



## Memorandum

Date: September 25, 2014

To: West Linn Planning Commission

From: Zach Pelz, Associate Planner

Subject: Planning File No. ZC-14-01/PLN-14-01 – New evidence and testimony received since the issuance of the Staff Report on September 19, 2014

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### **Purpose**

All public testimony and new evidence received since September 19, 2014, is attached.

## Pelz, Zach

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**From:** Rapp, Reagan S. (Perkins Coie) <RRapp@perkinscoie.com> on behalf of Robinson, Michael C. (Perkins Coie) <MRobinson@perkinscoie.com>  
**Sent:** Thursday, September 25, 2014 3:27 PM  
**To:** Pelz, Zach  
**Cc:** Robinson, Michael C. (Perkins Coie); Stephenson, Garrett H. (Perkins Coie); rmorgan@conam.com; mmahoney@conam.com; Kerr, Chris; bahrend@mcknze.com; 'bwb@johnson-reid.com'  
**Subject:** City of West Linn File No. ZC-14-01 and PLN-14-01  
**Attachments:** 20140922 Ltr to Chair Steel.PDF; Exhibits.pdf

Dear Zach,

Please place this letter in the official Community Development Department file for this application and before the Planning Commission at the initial evidentiary hearing on October 1, 2014. While this letter contains new argument and evidence, submitting this letter does not provide a basis for a request for an open record period or a continuance of the public hearing. As you are aware, any person can ask for any reason that the initial evidentiary hearing be continued to a date certain or that the hearing be closed but the written record held open. ORS 197.763(6)(a).

Thank you.

**Michael C. Robinson | Perkins Coie LLP**

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September 25, 2014

Ms. Christine Steel, Chair  
West Linn Planning Commission  
City of West Linn  
Planning Department  
22500 Salamo Road, #1000  
West Linn, OR 97068

Michael C. Robinson  
MRobinson@perkinscoie.com  
D. (503) 727-2264  
F. (503) 346-2264

**Re: City of West Linn File No. ZC-14-01 and PLN-14-01**

Dear Chair Steel:

This office represents the applicant, ConAm Properties, LLC, (“ConAm”) in the above-referenced application. This letter provides additional argument and evidence in support of the application for a comprehensive plan map amendment from “Commercial” to “Medium-High Density Residential” and a zoning map amendment from “Office Business Commercial (OBC)” to “Medium-High Density Residential (R-2.1)”.

**1. This site is not reasonably expected to be developed for office uses but is very likely to be developed for multi-family uses.**

**Exhibit 1** is a letter dated August 24, 2014 from Mr. George N. Diamond of the Real Estate Investment Group. Mr. Diamond has extensive experience in the Portland, Oregon commercial, retail and office markets. The owners of the property, Mr. Parker and Mr. Wilt, asked Mr. Diamond to offer his opinion on the likelihood that this site will be developed for office use.

Mr. Diamond’s letter explains why he thinks it is unlikely that the site will be developed for office uses. In his opinion, there is a high vacancy rate for office development in the immediate area of this property, resulting in an oversupply of office space. On this basis, Mr. Diamond concludes that it may “take many years” before this site would be developed for office uses.

Mr. Diamond also believes that the site is appropriate for multi-family housing. His letter notes that the Portland metropolitan area has a vacancy rate of less than 3%, and the area around this site has a “strong demand for housing for both for sale residential homes and new multi-family. The subject site next to Willamette 205 is a premier location and would lease of quickly and the rents would be strong.”

This letter supports the conclusion that this site is unlikely to develop any time soon for office uses but that it is likely to develop very quickly for multi-family uses.

**2. The Office Business Center (“OBC”) zone is one of three (3) commercial zones and is the least likely of the three (3) zones to provide commercial or retail development.**

The West Linn Community Development Code (“CDC”) contains three (3) commercial zoning districts: The Neighborhood Commercial (“NC”) zoning district in CDC Chapter 18, the General Office (“GC”) zoning district in CDC chapter 19 and the OBC zone in CDC Chapter 21. **Exhibit 2** is CDC Chapter 18, **Exhibit 3** is CDC Chapter 19 and **Exhibit 4** is CDC Chapter 21. The Planning Commission can conclude that of the three (3) zoning districts, the OBC zone provides the fewest and least broad list of permitted and conditional commercial and retail uses.

**A. CDC Chapter 18, Neighborhood Commercial Zone.**

This zone permits as outright uses convenience grocery stores among six (6) permitted uses. Additionally, the zone allows ten (10) commercial or retail uses as conditional uses (excluding such uses as major utilities, postal services, public safety facilities, public support facilities and transportation facilities).

**B. CDC Chapter 19, General Commercial Zone.**

The GC zoning district allows twenty nine (29) permitted uses, of which 22 can be fairly described as commercial retail uses, including “general retail services.” CDC 19.030.14. The GC zone also allows 26 conditional uses, of which at least three (3) can be fairly described as commercial retail uses. CDC 19.060.2, .14 and .15.

**C. CDC Chapter 21, Office Business Center Zone.**

In contrast, of the 14 permitted uses in the OBC zone, neither “retail” nor “commercial” is a listed permitted use. The closest use to a permitted retail use are the “business equipment sales and services” and “business support services” uses. CDC 21.030.1 and .2.

In addition, the only place that the OBC zone allows a retail use is as a conditional use. The OBC zone allows convenience sales and personal services, and food and beverage retail services as conditional uses. CDC 21.060.2 and .3.

The purpose of comparing the various uses in the City’s three (3) commercial zoning districts is to show that, of the three (3) zoning districts, the OBC zone has the *fewest* retail-type uses permitted and the only place those uses are found are as conditional uses. It is highly unlikely that a business owner, when given the choice between locating a retail use in a zone where it is permitted outright versus a zone which requires as many as two (2) levels of public hearing review, would choose a property with a retail conditional use designation.

**D. The GC and NC zones provide every use allowed in the OBC zone.**

Beyond retail uses, the OBC zone does not contain a single use that is not otherwise allowed by the GC and NC zone. Because the OBC zone is intended to be a mixed use zone, it does not provide for the same range of uses as allowed in the GC zone and does not fulfill the neighborhood retail function provided by the NC zone. The Planning Commission can find that rezoning part of this property to clearly allow multi-family uses does not detract from the ability to locate other uses elsewhere in the City because of the GC and NC zones.

**3. This site is unlikely to be developed for multi-family uses in the OBC zone because of the limitations on multi-family uses and the R-2.1 zone is only one of two multi-family zones in the City.**

**A. The OBC zone allows multi-family uses only as “a mixed use in conjunction with commercial development, only above the first floor of the structure.”**

The Planning Commission can find that this limitation makes it highly unlikely that this site will develop for multi-family uses in the OBC zone for two (2) reasons. First, a developer would be concerned about the ambiguity in CDC 21.050.2. Multi-family uses are allowed only as a “mixed use in conjunction with commercial development.” It is unclear what constitutes “commercial development”, especially when a conditional use approval is required for a retail use in the OBC zone. Moreover, the zone provides no guidance as to the type or amount of commercial development that must be provided. If the developer guesses incorrectly, he or she would be unable to develop the property for multi-family purposes.

Second, the Johnson Economics Study concludes that “live/work” units have not seen much success in Metro area.” (Johnson Economics Study, p. 6). Moreover, the applicant proposes to leave 1.22 acres along Blankenship Road zoned OBC, while rezoning approximately 10.13 acres to R-2.1. This has the effect of providing for a mixed use development by retaining the OBC zone adjacent to the R-2.1 zone.

**B. Only two (2) zones allow multi-family uses.**

The CDC provides for multi-family uses as permitted uses outright (which is not the case in the OBC zone, since a multi-family unit is a “use and development permitted under prescribed conditions.” CDC 21.050). The R-2.1 zone in CDC Chapter 16 (**Exhibit 5**) and the R-3 zone in CDC Chapter 15 (**Exhibit 6**) are the only two (2) zones that allow multi-family uses. An applicant for multi-family uses in West Linn has fewer options than does an applicant for commercial retail uses.

Additionally, whereas the Johnson Economics Study concluded that there is ample available land for commercial and office development (Johnson Economics Study, p. 10) the same study

Ms. Christine Steel, Chair  
September 25, 2014  
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concludes that there is low availability of multi-family land and multi-family uses are in higher demand (Johnson Economics Study, pp. 23-24).

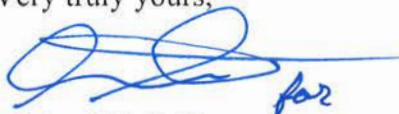
For these reasons, the Planning Commission can conclude that there are ample opportunities for retail development and other uses permitted in the OBC zone elsewhere in the City, both in terms of zoning districts which allow retail uses as permitted use, and the amount of available land, versus fewer opportunities for multi-family uses in terms of few zoning districts and less available land for multi-family uses.

#### 4. Conclusion.

The Planning Commission can make two important findings based on the argument and evidence in this letter:

- By rezoning part of this property from OBC to R-2.1, the City is not taking an action detrimental to its economic development goals, in fact, development will be more likely, which will generate short-term benefits in terms of jobs and revenue and long-term benefits in terms of providing additional multi-family housing whose residents will support near-by businesses.
- The Planning Commission can find that CDC 105.050.B2 is satisfied. CDC 105.050.C.2 is satisfied because there is a “public need for the change where the change can be demonstrated to be in the interest of the present and future community”. The Planning Commission can find that it is in the interest of the present and future community to increase the opportunity for multi-family housing which, as explained in the application, will benefit the community and surrounding existing retail businesses, whereas it is not in the interest of the community to leave this entire property zoned OBC where there is little likelihood of developing for commercial, office or multi-family uses.

Very truly yours,



Michael C. Robinson

MCR:rsr

Enclosures

cc: Mr. Rob Morgan (via email) (w/ encls.)  
Mr. Mike Mahoney (via email) (w/ encls.)  
Mr. Chris Kerr (via email) (w/ encls.)  
Mr. Brent Ahrend (via email) (w/ encls.)  
Mr. Brendan Buckley (via email) (w/ encls.)  
Mr. Zach Pelz (via email) (w/ encls.)



August 24, 2014

Jeff Parker  
Parker Development  
1750 Blankenship Road, Suite, 200  
West Linn, OR 97068

Dear Jeff

RE: Office Market versus Apartment Market in West Linn

Jeff as you know we have been involved in the leasing and selling of Willamette Market Place and completed the sale on that property this summer. We are also involved in the Sale of Summerlin and Willamette 205 office parks, but at this time have not been successful because of the high vacancy in office for this immediate area. West Linn in my opinion has an overabundance of office space with the current vacancies in the 3 buildings I just mentioned. I think it will take many years to get the rates to support building a new office building based on the cost the developer would have to get for rents in the \$28 and \$32 per square foot full service to get enough return to be able to get bank financing. I think based on the going rate of \$20 to \$24 full service this would be almost impossible at this time to support new office development.

In regard to multifamily this is a different story. The multifamily vacancy rate in the Portland Metro is the lowest in the nation and the last I read was below 3%. In this immediate area there is a very strong demand for housing for both for sale residential homes and new multifamily. The subject site next to Willamette 205 is a premier location and would lease up quickly and the rents would be strong. We are heavily involved in both multifamily land and existing property sales in the Portland Metropolitan area and to the best of my knowledge there are no other opportunities in West Linn for this size of housing, and the only real competition would be the Cove in Oregon City. I think it is prudent to have the land rezoned to multifamily, and it would actually help strengthen the existing office market giving a win-win to the City of West Linn. Please feel free to contact me if you have any questions at 503-222-2178

Thank you.

George N. Diamond  
Real Estate Investment Group  
President

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**COMMERCIAL****Chapter 18  
NEIGHBORHOOD COMMERCIAL, NC**

## Sections:

- 18.010 PURPOSE
- 18.020 PROCEDURES AND APPROVAL PROCESS
- 18.030 PERMITTED USES
- 18.040 ACCESSORY USES
- 18.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS
- 18.060 CONDITIONAL USES
- 18.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS
- 18.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES
- 18.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

**18.010 PURPOSE**

The purpose of the neighborhood commercial zone is to provide for convenience goods and services within a cluster of stores. Convenience goods are goods which are bought frequently, at least weekly, and for which people do not engage in comparison shopping. The range of uses is limited to those uses which can be supported by a limited trade area. Uses in this district are intended to meet neighborhood needs as opposed to community-wide needs. This zone is intended to implement the policies and locational criteria set forth in the Comprehensive Plan.

**18.020 PROCEDURES AND APPROVAL PROCESS**

- A. A use permitted outright, CDC 18.030, is a use which requires no approval under the provisions of this code. If a use is not listed as a use permitted outright, it may be held to be a similar unlisted use under the provisions of Chapter 80 CDC.
- B. A use permitted under prescribed conditions, CDC 18.050, is a use for which approval will be granted provided all conditions are satisfied, and:



1. The Planning Director shall make the decision in the manner provided by CDC 99.060(A)(2), Administrative Procedures, except that no notice shall be required; and
  2. The decision may be appealed by the applicant to the Planning Commission as provided by CDC 99.240(A).
- C. The approval of a conditional use (CDC 18.060) is discretionary with the Planning Commission. The approval process and criteria for approval are set forth in Chapter 60 CDC, Conditional Uses. If a use is not listed as a conditional use, it may be held to be a similar unlisted use under the provisions of Chapter 80 CDC.
- D. The following code provisions may be applicable in certain situations:
1. Chapter 65 CDC, Non-conforming Uses Involving a Structure.
  2. Chapter 66 CDC, Non-conforming Structures.
  3. Chapter 67 CDC, Non-conforming Uses of Land.
  4. Chapter 68 CDC, Non-conforming Lots, Lots of Record.
  5. Chapter 75 CDC, Variance.

#### 18.030 PERMITTED USES

The following are uses permitted outright in this zone:

1. Convenience grocery store.
2. Cultural exhibits and library services.
3. Family day care.
4. Utilities, minor.
5. Transportation facilities (Type I).
6. Single-family residential unit above a permitted use. (Ord. 1226, 1988; Ord. 1401, 1997; Ord. 1590 § 1, 2009; Ord. 1613 § 2, 2013)

#### 18.040 ACCESSORY USES

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

### 18.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

The following uses are allowed in this zone under prescribed conditions:

1. Signs, subject to the provisions of Chapter 52 CDC.
2. Temporary use, subject to the provisions of Chapter 35 CDC.
3. Wireless communication facilities, subject to the provisions of Chapter 57 CDC. (Ord. 1408, 1998)

### 18.060 CONDITIONAL USES

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

1. Children's day care center.
2. Consumer repair services.
3. Convenience sales and personal services.
4. Food and beverage retail sales.
5. Financial, insurance and real estate services.
6. Nursery.
7. Medical and dental services.
8. Personal service facilities.
9. Professional and administrative services.
10. Utilities, major.
11. Extended-hour businesses. CUPs shall be required when:
  - a. New extended-hour business is proposed by construction of a new building.
  - b. Expansion of the size of existing buildings for use by an extended-hour business is proposed.
12. Postal services.
13. Public safety facilities.

14. Public support facilities.
15. Transportation facilities (Type II). See CDC 60.090 for additional approval criteria. (Ord. 1180, 1986; Ord. 1401, 1997; Ord. 1402, 1997; Ord. 1590 § 1, 2009)

#### 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:

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. *Repealed by Ord. 1622.*
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.
5. The maximum lot coverage shall be 50 percent; however, the above requirements in this section may be modified for developments under the planned unit development provisions of Chapter 24 CDC.
6. The maximum building height shall be two and one-half stories, or 35 feet. (Ord. 1622 § 24, 2014)

#### 18.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES

Except as may otherwise be established by this code, the appropriate lot size for a conditional use shall be determined by the approval authority at the time of consideration of the application based upon the criteria set forth in CDC 60.070(A) and (B).

## 18.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

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

1. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.
2. Chapter 35 CDC, Temporary Structures and Uses.
3. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.
4. Chapter 40 CDC, Building Height Limitations, Exceptions.
5. Chapter 42 CDC, Clear Vision Areas.
6. Chapter 44 CDC, Fences.
7. Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas.
8. Chapter 48 CDC, Access, Egress and Circulation.
9. Chapter 52 CDC, Signs.
10. Chapter 54 CDC, Landscaping.

B. The provisions of Chapter 55 CDC, Design Review, apply to all uses except detached single-family dwellings. (Ord. 1590 § 1, 2009)

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The West Linn Community Development Code is current through Ordinance 1624, and legislation passed through June 16, 2014.

Disclaimer: The City Recorder's Office has the official version of the West Linn Community Development Code. Users should contact the City Recorder's Office for ordinances passed subsequent to the ordinance cited above.

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Chapter 19  
GENERAL COMMERCIAL, GC

## Sections:

- 19.010 PURPOSE
- 19.020 PROCEDURES AND APPROVAL PROCESS
- 19.030 PERMITTED USES
- 19.040 *REPEALED*
- 19.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS
- 19.060 CONDITIONAL USES
- 19.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS
- 19.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES
- 19.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

**19.010 PURPOSE**

The purpose of this zone is to provide for the concentration of major retail goods and services at centers. The intent is to provide for the provision of a variety of goods and services and for comparison shopping, to accommodate new businesses and employment opportunities, to promote a suitable mix of commercial uses, to contribute to community identity and to assure that the commercial development is scaled to blend with nearby residential areas, and that the residential areas are protected from noise, glare of lights, traffic congestion and other possible adverse effects. This zone is intended to implement the policies and locational criteria set forth in the Comprehensive Plan.

**19.020 PROCEDURES AND APPROVAL PROCESS**

- A. A use permitted outright, CDC 19.030, is a use which requires no approval under the provisions of this code. If a use is not listed as a use permitted outright, it may be held to be a similar unlisted use under the provisions of Chapter 80 CDC.
- B. A use permitted under prescribed conditions, CDC 19.050, is a use for which approval will be granted provided all conditions are satisfied, and:

1. The Planning Director shall make the decision in the manner provided by CDC 99.060(A)(2), Administrative Procedures, except that no notice shall be required; and
  2. The decision may be appealed by the applicant to the Planning Commission as provided by CDC 19.060.
- C. A conditional use, CDC 19.060, is a use the approval of which is discretionary with the Planning Commission. The approval process and criteria for approval are set forth in Chapter 60 CDC, Conditional Uses. If a use is not listed as a conditional use, it may be held to be a similar unlisted use under the provisions of Chapter 80 CDC.
- D. The following code provisions may be applicable in certain situations:
1. Chapter 65 CDC, Non-conforming Uses Involving a Structure.
  2. Chapter 66 CDC, Non-conforming Structures.
  3. Chapter 67 CDC, Non-conforming Uses of Land.
  4. Chapter 68 CDC, Non-conforming Lots, Lots of Record.
  5. Chapter 75 CDC, Variance.

#### 19.030 PERMITTED USES

The following uses are permitted outright in this zone:

1. Agricultural sales.
2. Agricultural services.
3. Animal sales and services, grooming.
4. Building maintenance services.
5. Business equipment sales and services.
6. Business support services.
7. Communications services.
8. Consumer repair services.
9. Convenience sales and personal services.

10. Eating and drinking establishments.
11. Family day care.
12. Financial, insurance and real estate services.
13. Food and beverage retail sales.
14. General retail services.
15. Hotel/motel, including those operating as extended hour businesses.
16. Laundry services.
17. Senior center.
18. Medical and dental services.
19. Parking facilities.
20. Participant sports and recreation, indoor.
21. Personal service facilities.
22. Professional and administrative services.
23. Research services.
24. Utilities, minor.
25. Cultural exhibits and library services.
26. Extended-hour businesses that do not include the construction of a new building or expansion of an existing structure.
27. Transportation facilities (Type I).
28. Lodge, fraternal, community center, and civic assembly within the commercial districts along Highway 43, Salamo Road or Blankenship Road.
29. Religious institutions within the commercial districts along Highway 43, Salamo Road, or Blankenship Road. (Ord. 1226, 1988; Ord. 1411, 1998; Ord. 1590 § 1, 2009; Ord. 1622 § 23, 2014)

#### 19.040 ACCESSORY USES

*Repealed by Ord. 1622.*

#### 19.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

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 multiple-family units: as a mixed use in conjunction with commercial development, only above the first floor of the structure, except in the Willamette Falls Drive Commercial District where dwellings may also occupy a portion of the ground floor pursuant to CDC 58.050.
2. Animal sales and services: kennels, as prescribed with no exterior runs or storage.
3. Animal sales and services: veterinary (small animals), as prescribed with no exterior runs or storage.
4. Signs, subject to the provisions of Chapter 52 CDC.
5. Temporary use, subject to the provisions of Chapter 35 CDC.
6. Home occupations, subject to the provisions of Chapter 37 CDC.
7. Wireless communication facilities, subject to the provisions of Chapter 57 CDC. (Ord. 1192, 1987; Ord. 1385, 1996; Ord. 1565, 2008; Ord. 1613 § 3, 2013)

#### 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:

1. Children's day care center.
2. Automotive and equipment:
  - a. Cleaning.



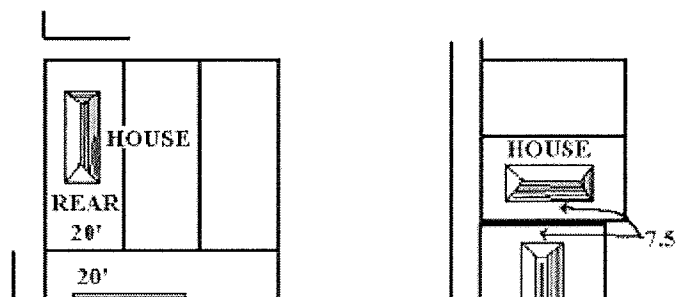
- b. Repairs, heavy equipment.
  - c. Repairs, light equipment.
  - d. Sales/rentals, heavy equipment.
  - e. Sales/rentals, light equipment.
  - f. Storage, recreation vehicles and boats.
3. Construction, sales and services.
  4. Heliports.
  5. Hospitals.
  6. Light industrial, manufactured.
  7. Light industrial, finished products.
  8. Spectator sports facilities.
  9. Vehicle fuel sales.
  10. Utilities, major.
  11. Wholesale storage and distribution:
    - a. Mini-warehouse.
    - b. Light.
  12. Single-family homes, which were non-conforming structures and were damaged, whereby the cost of rebuilding the damaged portions would exceed 50 percent of the then current replacement cost of the entire building. Determination of rebuilding costs shall be per CDC 66.070(A).
  13. Household hazardous waste depot.
  14. Super stores.
  15. Amusement enterprises.
  16. Public agency administration.
  17. Public safety facilities.

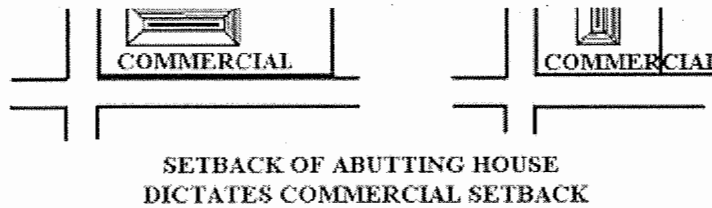
18. Public support facilities.
19. Recycle collection center.
20. *Repealed by Ord. 1622.*
21. Postal services.
22. Religious institutions not listed as permitted uses in CDC 19.030.
23. Schools (with under 200 students).
24. Transportation facilities (Type II). See CDC 60.090 for additional approval criteria.
25. Lodge, fraternal, community center and civic assembly not listed as permitted uses in CDC 19.030.
26. Extended hour businesses that include a new building or expansion of an existing structure. (Ord. 1192, 1987; Ord. 1339, 1992; Ord. 1463, 2000; Ord. 1523, 2005; Ord. 1590 § 1, 2009; Ord. 1604 §§ 16, 17, 2011; Ord. 1622 § 23, 2014)

#### 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:

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





5. The maximum lot coverage shall be 50 percent, except as provided in CDC 58.090(C)(1)(d).

6. The maximum building height shall be two and one-half stories or 35 feet for any structure located within 50 feet of a low or medium density residential zone, and three and one-half stories or 45 feet for any structure located 50 feet or more from a low or medium density residential zone.

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. 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.

B. The requirements of subsections (A)(1) through (5) of this section may be modified for developments under the planned unit development provisions of Chapter 24 CDC. (Ord. 1401, 1997; Ord. 1425, 1998; Ord. 1614 § 5, 2013; Ord. 1622 § 24, 2014)

#### **19.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES**

Except as may otherwise be established by this code, the appropriate lot size for a conditional use shall be determined by the approval authority at the time of consideration of the application based upon the criteria set forth in CDC 60.070(A) and (B).

#### **19.090 OTHER APPLICABLE DEVELOPMENT STANDARDS**

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

1. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.

2. Chapter 35 CDC, Temporary Structures and Uses.
  3. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.
  4. Chapter 40 CDC, Building Height Limitations, Exceptions.
  5. Chapter 42 CDC, Clear Vision Areas.
  6. Chapter 44 CDC, Fences.
  7. Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas.
  8. Chapter 48 CDC, Access, Egress and Circulation.
  9. Chapter 52 CDC, Signs.
  10. Chapter 54 CDC, Landscaping.
- B. The provisions of Chapter 55 CDC, Design Review, apply to all uses except detached single-family dwellings. (Ord. 1590 § 1, 2009)

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**Chapter 21**  
**OFFICE BUSINESS CENTER, OBC**

Sections:

- 21.010 PURPOSE
- 21.020 PROCEDURES AND APPROVAL PROCESS
- 21.030 PERMITTED USES
- 21.040 *REPEALED*
- 21.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS
- 21.060 CONDITIONAL USES
- 21.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS
- 21.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES
- 21.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

**21.010 PURPOSE**

The purpose of this zone is to provide for groups of business and offices in centers, to accommodate the location of intermediate uses between residential districts and areas of more intense development, to provide opportunities for employment and for business and professional services in close proximity to residential neighborhoods and major transportation facilities, to expand the City's economic potential, to provide a range of compatible and supportive uses, and to locate office employment where it can support other commercial uses. The trade area will vary and may extend outside the community. This zone is intended to implement the policies and criteria set forth in the Comprehensive Plan.

**21.020 PROCEDURES AND APPROVAL PROCESS**

- A. A use permitted outright, CDC 21.030, is a use that requires no approval under the provisions of this code. If a use is not listed as a use permitted outright, it may be held to be a similar unlisted use under the provisions of Chapter 80 CDC.
- B. A use permitted under prescribed conditions, CDC 21.050, is a use for which approval will be granted provided all conditions are satisfied, and:

1. The Planning Director shall make the decision in the manner provided by CDC 99.060(A)(2), Administrative Procedures, except that no notice shall be required; and
  2. The decision may be appealed by the applicant to the Planning Commission as provided by CDC 99.240(A).
- C. The approval of a conditional use (CDC 21.060) is discretionary with the Planning Commission. The approval process and criteria for approval are set forth in Chapter 60 CDC, Conditional Uses. If a use is not listed as a conditional use, it may be held to be a similar unlisted use under the provisions of Chapter 80 CDC.
- D. The following code provisions may be applicable in certain situations:
1. Chapter 65 CDC, Non-conforming Uses Involving a Structure.
  2. Chapter 66 CDC, Non-conforming Structures.
  3. Chapter 67 CDC, Non-conforming Uses of Land.
  4. Chapter 68 CDC, Non-conforming Lots, Lots of Record.
  5. Chapter 75 CDC, Variance. (Ord. 1463, 2000)

#### 21.030 PERMITTED USES

The following uses are permitted outright in this zone:

1. Business equipment sales and services.
2. Business support services.
3. Communications services.
4. Cultural exhibits and library services.
5. Family day care.
6. Financial, insurance and real estate services.
7. Hotel/motel, including those operating as extended hour businesses.
8. Medical and dental services.
9. Parking facilities.

10. Participant sports and recreation, indoor.
11. Personal services and facilities.
12. Professional and administrative services.
13. Utilities, minor.
14. Transportation facilities (Type I). (Ord. 1226, 1988; Ord. 1401, 1997; Ord. 1590 § 1, 2009; Ord. 1622 § 23, 2014)

#### 21.040 ACCESSORY USES

*Repealed by Ord. 1622.*

#### 21.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

The following uses are allowed in this zone under prescribed conditions:

1. Animal sales and services: veterinary (small animals) as prescribed with no exterior runs or storage.
2. Multiple-family units, as a mixed use in conjunction with commercial development, only above the first floor of the structure.
3. Signs, subject to the provisions of Chapter 52 CDC.
4. Temporary use, subject to the provisions of Chapter 35 CDC.
5. Home occupation, subject to provisions of Chapter 37 CDC.
6. Wireless communication facilities, subject to the provisions of Chapter 57 CDC.
7. Eating and drinking establishments, subject to the following limitations:
  - a. The use shall constitute no more than 20 percent of the total floor area of the building in which it is located.
  - b. The use shall not include any drive-through facilities. (Ord. 1226, 1988; Ord. 1408, 1998; Ord. 1442, 1999; Ord. 1565, 2008)

#### 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:

1. Children's day care center.
2. Convenience sales and personal services.
3. Food and beverage retail sales.
4. Heliports.
5. Research services.
6. *Repealed by Ord. 1622.*
7. Utilities, major.
8. Vehicle fuel sales.
9. Single-family homes, which were non-conforming structures and were damaged, whereby the cost of rebuilding the damaged portions would exceed 50 percent of the then current replacement cost of the entire building. Determination of rebuilding costs shall be per CDC 66.070(A).
10. Postal services.
11. Public safety facilities.
12. Public support facilities.
13. Transportation facilities (Type II). See CDC 60.090 for additional approval criteria. (Ord. 1172, 1985; Ord. 1401, 1997; Ord. 1590 § 1, 2009; Ord. 1604 § 18, 2011; Ord. 1622 § 23, 2014)

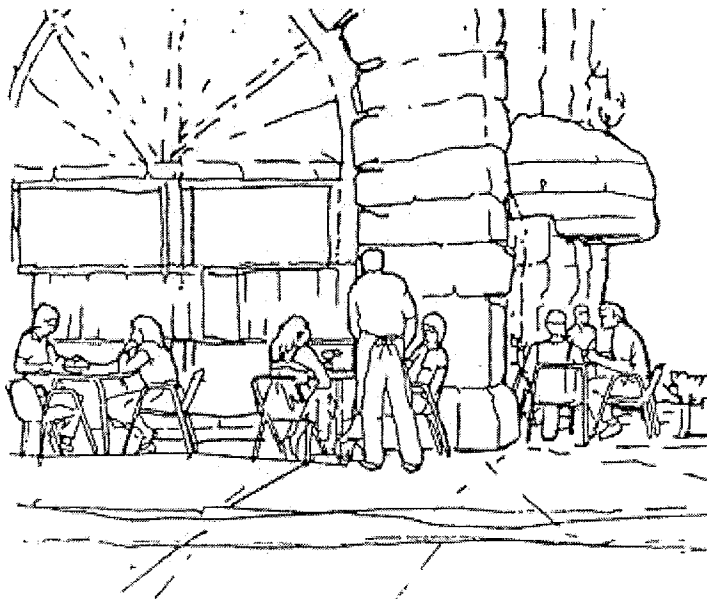
#### **21.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS**

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. *Repealed by Ord. 1622.*
4. The yard dimensions or building setback area from the lot line shall be:
  - a. Interior side yard, a minimum of seven and one-half feet.
  - b. Side yard abutting a street, no minimum.
  - c. Rear yard, a minimum of 25 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.



5. The maximum lot coverage shall be 50 percent.
  6. The maximum building height shall be two and one-half stories or 35 feet for any structure located within 50 feet of a low or medium density residential zone and three and one-half stories or 45 feet for any structure located 50 feet or more from a low or medium density residential area.
- B. The requirements of subsections (A)(1) through (4) of this section may be modified for developments under the planned unit development provisions of Chapter 24 CDC. (Ord. 1425, 1998; Ord. 1622 § 24, 2014)

## 21.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES

Except as may otherwise be established by this code, the appropriate lot size for a conditional use shall be determined by the approval authority at the time of consideration of the application based upon criteria set forth in CDC 60.070 (A) and (B).

## 21.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

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

1. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.
2. Chapter 35 CDC, Temporary Structures and Uses.
3. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.
4. Chapter 40 CDC, Building Height Limitations, Exceptions.
5. Chapter 42 CDC, Clear Vision Areas.
6. Chapter 44 CDC, Fences.
7. Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas.
8. Chapter 48 CDC, Access, Egress and Circulation.
9. Chapter 52 CDC, Signs.
10. Chapter 54 CDC, Landscaping.

B. The provisions of Chapter 55 CDC, Design Review, apply to all uses except detached single-family dwellings. (Ord. 1590 § 1, 2009)

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**Chapter 16**  
**SINGLE-FAMILY AND MULTIPLE-FAMILY RESIDENTIAL, R-2.1**

Sections:

- 16.010 PURPOSE
- 16.020 PROCEDURES AND APPROVAL PROCESS
- 16.030 PERMITTED USES
- 16.040 ACCESSORY USES
- 16.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS
- 16.060 CONDITIONAL USES
- 16.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS
- 16.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES
- 16.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

**16.010 PURPOSE**

The purpose of this zone is to provide for urban development at levels which relate to the site development limitations, proximity to commercial development and public facilities and public transportation, and to the surrounding development pattern. This zone is intended to carry out the intent of the Comprehensive Plan which is to provide for a choice in housing types and is intended to implement the policies and locational criteria in the Comprehensive Plan for high density residential housing.

**16.020 PROCEDURES AND APPROVAL PROCESS**

- A. A use permitted outright, CDC 16.030, is a use which requires no approval under the provisions of this code. If a use is not listed as a use permitted outright, it may be held to be a similar unlisted use under the provisions of Chapter 80 CDC.
- B. A use permitted under prescribed conditions, CDC 16.050, is a use for which approval will be granted provided all conditions are satisfied, and:
  - 1. The Planning Director shall make the decision in the manner provided by CDC 99.060(A)(2), Administrative Procedures, except that no notice shall be required; and

**EXHIBIT 5**

2. The decision may be appealed by the applicant to the Planning Commission as provided by CDC 99.240(A).

C. The approval of a conditional use (CDC 16.060) is discretionary with the Planning Commission. The approval process and criteria for approval are set forth in Chapter 60 CDC, Conditional Uses. If a use is not listed as a conditional use, it may be held to be a similar unlisted use under the provisions of Chapter 80 CDC.

D. The following code provisions may be applicable in certain situations:

1. Chapter 65 CDC, Non-conforming Uses Involving a Structure.
2. Chapter 66 CDC, Non-conforming Structures.
3. Chapter 67 CDC, Non-conforming Uses of Land.
4. Chapter 68 CDC, Non-conforming Lots, Lots of Record.
5. Chapter 75 CDC, Variance.

#### 16.030 PERMITTED USES

The following are uses permitted outright in this zoning district: )

1. Community recreation.
2. Duplex residential unit.
3. Family day care.
4. Group residential units.
5. Multiple-family residential unit.
6. Residential home.
7. Single-family attached residential units.
8. Utilities, minor.
9. Transportation facilities (Type I). (Ord. 1226, 1988; Ord. 1248, 1989; Ord. 1276, 1990; Ord. 1584, 2008)

#### 16.040 ACCESSORY USES

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

### 16.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

The following uses are allowed in this zone under prescribed conditions:

1. Home occupations, subject to the provisions of Chapter 37 CDC.
2. Signs, subject to the provisions of Chapter 52 CDC.
3. Temporary uses, subject to the provisions of Chapter 35 CDC.
4. Water-dependent uses, subject to the provisions of Chapters 28 and 34 CDC.
5. Wireless communication facilities, subject to the provisions of Chapter 57 CDC. (Ord. 1276, 1990; Ord. 1408, 1998; Ord. 1565, 2008)

### 16.060 CONDITIONAL USES

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

1. Children's day care center.
2. Convenience sales and personal services.
3. Cultural exhibits and library services.
4. Lodge, fraternal, community center and civic assembly.
5. Medical and dental offices or clinic.
6. Nursing home.
7. Postal services.
8. Professional and administrative services.
9. Public safety facilities.
10. Public support facilities.
11. Recycle collection center.
12. Religious institution.
13. Residential facility.

14. Schools.
15. Single-family detached residential unit.
16. Utilities, major.
17. Senior citizen/handicapped housing facilities with a maximum number of units 50 percent above the allowed density for the property; provided, that in addition to the provisions of Chapter 60 CDC the following conditions shall apply:
  - a. Facilities intended for senior citizens shall be restricted to persons 60 years and older. In the case of couples, one member of the couple shall be 60 years or older.
  - b. Building height restrictions shall be the same as the subject zoning district.
  - c. Community space and related equipment shall be required to provide social and recreational opportunities for project occupants. Included may be such facilities as game rooms, meeting rooms, music or craft rooms. At least one community room within a project shall include a service area with a kitchen sink, counter top and storage cabinets, and shall have easy access to a storage area sized to store tables, chairs and janitorial supplies. All complexes shall have a minimum of 15 square feet of community space per occupant, based on one person per bedroom.
  - d. Congregate dining facilities providing regular daily meals for residents shall be provided.
  - e. A minimum of 10 square feet of general storage area other than regular kitchen, bedroom and linen storage shall be provided within each unit. Complexes which do not include laundry facilities in the units shall have adequate laundry facilities accessible to all tenants.
  - f. The maximum number of units allowed in a senior citizens or handicapped housing facility shall be as follows:
    - 1) Medium high density district (R-2.1). The base density shall be 50 percent above the allowed density for the property.
    - 2) Medium density district (R-4.5). The density shall be 50 percent above the allowed density for the property.

g. The design of the building(s) and the site and landscaping plans shall be subject to design review, Chapter 55 CDC. Special considerations for this use are the following:

- 1) Structures shall be compatible in style, color, materials, and scale with the general character of the neighborhood.
- 2) The building design and site layout shall define recognizable semi-public, semi-private and private spaces; ensure a sense of protection and community identity; and minimize barriers to handicapped or elderly persons.
- 3) A minimum of 25 percent of the property shall be in landscaping. The landscaping shall include areas for outdoor recreation, pedestrian access and amenities, and adequate visual and sound buffering of adjacent properties.
- 4) No more than 25 percent of the total number of units may be used for nursing care patients.
- 5) Minimum front, rear and side yard setbacks shall be the same as the underlying district unless the approval authority finds that a greater setback is indicated by uses and structures on surrounding properties or unique circumstances of the site.

18. Senior center.

19. Manufactured housing.

20. Transportation facilities (Type II). See CDC 60.090 for additional approval criteria. (Ord. 1172, 1985; Ord. 1276, 1990; Ord. 1354, 1994; Ord. 1377, 1995; Ord. 1378, 1995; Ord. 1411, 1998; Ord. 1500, 2003; Ord. 1584, 2008; Ord. 1604 §§ 14, 15, 2011)

#### **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:

A. The minimum lot size shall be:

1. For a single-family detached unit, 4,000 square feet.
2. For each attached single-family unit, 2,700 square feet.

3. For a duplex, 7,000 square feet, or 3,500 square feet for each unit.
  4. For a boarding, lodging or rooming house, 7,000 square feet.
  5. For each multiple-family dwelling unit, 2,100 square feet. A multiple-family dwelling unit is limited to three and one-half stories in height.
- 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 35 feet.
- D. *Repealed by Ord. 1622.*
- E. The minimum yard dimensions or minimum building setback area from the lot line shall be:
1. For a front yard, 20 feet; except for steeply sloped lots where the provisions of CDC 41.010 shall apply.
  2. For an interior side yard, five feet.
  3. For a side yard abutting a street, 15 feet.
  4. For a rear yard, 20 feet, except that in the case of an apartment structure in this district, an additional yard area may be required between the structure in this district and any adjacent low density residential uses.
- F. The maximum building height shall be:
1. Thirty-five feet for a garden apartment low rise unit, single-family unit, attached single-family unit, duplex unit or boarding house, except for steeply sloped lots when the provisions of Chapter 41 CDC shall apply.
  2. Three and one-half stories or 45 feet for a garden apartment medium rise unit.
- G. The maximum lot coverage shall be 50 percent.
- H. The floor area ratio for single-family homes shall be 0.45. Type I and II lands shall not be counted toward lot area when determining allowable floor area ratio, except that a minimum floor area ratio of 0.30 shall be allowed regardless of the classification of lands within the property. That 30 percent shall be based upon the entire property including Type I and II lands. Existing residences in excess of this standard may be replaced to their prior



dimensions when damaged without the requirement that the homeowner obtain a non-conforming structures permit under Chapter 66 CDC.

I. The sidewall provisions of Chapter 43 CDC shall apply. (Ord. 1538, 2006; Ord. 1622 § 24, 2014)

#### 16.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES

Except as may otherwise be established by this code, the appropriate lot size for a conditional use shall be determined by the approval authority at the time of consideration of the application, based upon the criteria set forth in CDC 60.070(A) and (B).

#### 16.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

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

1. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.
2. Chapter 35 CDC, Temporary Structures and Uses.
3. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.
4. Chapter 40 CDC, Building Height Limitations, Exceptions.
5. Chapter 41 CDC, Structures on Steep Lots, Exceptions.
6. Chapter 42 CDC, Clear Vision Areas.
7. Chapter 44 CDC, Fences.
8. Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas.
9. Chapter 48 CDC, Access, Egress and Circulation.
10. Chapter 52 CDC, Signs.
11. Chapter 54 CDC, Landscaping.

B. The provisions of Chapter 55 CDC, Design Review, apply to all uses except detached single-family dwellings. (Ord. 1590 § 1, 2009)

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**MEDIUM HIGH DENSITY****Chapter 15  
SINGLE-FAMILY AND MULTIPLE-FAMILY RESIDENTIAL, R-3****Sections:**

- 15.010 PURPOSE
- 15.020 PROCEDURES AND APPROVAL PROCESS
- 15.030 PERMITTED USES
- 15.040 ACCESSORY USES
- 15.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS
- 15.060 CONDITIONAL USES
- 15.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS
- 15.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES
- 15.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

**15.010 PURPOSE**

The purpose of this zone is to provide for urban development at levels which relate to the site development limitations, proximity to commercial development and public facilities and public transportation, and to the surrounding development pattern. This zone is intended to carry out the intent of the Comprehensive Plan which is to provide for a choice in housing types and is intended to implement the policies and locational criteria in the Comprehensive Plan for high density residential housing.

**15.020 PROCEDURES AND APPROVAL PROCESS**

- A. A use permitted outright, CDC 15.030, is a use which requires no approval under the provisions of this code. If a use is not listed as a use permitted outright, it may be held to be a similar unlisted use under the provisions of Chapter 80 CDC.
- B. A use permitted under prescribed conditions, CDC 15.050, is a use for which approval will be granted provided all conditions are satisfied; and

1. The Planning Director shall make the decision in the manner provided by CDC 99.060(A)(2), Administrative Procedures, except that no notice shall be required; and
  2. The decision may be appealed by the applicant to the Planning Commission as provided by CDC 99.240(A).
- C. The approval of a conditional use (CDC 15.060) is discretionary with the Planning Commission. The approval process and criteria for approval are set forth in Chapter 60 CDC, Conditional Uses. If a use is not listed as a conditional use, it may be held to be a similar unlisted use under the provisions of Chapter 80 CDC.
- D. The following code provisions may be applicable in certain situations:
1. Chapter 65 CDC, Non-conforming Uses Involving a Structure.
  2. Chapter 66 CDC, Non-conforming Structures.
  3. Chapter 67 CDC, Non-conforming Uses of Land.
  4. Chapter 68 CDC, Non-conforming Lots, Lots of Record.
  5. Chapter 75 CDC, Variance.

#### 15.030 PERMITTED USES

The following uses are uses permitted outright in this zoning district:

1. Single-family detached residential units.
2. Duplex residential unit.
3. Multiple-family residential unit.
4. Single-family attached residential units.
5. Group residential units.
6. Community recreation.
7. Family day care.
8. Residential home.
9. Utilities, minor.

10. Manufactured housing.
11. Transportation facilities (Type I). (Ord. 1226, 1988; Ord. 1354, 1994; Ord. 1500, 2003; Ord. 1584, 2008)

#### 15.040 ACCESSORY USES

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

#### 15.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

The following uses are allowed in this zone under prescribed conditions.

1. Home occupations, subject to the provisions of Chapter 37 CDC.
2. Signs, subject to the provisions of Chapter 52 CDC.
3. Temporary uses, subject to the provisions of Chapter 35 CDC.
4. Water-dependent uses, subject to the provisions of Chapters 28 and 34 CDC.
5. Wireless communication facilities, subject to the provisions of Chapter 57 CDC. (Ord. 1408, 1998; Ord. 1565, 2008)

#### 15.060 CONDITIONAL USES

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

1. Children's day care center.
2. Cultural exhibits and library services.
3. Lodge, fraternal, community center and civic assembly.
4. Nursing home.
5. Public safety facilities.
6. Public support facilities.
7. Religious institution.
8. Residential facility.
9. Schools.

10. Senior center.
11. Utilities, major.
12. Senior citizen/handicapped housing facilities with a maximum number of units 50 percent above the allowed density for the property; provided, that in addition to the provisions of Chapter 60, the following conditions shall apply:
  - a. Facilities intended for senior citizens shall be restricted to persons 60 years and older. In the case of couples, one member of the couple shall be 60 years or older.
  - b. Building height restrictions shall be the same as the subject zoning district.
  - c. Community space and related equipment shall be required to provide social and recreational opportunities for project occupants. Included may be such facilities as game rooms, meeting rooms, music or craft rooms. At least one community room within a project shall include a service area with a kitchen sink, counter top and storage cabinets, and shall have easy access to a storage area sized to store tables, chairs and janitorial supplies. All complexes shall have a minimum of 15 square feet of community space per occupant, based on one person per bedroom.
  - d. Congregate dining facilities providing regular daily meals for residents shall be provided.
  - e. A minimum of 10 square feet of general storage area other than regular kitchen, bedroom and linen storage shall be provided within each unit. Complexes which do not include laundry facilities in the units shall have adequate laundry facilities accessible to all tenants.
  - f. The maximum number of units allowed in a senior citizen or handicapped housing facility shall be 50 percent above the allowed density for the property.
  - g. The design of the building(s) and the site and landscaping plans shall be subject to Chapter 55 CDC, Design Review. Special considerations for this use are the following:

- 1) Structures shall be compatible in style, color, materials, and scale with the general character of the neighborhood.
- 2) The building design and site layout shall define recognizable semi-public, semi-private, and private spaces; ensure a sense of protection and community identity; and minimize barriers to handicapped or elderly persons.
- 3) A minimum of 25 percent of the property shall be in landscaping. The landscaping shall include areas for outdoor recreation, pedestrian access and amenities, and adequate visual and sound buffering of adjacent properties.
- 4) No more than 25 percent of the total number of units may be used for nursing care patients.
- 5) Minimum front, rear and side yard setbacks shall be the same as the underlying district unless the approval authority finds that a greater setback is indicated by uses and structures on surrounding properties or unique circumstances of the site.

13. Transportation facilities (Type II). See CDC 60.090 for additional approval criteria. (Ord. 1377, 1995; Ord. 1378, 1995; Ord. 1411, 1998; Ord. 1500, 2003; Ord. 1584, 2008; Ord. 1604 §§ 12, 13, 2011)

#### 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. *Repealed by Ord. 1622.*

- D. The minimum yard dimensions or minimum building setback area from the lot line shall be:
1. For a front yard, 15 feet (20 feet for a garage); except for steeply sloped lots where the provisions of CDC 41.010 shall apply.
  2. For an interior side yard, five feet.
  3. For a side yard abutting a street, 15 feet.
  4. For a rear yard, 15 feet, except that in the case of an apartment structure in this district, an additional yard area may be required between the structure in this district and any adjacent low density residential uses.
- E. The maximum building height shall be 35 feet for an attached or detached single-family unit, duplex unit or multi-family unit, except for steeply sloped lots when the provisions of Chapter 41 CDC shall apply.
- F. The maximum lot coverage shall be 50 percent.
- G. The floor area ratio for single-family homes shall be 0.45. Type I and II lands shall not be counted toward lot area when determining allowable floor area ratio, except that a minimum floor area ratio of 0.30 shall be allowed regardless of the classification of lands within the property. That 30 percent shall be based upon the entire property including Type I and II lands. Existing residences in excess of this standard may be replaced to their prior dimensions when damaged without the requirement that the homeowner obtain a non-conforming structures permit under Chapter 66 CDC.
- H. The sidewall provisions of Chapter 43 CDC shall apply. (Ord. 1538, 2006; Ord. 1622 § 24, 2014)

#### 15.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES

Except as may otherwise be established by this code, the appropriate lot size for a conditional use shall be determined by the approval authority at the time of consideration of the application based upon the criteria set forth in CDC 60.070(A) and (B).

#### 15.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

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



1. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.
2. Chapter 35 CDC, Temporary Structures and Uses.
3. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.
4. Chapter 40 CDC, Building Height Limitations, Exceptions.
5. Chapter 41 CDC, Structures on Steep Lots, Exceptions.
6. Chapter 42 CDC, Clear Vision Areas.
7. Chapter 44 CDC, Fences.
8. Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas.
9. Chapter 48 CDC, Access, Egress and Circulation.
10. Chapter 52 CDC, Signs.
11. Chapter 54 CDC, Landscaping.

B. The provisions of Chapter 55 CDC, Design Review, apply to all uses except detached single-family dwellings, residential homes and residential facilities.  
(Ord. 1590 § 1, 2009)

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