G. State that the application and record are available for inspection at no cost, and copies at a reasonable cost.

99.280 TYPE OF APPEAL ~~OR REVIEW~~ HEARING AND SCOPE OF REVIEW

~~A. All appeals and reviews shall be de novo.~~

~~1. The record of the previous application, hearing, and decision shall be incorporated and considered as part of the appeal procedure.~~

~~2. If any party requests a continuance of the appeal or review hearing, the City Council may grant a continuance to allow a further hearing or may allow only written submissions. The City Council may limit the scope of any additional testimony or argument after the initial hearing on appeal or review. (Ord. 1474, 2001; Ord. 1568, 2008)~~

A. An appeal of a decision made by the Planning Director shall be heard on the record.

1. The record of the previous application, hearing, and decision shall be incorporated and considered as part of the appeal procedure.
2. If any party requests a continuance of the appeal hearing, the City Council may grant a continuance to allow a further hearing or may allow only written submissions. The City Council may limit the scope of any additional testimony or argument after the initial hearing on appeal.

B. Except as provided for in 99.280(C), an appeal of a decision made by the Planning Commission shall be confined to:

1. Those issues set forth in the request to appeal; and,
2. The record of the proceedings as well as the oral and written arguments presented which are limited to those issues clearly and distinctly set forth in the notice of appeal;

C. The Council may reopen the record to consider new evidence on a limited basis; specifically, if the Council determines that:

1. A procedural error was committed that prejudiced a party's substantial rights, and reopening the record before the Council is the only means of correcting the error; or
2. A factual error occurred before the lower decision-making body through no fault of the requesting party, that is relevant to an approval criterion and material to the decision.

D. Except when limited reopening of the record is granted, pursuant to this Section, the Council shall not re-examine issues of fact and shall limit its review to determine whether there is substantive evidence in the record to support the findings by the lower decision-making body, or to determine if errors in law were committed by the City. Review shall be limited to the issues clearly identified in the

notice of appeal. No issue may be raised on appeal that was not raised before the Planning Commission with sufficient specificity to enable the Commission and the parties to respond.

SECTION 6. Amendment. Section 99.160 of the City of West Linn Community Development Code, relating to decisions by director is amended to read as follows:

99.160 DECISION BY DIRECTOR

C. A decision made by the Director shall be final as provided by CDC 99.230 unless:

1. A party to the action files a written appeal with the Director within 14 days of the final decision pursuant to CDC 99.240; or

2. ~~Not less than two~~ **A majority of the** members of the Commission or ~~two members of~~ the Council order a review within 14 days of the final decision pursuant to CDC 99.240.

D. No Director's decision may modify the request from that set out in the notice given under CDC 99.080 and 99.090, unless new notice be given, except that conditions may be attached to the approval. (Ord. 1568, 2008)

SECTION 7. Amendment. Section 99.170 of the City of West Linn Community Development Code, relating to hearing procedures is amended to read as follows:

99.170 HEARING PROCEDURES

G. A decision made by the Planning Commission or Historic Review Board shall be final as provided by CDC 99.230 unless:

1. A party to the action files a written appeal with the Director within 14 days of the final decision pursuant to CDC 99.240;

2. ~~Not less than two members~~**A majority** of the Council order a review within 14 days of the final decision pursuant to CDC 99.240; or

3. It is an expedited land division application for which the provisions of Chapter 197 ORS shall apply.

SECTION 8. Amendment. Section 99.140 of the City of West Linn Community Development Code, relating to how standing is achieved is amended to read as follows:

99.140 ESTABLISHING STANDING TO APPEAL ~~**OR REVIEW**~~

..

B. The person or recognized neighborhood association appeared before an approval authority other than the Director, either orally or in writing, and provided their name and address; signed the ~~sign-in sheet or~~ testimony form provided at the hearing; or submitted comments to the Director, in writing, and provided their name and address to the Director regarding a decision. Neighborhood association standing can only be established by a person identifying, either in testimony or in writing, that they represent a specific neighborhood association. (Ord. 1474, 2001; Ord. 1568, 2008)

SECTION 9. Amendment. Chapter 75, Sections 75.010, 75.020, 75.030, 75.040, 75.050, 75.060, 75.070, and 99.060 of the City of West Linn Community Development Code, relating to variance criteria are amended to read as follows:

Chapter 75

VARIANCES **AND SPECIAL WAIVERS**

Sections:

75.010 PURPOSE
75.020 CLASSIFICATION OF VARIANCES
75.030 ADMINISTRATION AND APPROVAL PROCESS
75.040 TIME LIMIT ON A VARIANCE **AND SPECIAL WAIVERS**
75.050 APPLICATION
~~75.060 APPROVAL CRITERIA~~
75.0~~6~~**7**0 SITE PLANS AND MAP

75.010 PURPOSE

The purpose of this chapter is to provide standards for ~~the~~ granting ~~of~~ variances **and special waivers** from the applicable ~~zoning~~ requirements of this code. **However, this chapter may not be used to allow a use that is not a specified use in the zone where the land is located or to modify density provisions.**

~~The purpose of this chapter is to provide standards for the granting of variances from the applicable zoning requirements of this code where it can be shown that, owing to exceptional and extraordinary circumstances related to a specific piece of property, the literal interpretation of the provisions of the applicable zone would create a burden upon a property owner with no corresponding public benefit, except that no use variance shall be granted.~~

75.020 CLASSIFICATION OF VARIANCES

A. **Class I Variance.** ~~A Class I variance will involves a small change from the zoning requirements and will only have a minor effect or no effect on adjacent property or occupants.~~ **Class I variances provide minor relief from certain code provisions where it**

can be demonstrated that the modification will not harm adjacent properties, and it conforms with any other code requirements. Class I variances are allowed for the following code provisions: ~~and includes the following variances:~~

1. Required yard and minimum lot dimensional requirements. Required yards may be modified up to 20%, lot dimensions by up to 10 % and lot area by up to 5% if the decision making authority finds that the resulting approval:

a. Provides for a more efficient use of the site;

b. Preserves and incorporates natural features into the overall design of the project;

c. Does not adversely affect adjoining properties in terms of light, air circulation, noise levels, privacy, and fire hazards; and

d. Provides for safe vehicular and pedestrian access to the site and safe on-site vehicular and pedestrian circulation.

2. Off-street parking dimensional and minimum number of space requirements may be modified up to 10% if the decision making authority finds that the use is designed for a specific purpose, which is intended to be permanent in nature.

3. Dimensional sign requirements may be modified up to 10% if the decision making authority finds that the proposed larger sign is:

1. Necessary for adequate identification of the use on the property; and

2. Compatible with the overall site plan, the structural improvements, and with the structures and uses on adjoining properties.

D. Landscaping requirements in the applicable zone may be modified up to 10% if the decision making authority finds that the resulting approval:

1. Provides for a more efficient use of the site;

2. Preserves and incorporates natural features into the overall design of the project; and,

3. Will have no adverse effect on adjoining property.

~~1. A variance which allows a structure to encroach into a required setback area as follows:~~

~~a. Front yard setback by two feet or less.~~

~~b. Side yard setback by two feet or less.~~

~~c. Rear yard setback by five feet or less.~~

~~2. A variance to the minimum lot dimensional requirements as follows:~~

~~a. Lot width by five or less feet.~~

~~b. Lot frontage by five or less feet.~~

~~c. Lot depth by 10 or less feet.~~

~~d. Lot area by five percent or less of minimum required area.~~

B. Class II Variance. Class II variances may be utilized when strict application of code requirements would be inconsistent with the general purpose of the CDC and would create a burden upon a property owner with no corresponding public benefit. A Class II variance will involve a significant change from the ~~zoning~~ code requirements and may create adverse impacts on adjacent property or occupants. It includes any variance that is not classified as a Class I variance or Special Waiver.~~, and includes the following variances:~~

~~1. A variance which allows a structure to encroach into a required setback area as follows:~~

~~a. Front yard setback by more than two feet.~~

~~b. Side yard setback by more than two feet.~~

~~c. Rear yard setback by more than five feet.~~

~~2. Variances to the minimum lot dimensional requirements as follows:~~

~~a. Lot width by more than five feet.~~

~~b. Lot frontage by more than five feet.~~

~~c. Lot depth by more than 10 feet.~~

~~d. Lot area by more than five percent of minimum required area.~~

~~3. A variance to any of the other zoning provisions including, but not limited to, the lot coverage and building height.~~

~~C~~D. ~~No variances shall be granted which will allow a use which is not a permitted or a conditional use in the district, and no variance shall be granted to the density provisions.~~

1. CLASS II VARIANCE APPROVAL CRITERIA

The approval authority may impose appropriate conditions to ensure compliance with the criteria. The appropriate approval authority shall approve a variance request if all the following criteria are met and corresponding findings of fact prepared. ~~The approval authority may impose appropriate conditions to ensure compliance with the criteria~~. ~~The approval authority shall deny the variance if any of the criteria are not met.~~

a. The variance is the minimum variance necessary to make reasonable use of the property. To make this determination, the following factors may be considered, together with any other relevant facts or circumstances:

   i. Whether the development is similar in size, intensity and type to developments on other properties in the City that have the same zoning designation.

   ii. Physical characteristics of the property such as lot size or shape, topography, or the existence of natural resources.

   iii. The potential for economic development of the subject property.

b. d. The variance will not result in violations(s) of any other code standard ~~or conflict with the goals and policies of the West Linn Comprehensive Plan~~, and the variance will meet the purposes of the regulation being modified.

c. The need for the variance was not created by the applicant and/or owner requesting the variance.

d. If more than one variance is requested, the cumulative effect of the variances results in a project that is consistent with the overall purpose of the zone.

~~A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of this code, topography, or other circumstances over which the applicant has no control.~~

~~B. The variance is necessary for the preservation of a property right of the applicant, which is substantially the same as a right possessed by owners of other property in the same zone or vicinity.~~

~~C. The authorization of the variance will not be materially detrimental to the purposes and standards of this code, will not be inconsistent with all other regulatory requirements, and will not conflict with the goals and policies of the West Linn Comprehensive Plan.~~

~~D. The variance request is the minimum variance which would alleviate the exceptional and extraordinary circumstance.~~

~~E. The exceptional and extraordinary circumstance does not arise from the violation of this code.~~

~~F. The variance will not impose physical limitations on other properties or uses in the area, and will not impose physical limitations on future use of neighboring vacant or underdeveloped properties as authorized by the underlying zoning classification.~~

75.020 CLASSIFICATION OF VARIANCES

C. Special Waivers. Special Waivers are only applicable in mixed use and non-residential zoning districts. Special Waivers may be granted by the approval authority when it can be shown that the proposed site design provides a superior means of furthering the intent and purpose of the regulation to be waived. A Special Waiver involves a waiver of a standard to permit a specific proposed development. It does not require demonstration of a hardship. It is a request to modify specific requirements in order to provide a superior site design that would not otherwise be possible under the standard requirements of the Code.

1. The Planning Commission may approve a Special Waiver due to the unique nature of the proposed development if it finds that there is sufficient evidence to demonstrate that the proposed development:

a. Demonstrates that the proposed development can comply with the regulation to be waived, but the waiver provides an alternative means of furthering the purpose of the regulation to be waived;

b. Will not be materially detrimental to the public welfare or injurious to other property in the area when compared with the impacts of development otherwise permitted;

c. Provides adequate area for aesthetic design treatment to mitigate potential visual impacts from the use on surrounding properties and uses; and,

d. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and natural features.

75.030 ADMINISTRATION AND APPROVAL PROCESS

A. Class I variances shall be decided by the Planning Director in the manner set forth in CDC **99.060**(A). An appeal may be taken as provided by CDC **99.240**(A).

B. Class II variances **and Special Waivers** shall be decided by the Planning Commission in the manner set forth in CDC **99.060**(B). A petition for review by the Council may be filed as provided by CDC **99.240**(B).

75.040 TIME LIMIT ON A VARIANCE **AND SPECIAL WAIVERS**

Approval of a variance **or special waiver** shall be void after three years unless substantial construction has taken place or an extension is granted per Chapter **99** CDC.

75.050 APPLICATION

A. A variance request shall be initiated by the property owner or the owner's authorized agent.

B. A prerequisite to the filing of an application **for a Class II variance or Special Waiver** is a pre-application conference at which time the Planning Director shall explain the requirements and provide the appropriate form(s).

C. An application for a variance shall include the completed application form and:

1. A narrative which addresses the approval criteria set forth in CDC **75.060**, and which sustains the applicant's burden of proof.

2. A site plan as provided by CDC **75.070**.

~~**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.**~~

D. Requests for more than one Class II variance for the same lot shall be consolidated in one application and reviewed concurrently by the City.

E. Not more than two (2) Class II variances may be approved for any one lot in a continuous 12-month period.

F. The applicant shall pay the requisite fee.

~~**75.060 APPROVAL CRITERIA**~~

~~**The appropriate approval authority shall approve a variance request if all the following criteria are met and corresponding findings of fact prepared. The approval authority may impose appropriate conditions to ensure compliance with the criteria. The approval authority shall deny the variance if any of the criteria are not met.**~~

~~**A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot**~~

~~size or shape, legally existing prior to the date of this code, topography, or other circumstances over which the applicant has no control.~~

~~B. The variance is necessary for the preservation of a property right of the applicant, which is substantially the same as a right possessed by owners of other property in the same zone or vicinity.~~

~~C. The authorization of the variance will not be materially detrimental to the purposes and standards of this code, will not be inconsistent with all other regulatory requirements, and will not conflict with the goals and policies of the West Linn Comprehensive Plan.~~

~~D. The variance request is the minimum variance which would alleviate the exceptional and extraordinary circumstance.~~

~~E. The exceptional and extraordinary circumstance does not arise from the violation of this code.~~

~~F. The variance will not impose physical limitations on other properties or uses in the area, and will not impose physical limitations on future use of neighboring vacant or underdeveloped properties as authorized by the underlying zoning classification. (Ord. 1442, 1999)~~

75.0~~7~~60 SITE PLANS AND MAP

A. All plot plans and maps shall include the name, address, and telephone number of the applicant; the scale; north arrow; and a vicinity map.

B. The applicant shall submit a plot plan drawn to an appropriate scale (in order of preference: one inch equals 10 feet to one inch equals 30 feet) which shows the following:

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.

...

B. **Planning Commission authority**. The Planning Commission shall have the authority to:

1. Make a recommendation to approve, deny, or approve with conditions to the Council:

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 as provided by CDC **99.030**(A) (Chapter **105** CDC).

c. The designation of an historic landmark.

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. A conditional use (Chapter **60** CDC).

d. Enlargement of a non-conforming use or alteration for a structure containing a non-conforming use (Chapter 66 CDC).

e. Enlargement or alteration of a non-single-family residential non-conforming use (Chapter **66** CDC).

f. Class II variance **or special waiver** (Chapter **75** CDC).

g. Subdivision (Chapter **85** CDC).

h. Planned unit development (Chapter **24** CDC).

i. Design review, Class II (Chapter **55** CDC).

j. Parks design review, Class II (Chapter **56** CDC).

k. Any matter not specifically assigned to another approval authority.

l. Extensions of approval when the Planning Commission acted as the initial decision-making authority.

3. Revoke or modify an approval as provided by CDC **99.330** for any application approved by the Planning Commission or Planning Director.

4. Make an unlisted use determination.

5. An appeal of the Planning Director's interpretation of the code pursuant to CDC **01.060**.

SECTION 10. Amendment. Section 27.050 of the City of West Linn Community Development Code, relating to the number of paper copies required to submit an application is amended to read as follows:

27.050 APPLICATION

Applications for a flood management area permit must include the following:

...

C. An application submittal that includes the completed application form**, ~~and one~~~~three~~** copy**~~ies~~** of written responses addressing CDC 27.060, 27.070, 27.080 (if applicable), and 27.090 (if applicable), **one~~three~~** copy**~~ies~~** of all maps and plans at the original scale**, ~~and three~~ one** copy**~~ies~~** of all maps and plans reduced to a paper size not greater than 11 inches by 17 inches**, and a copy in a digital format acceptable to the City.**

SECTION 11. Amendment. Section 28.090 of the City of West Linn Community Development Code, relating to the number of paper copies required to submit an application is amended to read as follows:

28.090 SUBMITTAL REQUIREMENTS: APPLICATION

...

C. An application for a protection area permit shall include the completed application and:

1. Narrative which addresses the approval criteria of CDC 28.110.

...

One original application form must be submitted. **~~Three~~ One** copy**~~ies~~** at the original scale and **~~three~~ one** copy**~~ies~~** reduced to 11 inches by 17 inches or smaller of all drawings and plans must be submitted. **~~Three~~ One** copy**~~ies~~** of all other items, including the narrative, must be submitted. The applicant shall also submit **~~a disk, in electronic readable format, of the complete application~~one copy of the complete application in a digital format acceptable to the City.** When the application submittal is determined to be complete, additional copies may be required as determined by the Planning Director.

SECTION 12. Amendment. Section 32.040 of the City of West Linn Community Development Code, relating to the number of paper copies required to submit an application is amended to read as follows:

32.040 APPLICATION

...

C. The application shall include a site plan and topographic map of the parcel pursuant to CDC 32.060. The applicant shall submit **~~three~~ one** copy**~~ies~~** of all maps and diagrams at original scale and **~~three~~ one** copy**~~ies~~** reduced to a paper size not greater than 11 inches by 17 inches, and **~~an electronic copy of all maps on a compact disc~~one copy in a digital**

format acceptable to the City. The Planning Director may require the map to be prepared by a registered land surveyor to ensure accuracy.

SECTION 13. Amendment. Section 52.104 of the City of West Linn Community Development Code, relating to the number of paper copies required to submit an application is amended to read as follows:

52.104 APPLICATION

A. **Permanent sign permits**.

...

2. An application for a sign permit shall be made on a form prescribed by the Planning Director and shall be filed with the Planning and Development Department. The application shall include ~~three~~ **one** cop**y**~~ies~~ of a sketch drawn to scale indicating the following:

SECTION 14. Amendment. Section 55.070 of the City of West Linn Community Development Code, relating to the number of paper copies required to submit an application is amended to read as follows:

55.070 SUBMITTAL REQUIREMENTS

...

D. The applicant shall submit a completed application form and:

1. The development plan for a Class I design review shall contain the following elements:

...

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

One original application form must be submitted. ~~Three~~ **One** cop**y**~~ies~~ at the original scale and ~~three~~ **one** cop**y**~~ies~~ reduced to 11 inches by 17 inches or smaller of all drawings and plans must be submitted. ~~Three~~ **One** cop**y**~~ies~~ of all other items must be submitted. **The applicant shall also submit one copy of the complete application in a digital format acceptable to the City.** When the application submittal is determined to be complete, additional copies may be required as determined by the Planning Department.

SECTION 15. Amendment. Section 56.057 of the City of West Linn Community Development Code, relating to the number of paper copies required to submit an application is amended to read as follows:

56.075 SUBMITTAL STANDARDS FOR CLASS I PARKS DESIGN REVIEW

A. The application for a Class I parks design review shall contain the following elements:

...

5. **One~~Three~~** cop**y~~ies~~** at the original scale and **one~~three~~** cop**y~~ies~~** reduced to 11 inches by 17 inches or smaller of all drawings and plans must be submitted. **One~~Three~~** cop**y~~ies~~** of all other items must be submitted. **The applicant shall also submit one copy of the complete application in a digital format acceptable to the City.** When the application submittal is determined to be complete, additional copies may be required as determined by the Planning Department.

SECTION 16. Amendment. Section 60.060 of the City of West Linn Community Development Code, relating to the number of paper copies required to submit an application is amended to read as follows:

60.060 APPLICATION

...

D. An application for a conditional use shall include the completed application form and:

...

2. A site plan as provided by CDC 60.080.

One original application form must be submitted. **~~Three~~ One** cop**y~~ies~~** at the original scale and **~~three~~ one** cop**y~~ies~~** reduced to 11 inches by 17 inches or smaller of all drawings and plans must be submitted. **~~Three~~ One** cop**y~~ies~~** of all other items must be submitted. **The applicant shall also submit one copy of the complete application in a digital format acceptable to the City.** When the application submittal is determined to be complete, additional copies may be required as determined by the Planning Department.

SECTION 17. Amendment. Section 65.120 of the City of West Linn Community Development Code, relating to the number of paper copies required to submit an application is amended to read as follows:

65.120 APPLICATION

...

C. An application shall include the completed application form and:

...

2. A site plan as provided by CDC 65.140.

One original application form must be submitted. ~~Three~~ One copy~~ies~~ at the original scale and ~~three~~one copy~~ies~~ reduced to 11 inches by 17 inches or smaller of all drawings and plans must be submitted. One~~Three~~ copy~~ies~~ of all other items must be submitted. **The applicant shall also submit one copy of the complete application in a digital format acceptable to the City.** When the application submittal is determined to be complete, additional copies may be required as determined by the Planning Department.

SECTION 18. Amendment. Section 75.050 of the City of West Linn Community Development Code, relating to the number of paper copies required to submit an application is amended to read as follows:

75.050 APPLICATION

...

C. An application for a variance shall include the completed application form and:

...

2. A site plan as provided by CDC 75.070.

One original application form must be submitted. One~~Three~~ copy~~ies~~ at the original scale and one~~three~~ copy~~ies~~ reduced to 11 inches by 17 inches or smaller of all drawings and plans must be submitted. One~~Three~~ copy~~ies~~ of all other items must be submitted. **The applicant shall also submit one copy of the complete application in a digital format acceptable to the City.** When the application submittal is determined to be complete, additional copies may be required as determined by the Planning Department.

SECTION 19. Amendment. Section 85.150 of the City of West Linn Community Development Code, relating to the number of paper copies required to submit an application is amended to read as follows:

85.150 APPLICATION – TENTATIVE PLAN

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

...

1. Copies of the tentative plan and supplemental drawings shall include one~~three~~ copy~~ies~~ at the original scale plus one~~three~~ copy~~ies~~ reduced in paper size not greater than 11 inches by 17 inches. **The applicant shall also submit one copy of the complete application in a digital format acceptable to the City.** When the application submittal is determined to be complete, additional copies may be required as determined by the Planning Department.

SECTION 20. Amendment. Section 55.020 of the City of West Linn Community Development Code, relating to exempting certain minor activities in the public right-of-way and fences on non-residential properties from Class I Design Review is amended to read as follows:

Chapter 55 Design Review

55.020 **CLASSES OF DESIGN REVIEW** ~~**APPLICABILITY**~~

A. Class I Design Review. The following are subject to Class I Design Review:

1. **Modification of an office, commercial, industrial, public or multi-family structure for purposes of enhancing the aesthetics of the building and not increasing the interior usable space (e.g., covered walkways or entryways, addition of unoccupied features such as cupolas, clock towers, etc.).**
2. **Significant road realignment (when not part of a subdivision or partition plat process). "Significant" shall be defined by the length of the realignment and/or extent of redesign, and/or the natural features or manmade structures that will be impacted or removed.**
3. **Addition or reduction of less than five percent of total square footage of a commercial, office, public, multi-family, or industrial building.**
4. **Modification of a landscape plan (including water features, ponds, pergolas, arbors, artwork, sculptings, etc.).**
5. **Minor modifications and/or upgrades of pump stations, reservoirs, and storm detention facilities.**
6. **Americans with Disability Act compliance that significantly alters the exterior of the building (ramps are exempt).**
7. **Freestanding art and statuary over five feet tall.**
8. **Other land uses and activities may be added if the Planning Director makes written findings that the activity/use will not increase off-site impacts and is consistent with the type and/or scale of activities/uses listed above.**
9. **No design review is required if the applicant proposes to repair or replace one of the listed items. The Planning Director shall make the determination of whether an applicant is proposing a repair or replacement. However, Class I design review applies when one of the following improvements is part of a minor redesign or remodel.**
    a. **Sidewalks on Private Property.**
    b. **Loading docks.**
    c. **Addition or reduction of parking stalls.**
    d. **Revised parking alignment.**

e. Revised circulation.

f. Revised points of ingress/egress to a site.

g. Heating, ventilation, and air conditioners (HVAC) that are visible from the public right-of-way.

B. Class II Design Review. Class II design review applies to all uses/activities except those uses/activities listed under Class I design review, and the exemptions of CDC 55.025. Class II design review applies to the proposed improvements listed in CDC 55.020 when the proposed improvement (e.g., new sidewalk) is part of a major commercial, office, industrial, public, or multi-family construction project (e.g., a new shopping center).

~~55.020 APPLICABILITY~~

~~This chapter provides two levels of design review: Class I and Class II. Class I design review applies to land uses and activities that require only a minimal amount of review. Class II design review is reserved for land use and activities that require comprehensive review. Class I design review applies to the following land uses and activities:~~

~~A. Sidewalks.[1]~~

~~B. Transit shelters.~~

~~C. Fences and walls (at non-single-family/duplex residential sites).~~

~~D. Modification of an office, commercial, industrial, public or multi-family structure for purposes of enhancing the aesthetics of the building and not increasing the interior usable space (e.g., covered walkways or entryways, addition of unoccupied features such as cupolas, clock towers, etc.).~~

~~E. Significant road realignment (when not part of a subdivision or partition plat process). "Significant" shall be defined by the length of the realignment and/or extent of redesign, and/or the natural features or manmade structures that will be impacted or removed.~~

~~F. Loading docks.[1]~~

~~G. Addition or reduction of less than five percent of total square footage of a commercial, office, public, multi-family, or industrial building.~~

~~H. Addition or reduction of parking stalls.[1]~~

~~I. Revised parking alignment.[1]~~

~~J. Revised circulation.[1]~~

~~K. Revised points of ingress/egress to a site.[1]~~

~~L. Modification of a landscape plan (including water features, ponds, pergolas, arbors, artwork, sculptings, etc.).~~

~~M. Minor modifications and/or upgrades of pump stations, reservoirs, and storm detention facilities.~~

~~N. Americans with Disability Act compliance that significantly alters the exterior of the building (ramps are exempt).~~

~~O. Heating, ventilation, and air conditioners (HVAC) that are visible from right-of-way or abutting property.[1]~~

~~P. Freestanding art and statuary over five feet tall.~~

~~Q. Other land uses and activities may be added if the Planning Director makes written findings that the activity/use will not increase off-site impacts and is consistent with the type and/or scale of activities/uses listed above.~~

~~Class II design review applies to all uses/activities except those uses/activities listed under Class I design review, and the exceptions of CDC 55.025.~~

~~[1]Class II design review applies when the proposed improvement, land use, or activity (e.g., new sidewalks) is part of a major commercial, office, industrial, public, or multi-family construction project (e.g., a new shopping center). Class I design review applies when this improvement, use, or activity is part of a minor redesign or remodel. No design review is required if the applicant proposes to repair or replace one of the footnoted items. This shall be a Planning Director's code interpretation.~~

~~(Ord. 1547, 2007; Ord. 1604 § 50, 2011)~~

SECTION 21. Amendment. Section 60.050 of the City of West Linn Community Development Code, relating to building permits is amended to read as follows:

60.050 BUILDING PERMITS FOR AN APPROVED CONDITIONAL USE

A. Building permits for all or any portion of a conditional use shall be issued only on the basis of the conditional use plan and conditions as approved by the Planning Commission.

~~B. Any change in the conditional use plan or conditions of approval shall require a new application and hearing pursuant to the provisions set forth in this chapter and CDC 99.120(B).~~

SECTION 22. Amendment. Chapter 2 and Sections 52.210 and 52.109 of the City of West Linn Community Development Code, relating to eliminating the permit process for A-frame signs are amended to read as follows:

Chapter 2 DEFINITIONS

Sign, A-frame. A temporary, freestanding, and portable form of advertising, also known as a sandwich board. ~~A-frames may be placed within 10 feet of the structure containing the business being promoted and are subject to the same time limits as other temporary signs.~~

52.210(K)(3) APPROVAL STANDARDS

....

3. Temporary signs. Temporary **A-frame** ~~sandwich board~~ signs are ~~permitted~~ **allowed without a permit; however, they** ~~and~~ shall be designed to be consistent with the ~~aforementioned~~ sign and type face provision**s.** (Ord. 1539, 2006; Ord. 1604 § 48, 2011; Ord. 1613 § 8, 2013)

52.109 EXEMPTIONS

....

F. A-frame signs:

Signs in the Willamette Falls Drive Commercial District shall comply with standards in CDC 52.210(K).

2. All other A-frame signs for businesses are subject to the following standards:

a. The business is located in the General Commercial (GC) zoning district;

b. The sign is professionally manufactured, maintained and in good repair. No attachments to the sign are permitted;

c. No part of the sign may exceed 32" in width and 36" in height;

d. The sign shall only be displayed during times that the business is open to the public;

e. The location of the sign must maintain four (4) feet of unobstructed sidewalk width per 53.030(A);

f. One A-frame sign is permitted per business; and,

g. The sign must be located within 25 feet of an entrance to business being advertised.

SECTION 23. Amendment. Sections 19.030, 19.040, 19.060, 21.030, 21.040, and 21.060 of the City of West Linn Community Development Code, relating to changing "hotels" from conditional uses to a use permitted outright in the General Commercial and OBC zoning districts are amended to read as follows:

General Commercial

19.030 PERMITTED USES

The following uses are permitted outright in this zone:

...

15. Hotel/Motel; including those operating as extended hour businesses.

...

25. Extended-hour **businesses that do not include the construction of a new building or expansion of an existing structure. ~~CUPs shall be required when:~~**

~~a. A new extended-hour business is proposed by construction of a new building.~~

~~b. Expansion of the size of existing buildings for use by an extended-hour business is proposed.~~

...

27. Lodge, fraternal, community center, and civic assembly within the commercial districts along Highway 43, Salamo Road or Blankenship Road.

28. Religious Institutions within the commercial districts along Highway 43, Salamo Road, or Blankenship Road.

~~19.040 ACCESSORY USES~~

~~Accessory uses are allowed in this zone as provided by Chapter 34 CDC.~~

...

19.060 CONDITIONAL USES

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

...

~~20. Transient lodging.~~

...

22. Religious institutions **not listed as permitted uses in 19.030.**

...

25. Lodge, fraternal, community center and civic assembly **not listed as permitted uses in 19.030.** (Ord. 1192, 1987; Ord. 1339, 1992; Ord. 1463, 2000; Ord. 1523, 2005; Ord. 1590 § 1, 2009; Ord. 1604 §§ 16, 17, 2011)

26. Extended hour businesses that include a new building or expansion of an existing structure.

OFFICE BUSINESS CENTER

21.030 PERMITTED USES

The following uses are permitted outright in this zone:

...

7. Hotel/Motel; including those operating as extended hour businesses.

...

~~**21.040 ACCESSORY USES**~~

~~**Accessory uses are allowed in this zone as provided by Chapter 34 CDC.**~~

21.060 CONDITIONAL USES

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

...

~~**6. Transient lodging and associated convention facilities.**~~

SECTION 24. Amendment. Sections 08.070, 09.070, 10.070, 11,070, 12.070, 13.070, 14.070, 15.070, 16.070, 18.070, 19.070, 21.070, 22.070, and 23.070 of the City of West Linn Community Development Code, relating to lot dimensional and setback requirements are amended to read as follows:

R 40

08.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS

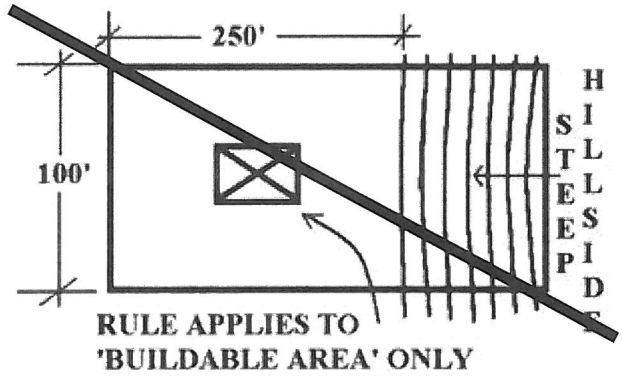
Except as may be otherwise provided by the provisions of this code, the following are the requirements for uses within this zone:

1. The minimum lot size shall be 40,000 square feet for a single-family detached unit.

2. The minimum front lot line length or the minimum lot width at the front lot line shall be 150 feet.

3. The average minimum lot width shall be 150 feet.

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



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R20

09.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS

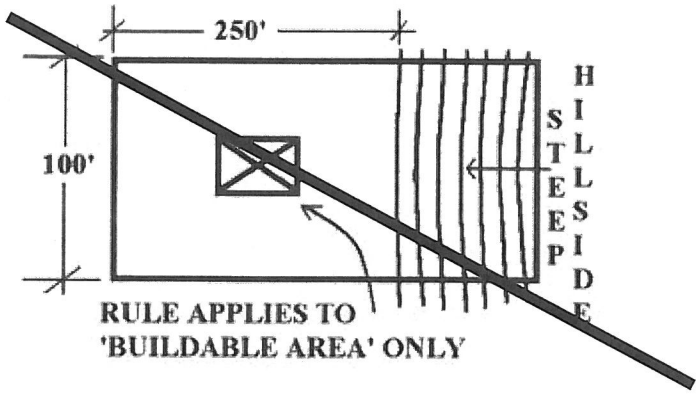
Except as may be otherwise provided by the provisions of this code, the following are the requirements for uses within this zone:

1. The minimum lot size shall be 20,000 square feet for a single-family detached unit.

2. The minimum front lot line length or the minimum lot width at the front lot line shall be 150 feet.

3. The average minimum lot width shall be 150 feet.

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



R15

10.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS

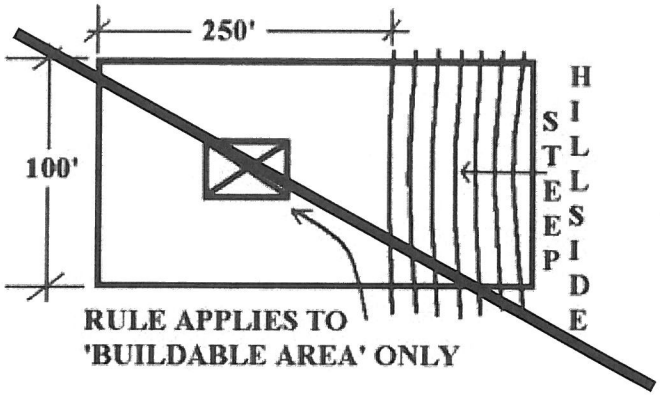
Except as may be otherwise provided by the provisions of this code, the following requirements are the requirements for uses within this zone:

1. The minimum lot size shall be 15,000 square feet for a single-family detached unit.

2. The minimum front lot line length or the minimum lot width at the front lot line shall be 45 feet.

3. The average minimum lot width shall be 80 feet.

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



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R10

11.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS

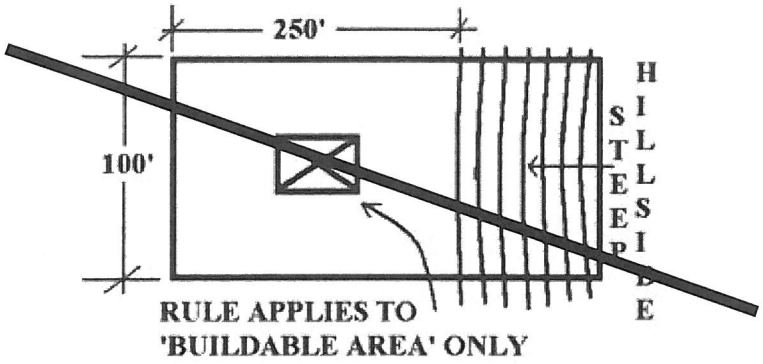
Except as may be otherwise provided by the provisions of this code, the following are the requirements for uses within this zone:

1. The minimum lot size shall be 10,000 square feet for a single-family detached unit.

2. The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.

3. The average minimum lot width shall be 50 feet.

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



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R7

12.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS

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

A. The minimum lot size shall be:

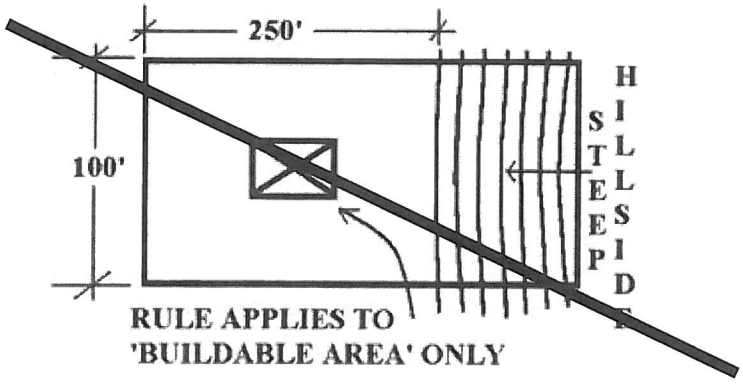
1. For a single-family detached unit, 7,000 square feet.

2. For each attached single-family unit, 5,500 square feet. No yard shall be required between the units.

B. The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.

C. The average minimum lot width shall be ~~50~~ 35 feet.

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



...

R5

13.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS

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

A. The minimum lot size shall be:

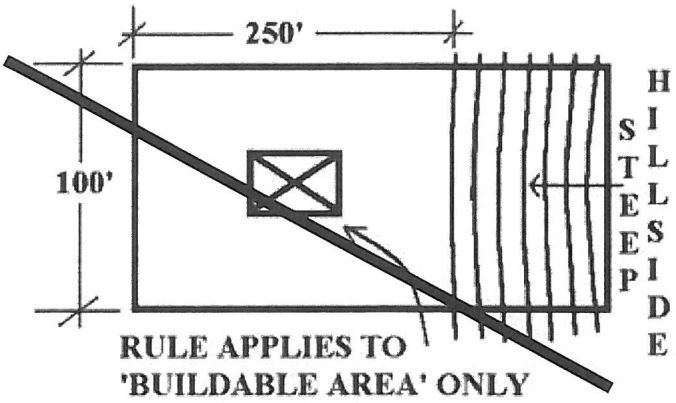
1. For a single-family detached unit, 5,000 square feet.

2. For each attached single-family unit, 4,500 square feet. No yard shall be required between the units.

B. The minimum front lot line length, or the minimum lot width at the front lot line, shall be 35 feet.

C. The average minimum lot width shall be ~~50~~ 35 feet.

~~D. The minimum average lot depth comprising non-Type I and II lands shall be 90 feet. (See diagram below.)~~



...

R4.5

14.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS

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

A. The minimum lot size shall be:

1. For a single-family detached unit, 4,500 square feet.

2. For each attached single-family unit, 4,000 square feet.

3. For a duplex, 8,000 square feet or 4,000 square feet for each unit.

B. The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.

C. The average minimum lot width shall be ~~50~~ 35 feet.

~~D. The minimum average lot depth shall be 90 feet.~~

...

R3

15.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS

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

A. The minimum lot size shall be:

1. For a single-family detached unit, 3,000 square feet.

2. For each attached single-family unit, 3,000 square feet.

3. For each multiple-family dwelling unit, 3,000 square feet.

B. The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.

~~**C. The minimum average lot depth shall be 75 feet.**~~

R2.1

16.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS

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

...

C. The average minimum lot width shall be ~~**50**~~ **35** feet.

NEIGHBORHOOD COMMERCIAL, NC

18.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS

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

...2. The average minimum lot width shall be ~~**50**~~ **35** feet.

~~**3. The average minimum lot depth shall not be less than 90 feet.**~~

4. The minimum yard dimensions or minimum building setback area from the lot line shall be:

a. For a front yard, 25 feet.

b. For an interior side yard, seven and one-half feet.

c. For a side yard abutting a street, 15 feet.

d. For a rear yard, 25 feet. However, where the use abuts a residential district, the setback distance of the residential zone shall apply~~., and, in addition, a buffer of up to 50 feet may be required.~~

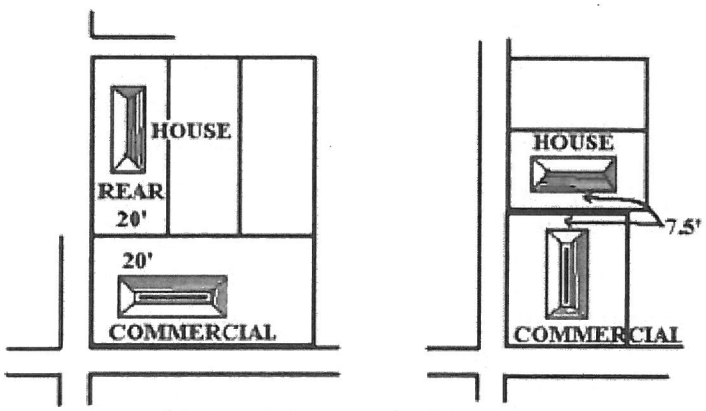
GENERAL COMMERCIAL

19.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS

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

...

4. Where the use abuts a residential district, except as provided in CDC 58.090(C)(1), the setback distance of the residential zone shall apply. ~~For example, when the rear of a residential property abuts the side of a commercial property, the residential 20-foot setback shall apply to the commercial property. When the side of a residential property abuts the rear of a commercial property, the residential five- to seven-and-one-half-foot setback shall apply to the commercial property. In addition, a buffer of up to 50 feet may be required.~~



SETBACK OF ABUTTING HOUSE
DICTATES COMMERCIAL SETBACK

...

7. For lot lines that abut an arterial, there shall be no minimum yard dimensions or minimum building setback area, and the maximum building setback shall be 20 feet. The front setback area between the street and the building line shall consist of landscaping or a combination of non-vehicular hardscape areas (covered with impervious surfaces) and landscaped areas~~, with at least 25 percent of the front setback area consisting of~~

~~landscaped areas.~~ If there are not street trees within the public right-of-way, the front setback area shall include such trees per the requirements of the City Arborist.

~~8. For lot lines that abut streets with an expected average daily trip total of more than 18,000 vehicles, a minimum of 20 feet.~~

OFFICE BUSINESS CENTER

21.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS

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

1. The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.

2. The average minimum lot width shall be 35 feet.

~~3. The average minimum lot depth shall not be less than 90 feet.~~

4. The ~~minimum~~ yard dimensions or ~~minimum~~ building setback area from the lot line shall be:

a. ~~For an i~~Interior side yard, **a minimum of** seven and one-half feet.

b. ~~For a s~~Side yard abutting a street**.**~~,~~ **no minimum** ~~15 feet.~~

c. ~~For a r~~Rear yard, **a minimum of** 25 feet~~.; however, where the use abuts a residential district, the setback distance of the residential zone shall apply. and, in addition, a buffer of up to 50 feet may be required.~~**.**

...

~~5. For lot lines that abut an arterial, there shall be no minimum yard dimensions or minimum building setback area,, and the maximum building setback shall be 20 feet.~~
d. Front yard, no minimum and a 20-foot maximum. The front setback area between the street and the building line shall consist of landscaping or a combination of non-vehicular hardscape areas (covered with impervious surfaces) and landscaped areas. If there are not street trees within the public right-of-way, the front setback area shall include such trees per the requirements of the City Arborist.

...

~~e. For lot lines that abut streets with an expected average daily trip total of more than 18,000 vehicles, a minimum of 20 feet.~~

CAMPUS INDUSTRIAL

22.070 DIMENSIONAL REQUIREMENTS FOR USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS

...

~~L. Corner vision. No sight-obscuring structures or plantings exceeding 30 inches in height shall be located within a 20-foot radius of the lot corner nearest the intersection of two public roads, or from the intersection of a private driveway or easement and a public road. Trees located within a 20-foot radius of any such intersection shall be maintained to allow 10 feet of visual clearance below the lowest hanging branches.~~

~~M. Exceptions to dimensional requirements. The requirements for lot coverage, perimeter setback, street frontage and corner vision may be modified in the design review process pursuant to staff review with notice under CDC 99.080. Approval shall not be granted unless:~~

~~1. The criteria under Chapter 75 CDC for variances are satisfied; and~~

~~2. The purposes set forth under subsection A of this section are addressed and satisfied in the proposed design of the development.~~

GENERAL INDUSTRIAL

23.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS

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

1. The minimum front lot line length of the minimum lot width at the front lot line shall be 50 feet.

2. The average minimum lot width shall be 50 feet.

~~3. The average minimum lot depth shall not be less than 90 feet.~~

4. Where the use abuts a residential district, the setback distance of the residential zone shall apply~~., and, in addition, a buffer of up to 50 feet may be required.~~

SECTION 25. Amendment. Sections 46.010, 46.020, 46.050, 46.080, 46.090, and 46.150 of the City of West Linn Community Development Code, relating to on-street parking are amended to read as follows:

46.010 PURPOSE

The purpose of this chapter is to provide standards for the number and arrangement of ~~off-street~~ parking, loading, and reservoir areas. Most of these provisions relate to commercial, office, and industrial uses. Parking lot design has often been criticized for creating large expanses of paved areas, separating the business from the public street. That arrangement makes it less attractive for pedestrians to access these buildings. The challenge is balancing the business community's desire for ample visible parking to attract prospective customers with the community interest of encouraging safe, non-vehicular access, minimizing the visual impact of parking, and creating a more attractive streetscape and urban environment.

46.020 APPLICABILITY AND GENERAL PROVISIONS

A. At the time a structure is erected or enlarged, or the use of a structure or parcel of land is changed within any zone, ~~off-street~~ parking spaces, loading areas and reservoir areas shall be provided in accordance with the requirements of this chapter unless other requirements are otherwise established as a part of the development approval process.

B. The provision and maintenance of off-street parking and loading spaces are the continuing obligation of the property owner.

C. No building or other permit shall be issued until plans are approved that show the property that is and will remain available for exclusive use as off-street parking and loading space as required by this chapter. ~~The use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this chapter.~~

D. Required parking spaces and loading areas shall be improved to the standards contained in this chapter and shall be available for use at the time of the final building inspection except as provided in CDC **46.150**. (Ord. 1463, 2000)

...

46.050 JOINT USE OF A PARKING AREA

~~A. Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation of the proposed uses do not overlap, and a finding can be made that parking can be accommodated for all uses provided that satisfactory legal evidence is presented to~~

~~the City in the form of deeds, leases, and/or contracts to establish the joint use. The applicant shall agree to pay all reasonable legal costs incurred by the City for review.~~**Joint use of required parking spaces may occur where two or more uses on the same or separate sites are able to share the same parking spaces because their parking demands occur at different times. Joint use of required parking spaces is allowed if the following documentation is submitted in writing to the Planning Director as part of a building or zoning permit application or land use review:**

The names and addresses of the owners or tenants that are sharing the parking and the uses at those locations;

The location and number of parking spaces that are being shared;

An analysis showing that the peak parking times of the uses occur at different times and that the parking area will be large enough for the anticipated demands of both uses; and

A legal instrument such as an easement or deed restriction that guarantees access to the parking for all uses.

B. If a joint use arrangement is subsequently terminated, the requirements of this chapter will ~~thereafter~~ apply to each use separately. (Ord. 1547, 2007)

...

46.080 COMPUTATION OF REQUIRED PARKING SPACES AND LOADING AREA

A. Where several uses occupy a single structure or parcel of land, ~~or~~ a combination of uses are included in one business, or a combination of uses in the same or separate buildings share a common parking area as in the case of a shopping center, the total off-street parking spaces and loading area shall be the sum of the requirements of the several uses, computed separately. For example, parking for an auto sales and repair business would be calculated using the "retail-bulky" calculation for the sales area and the "service and repair" calculation for the repair area. In another example, parking for a shopping center with a grocery store, a restaurant, and a medical office would be calculated using the "general retail store" calculation for the grocery store, the "restaurant" calculation for the restaurant, and the "medical/dental clinics" calculation for the medical office. The total number of required parking spaces may be reduced by up to 10 percent to account for cross-patronage (when a customer visits several commercial establishments during one visit to the commercial center) of adjacent

businesses or services in a commercial center with five or more separate commercial establishments.

...

E. **On-street parking along the immediate property frontage(s) may be counted toward the minimum parking requirement with approval from the City Engineer.** ~~**Parking spaces in the public street shall not be eligible as fulfilling any part of the parking requirement except open space/park areas with adjacent street frontage.**~~

46.090 MINIMUM ~~**OFF-STREET**~~ PARKING SPACE REQUIREMENTS

Residential parking space requirements.

1	Single-family residences (attached or detached).	1 off-street space for each dwelling unit; may or may not be in garage or carport.
2	Two-family residences and duplexes.	**1 off-street space for each dwelling unit; may or may not be in garage or carport.** ~~**Same as single-family.**~~
3	Multi-family residences:	
a.	500 square feet or less.	1 **off-street** space for each unit.
b.	1 bedroom apartment.	1.25 **off-street** spaces for each unit. Stacking one car behind the other is permitted only when the parking spaces are allocated to specific apartments.
c.	2 bedroom apartments.	1.5 **off-street** spaces for each dwelling unit. Stacking one car behind the other is permitted only when the parking spaces are allocated to specific apartments.

	d.	3 (or more) bedroom Apartment.	1.75 **off-street** spaces for each dwelling unit. Stacking one car behind the other is permitted only when the parking spaces are allocated to specific apartments.
	e.	Visitor parking for multi-family residences.	1 off-street space for every 3 apartment units evenly distributed throughout the complex. These spaces shall be clearly identified and signed as visitor spaces only. This number may be reduced by 1 space for every 18 feet of project abutting public street frontage where on-street parking is allowed.
4		Residential hotel, rooming and boarding houses.	~~**80 percent of the guest rooms or suites shall have 1 space each plus 1 space for each 2 employees.**~~**1 parking space per 1,000 square feet of gross leasable area.**
5		Correction institutions.	1 space for each 3 beds or patients, plus 1 space for each 2 employees.
6		Manufactured/mobile home.	Same as single-family.
7		Adult foster care, residential care facility, assisted living facility.	One **off-street** space for each 3 units plus 1 space for each employee **working during the time period with the greatest number of employees on site**.

B. **Public and semi-public buildings/uses**.

...	11	Active parks, playgrounds.	Two to 5 spaces for each acre of active use area other than athletic fields. ~~**If the park is abutting the street with no intervening homes or land uses, and has at least 300 lineal feet of street frontage where on-street parking is allowed, on-street parking may reduce the amount of required off-street parking by up to one-half.**~~

12	Athletic field (baseball, soccer, etc.).	40 spaces per athletic field. ~~If the park has at least 300 lineal feet of street frontage where parking is allowed, on-street parking may reduce the amount of required off-street parking by up to one-half.~~
13	Boat ramp.	40 spaces per launch ramp (50 percent at 9' X 20'; 50 percent at 10' X 40' marked "trailers only").
14	Senior center.	One space per 150 square feet and drop-off facility per CDC 46.120.
15	Trailhead.	Four spaces (includes one handicapped space).

~~a. On-street parking may substitute for the required off-street parking provided it is contained within the roadway frontage of trail land area; and~~

~~b. Vehicles must be able to approach and leave the trailhead parking area in both directions of travel without having to use driveways as turnaround areas.~~

C. **Commercial.**

...

5	Professional offices, banks and savings and loans, and government offices.	One space for every ~~350~~ **370** sq. ft. of gross area.

F. Maximum parking. ~~While it is important to establish minimum standards to ensure that adequate parking is available, it is equally important to establish maximum parking standards to reduce paved impermeable areas, to reduce visual impact of parking lots, and to encourage alternate modes of transportation. For these reasons, p~~**Parking spaces (except for single-family and two-family residential uses) shall not exceed the minimum required number of spaces by more than 10 percent.** ~~except by variance.~~

...

46.150 DESIGN AND STANDARDS

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

A. **Design standards.**

1. "One standard parking space" means a minimum for a parking stall of eight feet in width and 16 feet in length. These stalls shall be identified as "compact." To accommodate larger cars, 50 percent of the required parking spaces shall have a minimum dimension of nine feet in width and 18 feet in length (nine feet by 18 feet). When multi-family parking stalls back onto a main driveway, the stalls shall be nine feet by 20 feet.

2. Disabled parking and maneuvering spaces shall be consistent with current federal dimensional standards and subsection B of this section and placed nearest to accessible building entryways and ramps.

~~3. Parking spaces located in the public right-of-way that require backing movements or other maneuvering within a street or right-of-way are permitted with City Engineer approval as is in the case of Willamette Falls Drive parking facilities.~~

4. Service drives shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and maximum safety of pedestrians and vehicular traffic on the site.

5. Each parking and/or loading space shall have clear access, whereby the relocation of other vehicles to utilize the parking space is not required.

...

11. Parking spaces along the boundaries of a parking lot or adjacent to interior landscaped areas or sidewalks shall be provided with a wheel stop at least four inches high located two feet back from the front of the parking stall. **Such parking spaces may be provided without wheel stops if the sidewalks or landscaped areas adjacent the parking stalls are two feet wider than the minimum width.** ~~**Alternately, landscaped areas or sidewalks adjacent to the parking stalls without wheel stops shall be two feet wider.**~~

...

14. Directional arrows and traffic control devices which are placed on parking lots shall be identified ~~**and installed**~~**.**

SECTION 26. Repeal. West Linn Community Development Code Chapter 31, relating to erosion control is hereby repealed in its entirety.

SECTION 27. Repeal. West Linn Community Development Code Chapter 33, relating to stormwater quality and detention is hereby repealed in its entirety.

SECTION 28. Amendment. Sections 55.030, 55.120, 55.130, and 99.060 of the City of West Linn Community Development Code, relating to erosion control and stormwater quality and detention are amended to read as follows:

55.120 SITE PLAN

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

...

H. 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, loading, and delivery;

4. Pedestrian and bicycle circulation areas;

5. On-site outdoor recreation spaces and common areas;

6. All utilities**, including stormwater detention and treatment**; and

7. Sign locations.

...

55.130 GRADING PLAN

The grading and drainage plan shall be **at a~~the same~~ scale ~~as the site analysis (CDC 55.110)~~sufficient to evaluate all aspects of the proposal** and shall include the following:

...

~~B. Plans and statements to demonstrate the ability of the project to meet Appendix 33 requirements of the Uniform Building Code.~~

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 application for a period of six months or less (Chapter 35 CDC).

b. A home occupation application (Chapter 37 CDC).

c. Access restrictions (Chapter 48 CDC).

d. A minor partition (Chapter 85 CDC).

e. A final subdivision plat (Chapter 89 CDC).

f. A final partition plat (Chapter 89 CDC).

g. A lot line adjustment (Chapter 85 CDC).

h. Enlargement or alteration of a non-conforming single-family structure containing a conforming use (Chapter 66 CDC).

i. Decide applications for a determination of unlisted parking requirements (Chapter 46 CDC).

j. A minor alteration to a historic landmark or a structure in the Historic District (Chapters 25, 26 CDC).

k. Parks Design Review, Class I (Chapter 56 CDC).

l. Design Review, Class I (Chapter 55 CDC).

m. A sign application (Chapter 52 CDC).

n. Sidewalk use permit (Chapter 53 CDC).

o. Flood management area permit (Chapter 27 CDC).

~~p. Erosion and sediment control permit (Chapter 31 CDC).~~

q. Tualatin River protection permit (Chapter 28 CDC).

r. Water resource area permit (Chapter 32 CDC).

s. Class I variance (Chapter 75 CDC).

t. Willamette River Greenway permit (Chapter 28 CDC).

u. Extensions of approval when the Planning Director acted as the initial decision-making authority.

2. Approve a use permitted under prescribed conditions provided all of the conditions are satisfied.

3. Make initial interpretations of the provisions of the code.

4. Make the initial determination regarding the status of the following:

a. Non-conforming structure (Chapter 66 CDC).

b. Non-conforming structure involving a non-conforming use (Chapter 65 CDC).

c. Non-conforming use of land (Chapter 67 CDC).

B. **Planning Commission authority**. The Planning Commission shall have the authority to:

1. Make a recommendation to approve, deny, or approve with conditions to the Council:

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 as provided by CDC 99.030(A) (Chapter 105 CDC).

c. The designation of an historic landmark.

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. A conditional use (Chapter 60 CDC).

d. Enlargement of a non-conforming use or alteration for a structure containing a non-conforming use (Chapter 66 CDC).

e. Enlargement or alteration of a non-single-family residential non-conforming use (Chapter 66 CDC).

f. Class II variance or special waiver (Chapter 75 CDC).

g. Subdivision (Chapter 85 CDC).

h. Planned unit development (Chapter 24 CDC).

i. Design review, Class II (Chapter 55 CDC).

j. Parks design review, Class II (Chapter 56 CDC).

k. Any matter not specifically assigned to another approval authority.

l. Extensions of approval when the Planning Commission acted as the initial decision-making authority.

3. Revoke or modify an approval as provided by CDC 99.330 for any application approved by the Planning Commission or Planning Director.

4. Make an unlisted use determination.

5. An appeal of the Planning Director's interpretation of the code pursuant to CDC 01.060.

SECTION 29. Amendment. Chapter 2 of the City of West Linn Community Development Code, relating to definitions is amended to read as follows:

Chapter 02 DEFINITIONS

...

~~**Transient lodgings**~~ Hotel/Motel. Establishments primarily engaged in the provision of lodging ~~**services**~~ on a temporary basis with incidental food, drink, and other sales and services intended for the convenience of guests. Typical uses include hotels, motels, or bed and breakfast houses.

SECTION 30. Amendment. Section 99.030 of the City of West Linn Community Development Code, relating to the application process is amended to read as follows:

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

...

B. Pre-application conferences.

...

5. At such conference, the Planning Director or designee shall:

...

a. Cite the ~~**applicable federal and State laws and rules and the**~~ Comprehensive Plan ~~**policies and**~~ map designation;

SECTION 31. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 32. Savings. Notwithstanding these amendments/repeals, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced, shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinance(s) or portions thereof were operative. This section simply clarifies the existing

situation that nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

SECTION 33. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 31-34) need not be codified and the City Recorder or his/her designee is authorized to correct any cross-references and any typographical errors.

SECTION 34. Effective Date. This ordinance shall take effect on the 30th day after its passage.

The foregoing ordinance was first read by title only in accordance with Chapter VIII, Section 2(C) of the City Charter on the 2nd day of June, 2014, and duly PASSED and ADOPTED this 2nd day of June, 2014.

JOHN KOVASH, MAYOR

KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY