



CITY OF West Linn

Memorandum

Date: May 2, 2018

To: Planning Commission

From: John J. Boyd AICP CFM, Planning Manager

Subject: Workshop for - Community Development Code: Ordinance 1675 - Listing of Council initiated changes; Corrections/clarifications, statutory/municipal code consistency or removal of duplication

Background: The City Council has approved action to consider a correction to the Lot Line Adjustment (CDC 85.210) criteria to provide additional language that clarifies their position. In addition, the docket approved by Council lists needed maintenance updates for the CDC. This proposal completes both steps. The following is an outline separated by three headings of general change, followed by a listing of how those changes were implemented. Each change is cross referenced to assist the reader to find the change in the CDC and in the Ordinance 1675 Section that implements each proposed change.

City Council directed - Addition/Clarification

1) Ch. 2.030 – updates the definition to be consistent with state statute definition for a property line adjustments, and

Ordinance 1675 Section 1.

Ch. 85.210 correct Property Line Adjustments to clarify direction for non-parallel line adjustments.

Ordinance 1675 Section 54.

Corrections/clarifications

1) Ch. 2.030

– update definitions by removing Children’s day care and updating Family day care (including child care, certified family child care home, registered family child care home) and adding Certified child care center to be consistent with the state statute definitions.

– update Definition of “School” by removing the term “Nursery” as an outdated child care term and conflicting with the CDC definition of Nursery (tree farm).

Ordinance 1675 Section 1.

In limited residential and commercial zones (R-7, R-5, R-4.5, R-3, R-2.1, NC, GC, OBC, WFC) under the subsection listed as “Conditional Uses” remove “Children’s Day Care Center” and replace with “Certified Child Care Center”

Ordinance 1675 Sections 10, 13, 16, 19, 22, 25, 27, 29 and 48.

2) In most zones subsections listed as “Dimensional Requirements, Uses Permitted Outright, and Uses Permitted under Prescribed Conditions” clarify the Floor Area Ratio is a “maximum”

Ordinance 1675 Sections 2, 4, 6, 8, 11, 14, 17, 20, 23 and 50.

3) In most zones subsections listed as “Other Applicable Development Standards” remove outdated reference to Chapter 40 (previously deleted) and rename reference “Chapter 41 BUILDING HEIGHT, STRUCTURES ON STEEP LOTS, EXCEPTIONS”

Ordinance 1675 Sections 3, 5, 7, 9, 12, 15, 18, 21, 24, 26, 28, 30, 31, 32, 45, 46 and 49.

4) Chapter 34 Accessory structures, ADU and Accessory Uses – remove the incorrect citation to “noise producing structures” in Section 34.040 and replace with the “noise producing uses”. Allow for noise producing uses within the setback if buffered. Accessory structures in setback allowed in 34.060.

Ordinance 1675 Section 34

5) Chapter 38 No Yard Required, Structure not on property line – provide link to Chapter 58.090 provision as a clarification.

Ordinance 1675 Section 36

6) Chapter 43.040 General Provisions – remove figure titles and move the text as criteria in the subsection. Add clarification on the sidewall off set height in the Exception subsection.

Ordinance 1675 Section 37

7) Chapter 46 Off Street Parking clarify in 46.140 identify that parking in the Willamette Falls Drive Commercial Design district is voluntary and remove exception (clarifying the requirement for) bicycle parking.

Ordinance 1675 Section 39

8) Chapter 48.025.B.3 Access Control Standards – Access options. Clarify the control standard selection is the decision of the City Engineer.

Ordinance 1675 Section 40

9) Chapter 54 amend section 54.070 to provide clarity by inserting CDC cross reference for requirements.

Ordinance 1675 Section 42

10) Chapter 55 clarifies Section 55.025 Exemptions and 55.090 Approval Standards with the addition of an exception that clarifies there may be additional requirements in the base zone or other chapters.

Ordinance 1675 Section 43 and 44

11) Chapter 58 clarifies Section 58.090 by removing a vague statement; “. . . rhythm of adjacent structures, . . .”

Ordinance 1675 Section 47

12) Chapter 68 corrects Section 68.040 by providing lot widths consistent with other zones.

Ordinance 1675 Section 51

13) Chapter 85, corrects Section 85.200.E.7.b. by removing the outdated reference in subsection 85.200.E.7.b. and shown in brackets and the last sentence of the sub-section.

Ordinance 1675 Section 53

14) Chapter 85, amend Section 85.210 to correct the graphic and provide a process for reviewing breaks in line segments for property line adjustments.

Ordinance 1675 Section 54

15) Chapter 99, section 99.030.B.1.t and subsection 99.030.2.j is added to address whether a pre-application conference is required for an extension of approval with modifications to the original approval (where that approval required a conference)

Ordinance 1675 Section 55

16) Chapter 99, correct section 99.170.F to reference the correct statute (ORS 227).

Ordinance 1675 Section 56

17) Chapter 99, clarify section 99.325A to provide updated references and provide uniform information when processing an extension.

Ordinance 1675 Section 57

Changes for Statutory or Municipal Code Consistency

1) Definition (This is statutory change and a Council direction change and is listed in both sections.)

Remove Children’s Day Care and Family Day Care and replace with statutory definitions

Add new definition for Certified Child Care Center

Remove Lot Line Adjustment and replace with statutory definition “property line adjustment”

Ordinance 1675 Section 1

2) Uses - Replace in most residential and some commercial - Children’s day care with the statutory term “Certified Child Care Center”

Ordinance 1675 Section 10, 13, 16, 19, 22, 25, 27, 29 and 48.

3) Chapter 81, amend Section 81.050 by providing reference to Municipal Code section 2.920 for annexations.

Ordinance 1675 Section 52.

Removal of duplication

1) In Chapter 25.070 Subsection C remove item number 6 related to “New Lot Configuration” as it duplicates similar language in Chapter 85.200.B. subsections 3 – 7.

Ordinance 1675 Section 33.

2) In Chapter 37.020 Subsection 9 remove duplicative criteria and replace with a reference to Chapter 52

Ordinance 1675 Section 35.

3) Chapter 46 Off Street Parking clarify in 46.090 table by listing table as off-street parking requirements and providing consistent references to spaces within the table.

Ordinance 1675 Section 38.

4) Chapter 52 clarify in Section 52.210 clarified that the lowest grade (for properties build below road grade) includes the sign base in the height measurement.

Ordinance 1675 Section 41.

ORDINANCE NO. 1675

AN ORDINANCE AMENDING COMMUNITY DEVELOPMENT CODE CHAPTERS 2, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 21, 22, 23, 25, 34, 37, 38, 43, 46, 48, 52, 54, 55, 56, 59, 81, 85 and 99 TO MAKE THE CODE CONSISTENT WITH OREGON REVISED STATUTE, TO MAKE NECESSARY CORRECTIONS AND CLARIFICATIONS AND TO RE-ORGANIZE TEXT

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; and

WHEREAS, the City of West Linn 2017 Docket of Potential Amendments to the Community Development Code updated on October 15, 2017 included under Potential Next Priorities – Lot Line Adjustment Policy and under Small Projects Minor CDC Clean up.

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

SECTION 1. Amendment. West Linn Community Development Code Chapter 2 Definitions, Section 2.030 Specific Words and Terms, is amended to read as follows:

...

Child Care. means the care, supervision and guidance on a regular basis of a child, unaccompanied by a parent, guardian or custodian, provided to a child during a part of the 24 hours of the day, in a place other than the child's home, with or without compensation. Child care is exempt from Office of Child Care regulation if it provides care for three or fewer children, not including their own children; for any number of children from the same family not including their own children.

~~Children's day care. Services or facilities authorized, certified, or licensed by the State for children's day care of six or more children, for a period not to exceed 12 hours per day. Children's day care facilities with less than six children are a home occupation. See Chapter 37 CDC.~~

...

~~Family day care. Any family day care provider who provides care in the home of the provider to fewer than 13 children, including children of the provider, regardless of full time or part time status.~~

Family Day Care. A Certified Family Child Care Home or Registered Family Child Care Home as identified below:

Certified Family Child Care home. A certified family child care home, usually the provider's home, providing child care for a maximum of 12 children (16 children with prior approval by the Office of Child Care). The providers own children are included in the determination of caregiver/child ratio and group size. A city may impose zoning conditions on the establishment and maintenance of a certified family child care home in an area zoned for residential or commercial use if the conditions are no more restrictive than conditions imposed on other residential dwellings in the same zone.

Registered Family Child Care Home. A child care facility in the provider's home. The child care business holding a registration with the (Office of Child Care) may care for a maximum of 10 children, including the provider's own children. Of the 10 children:

(a) No more than six may be younger than school age; and

(b) No more than two may be 24 months of age or younger.

A city may impose zoning conditions on the establishment and maintenance of a registered family child care home in an area zoned for residential or commercial use if the conditions are no more restrictive than conditions imposed on other residential dwellings in the same zone.

Certified Child Care Center. The child care business is in a facility that has met zoning, occupancy, and building code requirements; usually a commercial building. The maximum number of children allowed in care depends on the square footage of the building, number of qualified staff, and various other factors. The (Office of Child Care) license reflects maximum number of children allowed in care at anyone time.

...

~~Let **Property** line adjustment. The relocation **or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel.** Of recorded lot lines which does not result in the creation of an additional lot or buildable lot.~~

...

Schools. Public, private or parochial place or institution for teaching or learning. Typical uses include nursery, elementary, junior and senior high schools and related uses; excluding trade and business schools and colleges.

...

SECTION 2. Amendment. West Linn Community Development Code Chapter 8 Single Family Residential-Detached R-40, Section 8.070 Dimensional Requirements, Uses Permitted Outright And Uses Permitted Under Prescribed Conditions, is amended to read as follows:

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

...

9. The maximum floor area ratio 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.

SECTION 3. Amendment. West Linn Community Development Code Chapter 8 Single Family Residential-Detached R-40, Section 8.090 Other Applicable Development Standards, is amended and renumbered where needed to read as follows:

08.090 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.~~
 54. Chapter 41 CDC, Building Height, Structures on Steep Lots, Exceptions.

...

SECTION 4. Amendment. West Linn Community Development Code Chapter 9 Single Family Residential-Detached R-20, Section 9.070 Dimensional Requirements, Uses Permitted Outright And Uses Permitted Under Prescribed Conditions, is amended to read as follows:

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

...

9. The maximum floor area ratio 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.

SECTION 5. Amendment. West Linn Community Development Code Chapter 9 Single Family Residential-Detached R-20, Section 9.090 Other Applicable Development Standards, is amended and renumbered where needed to read as follows:

09.090 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.~~
 - 54.** Chapter 41 CDC, **Building Height**, Structures on Steep Lots, Exceptions.
- ...

SECTION 6. Amendment. West Linn Community Development Code Chapter 10 Single Family Residential-Detached R-15, Section 10.070 Dimensional Requirements, Uses Permitted Outright And Uses Permitted Under Prescribed Conditions, is amended to read as follows:

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

- ...
9. The **maximum** floor area ratio 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.

SECTION 7. Amendment. West Linn Community Development Code Chapter 10 Single Family Residential-Detached R-15, Section 10.090 Other Applicable Development Standards, is amended and renumbered where needed to read as follows:

10.090 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.~~
 - 4.** Chapter 41 CDC, **Building Height**, Structures on Steep Lots, Exceptions.
- ...

SECTION 8. Amendment. West Linn Community Development Code Chapter 11 Single Family Residential-Detached R-10, Section 11.070 Dimensional Requirements, Uses Permitted Outright And Uses Permitted Under Prescribed Conditions, is amended to read as follows:

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

...

9. The maximum floor area ratio 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.

SECTION 9. Amendment. West Linn Community Development Code Chapter 11 Single Family Residential-Detached R-10, Section 11.090 Other Applicable Development Standards, is amended and renumbered where needed to read as follows:

11.090 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.~~
- 5-4. Chapter 41 CDC, Building Height, Structures on Steep Lots, Exceptions.

...

SECTION 10. Amendment. West Linn Community Development Code Chapter 12 Single Family Residential-Detached and Attached, R-7, Section 12.060 Conditional Uses, is amended to read as follows:

12.060 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.~~ Certified Child Care Center

...

SECTION 11. Amendment. West Linn Community Development Code Chapter 12 Single Family Residential-Detached and Attached, R-7, Section 12.070 Dimensional Requirements, Uses Permitted Outright And Uses Permitted Under Prescribed Conditions, is amended to read as follows:

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

...

I. The **maximum** floor area ratio 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.

SECTION 12. Amendment. West Linn Community Development Code Chapter 12 Single Family Residential-Detached and Attached, R-7, Section 12.090 Other Applicable Development Standards, is amended and renumbered where needed to read as follows:

12.090 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.~~
54. Chapter 41 CDC, **Building Height**, Structures on Steep Lots, Exceptions.

...

SECTION 13. Amendment. West Linn Community Development Code Chapter 13 Single-Family Residential Detached And Attached/Duplex, R-5, Section 13.060 Conditional Uses, is amended to read as follows:

13.060 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.~~ **Certified Child Care Center**

...

SECTION 14. Amendment. West Linn Community Development Code Chapter 13 Single-Family Residential Detached And Attached/Duplex, R-5, Section 13.070 Dimensional Requirements, Uses Permitted Outright And Uses Permitted Under Prescribed Conditions, is amended to read as follows:

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

...

I. The **maximum** floor area ratio 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.

SECTION 15. Amendment. West Linn Community Development Code Chapter 13 Single-Family Residential Detached And Attached/Duplex, R-5, Section 13.090 Other Applicable Development Standards, is amended and renumbered where needed to read as follows:

13.090 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.~~
- 54.** Chapter 41 CDC, **Building Height**, Structures on Steep Lots, Exceptions.

...

SECTION 16. Amendment. West Linn Community Development Code Chapter 14 Single-Family Residential Detached And Attached/Duplex, R-4.5, Section 14.060 Conditional Uses, is amended to read as follows:

14.060 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.~~ **Certified Child Care Center**

...

SECTION 17. Amendment. West Linn Community Development Code Chapter 14 Single-Family Residential Detached And Attached/Duplex, R-4.5, Section 14.070 Dimensional Requirements, Uses Permitted Outright And Uses Permitted Under Prescribed Conditions, is amended to read as follows:

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

...

1. The maximum floor area ratio 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.

SECTION 18. Amendment. West Linn Community Development Code Chapter 14 Single-Family Residential Detached And Attached/Duplex, R-4.5, Section 14.090 Other Applicable Development Standards, is amended and renumbered where needed to read as follows:

14.090 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.~~
- 54.** Chapter 41 CDC, **Building Height**, Structures on Steep Lots, Exceptions.

...

SECTION 19. Amendment. West Linn Community Development Code Chapter 15 Single-Family Residential And Multi Family Residential, R-3, Section 15.060 Conditional Uses, is amended to read as follows:

15.060 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.~~ **Certified Child Care Center**

...

SECTION 20. Amendment. West Linn Community Development Code Chapter 15 Single-Family Residential And Multi Family Residential, R-3, Section 15.070 Dimensional Requirements, Uses Permitted Outright And Uses Permitted Under Prescribed Conditions, is amended to read as follows:

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

...

G. The maximum 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.

SECTION 21. Amendment. West Linn Community Development Code Chapter 15 Single-Family Residential Detached And Multi-Family Residential, R-3, Section 15.090 Other Applicable Development Standards, is amended and renumbered where needed to read as follows:

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.~~
 - 54.** Chapter 41 CDC, **Building Height**, Structures on Steep Lots, Exceptions.

...

SECTION 22. Amendment. West Linn Community Development Code Chapter 16 Single-Family And Multiple-Family Residential, R-2.1, Section 16.060 Conditional Uses, is amended to read as follows:

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.~~ **Certified Child Care Center**

...

SECTION 23. Amendment. West Linn Community Development Code Chapter 16 Single-Family And Multiple-Family Residential, R-2.1, Section 16.070 Dimensional Requirements, Uses Permitted Outright And Uses Permitted Under Prescribed Conditions, is amended to read as follows:

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

...

H. The maximum 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.

SECTION 24. Amendment. West Linn Community Development Code Chapter 16 Single-Family Residential Detached And Multi-Family Residential, R-2.1, Section 16.090 Other Applicable Development Standards, is amended and renumbered where needed to read as follows:

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.~~
 54. Chapter 41 CDC, Building Height, Structures on Steep Lots, Exceptions.
- ...

SECTION 25. Amendment. West Linn Community Development Code Chapter 18 Neighborhood Commercial - NC, Section 18.060 Conditional Uses, is amended to read as follows:

18.060 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.~~ Certified Child Care Center
- ...

SECTION 26. Amendment. West Linn Community Development Code Chapter 18 Neighbor Hood Commercial - NC, Section 18.090 Other Applicable Development Standards is amended and renumbered where needed to read as follows:

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.~~

54. Chapter 41 CDC, Building Height, Structures on Steep Lots, Exceptions.

...

SECTION 27. Amendment. West Linn Community Development Code Chapter 19 General Commercial - GC, Section 19.060 Conditional Uses, is amended to read as follows:

19.060 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.~~ **Certified Child Care Center**

...

SECTION 28. Amendment. West Linn Community Development Code Chapter 19 General Commercial - GC, Section 19.090 Other Applicable Development Standards, is amended and renumbered where needed to read as follows:

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.~~

54. Chapter 41 CDC, Building Height, Structures on Steep Lots, Exceptions.

SECTION 29. Amendment. West Linn Community Development Code Chapter 21 Office Business Center - OBC, Section 21.060 Conditional Uses, is amended to read as follows:

21.060 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.~~ **Certified Child Care Center**

...

SECTION 30. Amendment. West Linn Community Development Code Chapter 21 Office Business Center - OBC, Section 21.090 Other Applicable Development Standards, is amended and renumbered where needed to read as follows:

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.~~
 - 54.** Chapter 41 CDC, **Building Height**, Structures on Steep Lots, Exceptions.
- ...

SECTION 31. Amendment. West Linn Community Development Code Chapter 22 Campus Industrial - CI, Section 22.090 Other Applicable Development Standards, is amended and renumbered where needed to read as follows:

22.100 OTHER APPLICABLE DEVELOPMENT STANDARDS

- 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.~~
 - 54.** Chapter 41 CDC, **Building Height**, Structures on Steep Lots, Exceptions.
- ...

SECTION 32. Amendment. West Linn Community Development Code Chapter 23 General Industrial - GI, Section 23.090 Other Applicable Development Standards is amended and renumbered where needed to read as follows:

23.090 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~~
 - 54.** Chapter 41 CDC, Building Height, Structures on Steep Lots, Exceptions.
- ...

SECTION 33. Amendment. West Linn Community Development Code Chapter 25 Overlay Zones – Historic District Section 25.070 Additional Standards Applicable to Historic Districts, Subsection C - Willamette Historic District general design standards, is amended to read as follows:

...

~~6. New lot configuration. In addition to other requirements of the CDC, all new lots in the historic district shall be perpendicular to the street and extend directly from the lot line along the street to the opposite lot line. The primary structure and any other contributing structures on the original property shall not be located on separate lots.~~

...

SECTION 34. Amendment. West Linn Community Development Code Chapter 34 Accessory Structures, Accessory Dwelling Units, And Accessory Uses, Section 34.040 is amended to read as follows:

34.040 SETBACK PROVISIONS FOR NOISE-PRODUCING ACCESSORY STRUCTURES AND USES
Noise-producing accessory uses and structures (for example: such as heat pumps, swimming pool motors or filter pumps) shall meet the setback requirements of the zone. may be placed within the side, front or rear yard setback. Those noise-producing accessory uses located in the setback must be screened with fencing or vegetation and located no closer than three feet to the property line.

...

SECTION 35. Amendment. West Linn Community Development Code Chapter 37 Home Occupations, Section 37.020 General Standards, is amended to read as follows:

...

~~9. a. The use of signs shall meet the requirements of Chapter 52.300 unless modified by this chapter. be limited to one sign not greater than one foot by six inches in area and flush mounted to the residential dwelling. In the event that the residential dwelling is set back more than 100 feet from the abutting public street, or otherwise obstructed from view due to topography or landscaping, the allowed sign may be located at the driveway access. Freestanding signs shall be mounted on a base equal to, or less than, the width of the sign. The freestanding sign and its base shall not exceed three feet in height. Approval standards in CDC 52.210 governing sign design shall also apply.~~

~~b. Signs advertising home occupations in the historic district or in a designated historic landmark per Chapter 25 CDC shall be subject to the design standards in CDC 52.210(K).~~

SECTION 36. Amendment. West Linn Community Development Code Chapter 38 Additional Yard Area Required; Exceptions To Yard Requirements; Storage In Yards; Projections Into Yards, Section 38.020 No Yard Required; Structure Not On Property Line, is amended to read as follows:

38.020 NO YARD REQUIRED; STRUCTURE NOT ON PROPERTY LINE

In zones where a side yard or a rear yard setback is not required, a structure which is not to be built on the property line shall be set back from the property line by at least **three feet**, except as prescribed in CDC 58.090.C.1.

SECTION 37. Amendment. West Linn Community Development Code Chapter 43 Side Wall Transitions, Section 46.040 General Provisions, is amended to read as follows:

43.040 GENERAL PROVISIONS

New house construction or remodels to the side wall of existing homes shall transition to homes on either side by one of two methods, subsection A or B of this section, or satisfy one of the exemptions, subsections (C)(1) through (6) of this section.

A. The side elevation of the house must be divided into smaller areas or planes to minimize the appearance of bulk when viewed from the neighboring properties or a side street. When the side elevation of the house is more than 700 square feet in area, the elevation must be divided into distinct planes of 700 square feet or less. For the purpose of this standard, a distinct plane is created when there is a recessed or projecting section of the structure that projects or recedes at least two feet, for a length of at least six feet (see example in Figure 1).

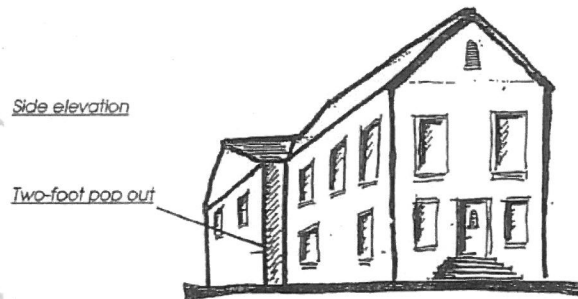


Figure 1

700-square-foot of vertical space on side elevation (any combination of height X width) requires a two-foot indentation or pop out

B. ~~The height of the sidewall shall not exceed 22 feet as measured from grade at the mid-point of the sidewall to the eaves. Sidewall can resume vertically after minimum seven and one-half foot setback.~~

Sidewalls less than 22 feet high to eaves from average grade are exempt from pop out/indentation requirement. Sidewall can resume vertically if set back seven and one-half feet.

C. Exemptions.

1. Exempt the side of homes that are built 20 feet or more from the side lot line.
2. Exempt homes on steep lots where the peak of the roof would be no more than 24 feet above the average street grade.
3. Exempt homes on narrow lots 50 feet wide or less shall be allowed a minimum side-to-side width of 30 feet for floors above the first floor. The 30-foot-wide floor shall be able to accommodate a nine-foot floor-to-ceiling measurement on the second floor.
4. Exempt homes whose side yards are contiguous to an open space, unbuildable area, or non-residentially zoned lands are exempt. (No exemption if adjacent to a park.)
5. Exempt houses that have the gable end facing the side lot line.
6. Replacement in kind of building materials on the sidewall of an existing house shall be exempt. For example, the replacement of siding would be exempt.
7. **The height of the sidewall shall not exceed 22 feet as measured from grade at the mid-point of the sidewall to the eaves. Sidewall can resume vertically after minimum seven-and-one-half-foot setback (See example in Figure 2).**

...

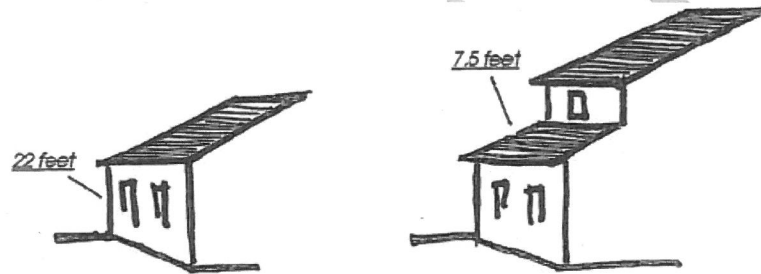


Figure 2

SECTION 38. Amendment. West Linn Community Development Code Chapter 46 Off-Street Parking, Loading and Reservoir Areas, Section 46.090 Minimum Parking Space Requirements, is amended to read as follows:

46.090 MINIMUM OFF-STREET PARKING SPACE REQUIREMENTS

A. 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. |

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. 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. 1 ~~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.

C. Commercial.

1. Restaurants: Eating and drinking establishments.

...

SECTION 39. Amendment. West Linn Community Development Code Chapter 46 Off Street Parking, Loading And Reservoir Areas, Section 46.140. Exemptions To Parking Requirements, is amended to read as follows:

...

46.140 EXEMPTIONS TO PARKING REQUIREMENTS

To facilitate the design requirements of Chapter 58 CDC, properties in the Willamette Falls Drive Commercial Design District, located between 10th and 16th Streets, shall be exempt from the **minimum parking and off-street loading** requirements ~~for off-street parking~~ as identified in this chapter. Any off-street parking **or loading** spaces **voluntarily** provided ~~and all bicycle parking spaces~~ shall be designed and installed per the dimensional standards of this code. (Ord. 1463, 2000; Ord. 1638 § 3, 2015)

SECTION 40. Amendment. West Linn Community Development Code Chapter 48 Access, Egress and Circulation, Section 48.025.B Access Control Standards, is amended to read as follows:

...

B. Access control standards.

1. Traffic impact analysis requirements. The City or other agency with access jurisdiction may require a traffic study prepared by a qualified professional to determine access, circulation and other transportation requirements. (See also CDC 55.125, Traffic Impact Analysis.)
2. The City or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system. Access to and from off-street parking areas shall not permit backing onto a public street.
3. Access options. When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (planned access shall be consistent with adopted public works standards and TSP). These methods are "options" ~~to the developer/subdivider~~ **as approved selected by the City Engineer.**

...

SECTION 41. Amendment. West Linn Community Development Code Chapter 52 - Signs, Section 52.210 Approval Standards, is amended to read as follows:

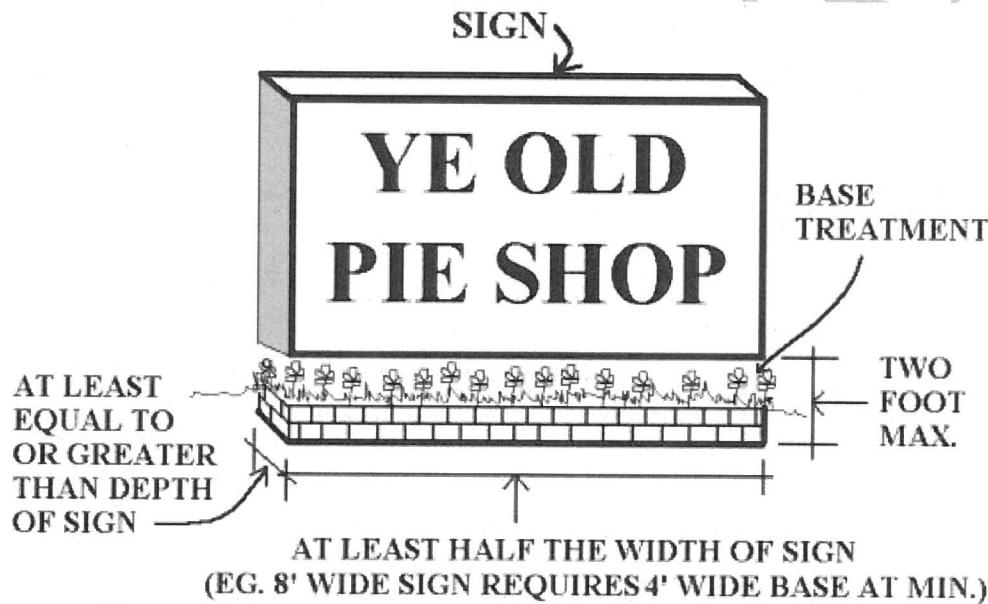
52.210 APPROVAL STANDARDS

All signs shall meet the following standards:

...

G. All permanent signs shall be located within a landscaped area or installed on a wood, stone, or other base structure that meets the following standards:

1. Signs shall be installed on a base with a maximum height of two feet, a minimum width at least one-half as wide as the sign face, and a depth equal to or greater than the depth of the sign. **The sign height includes any portion of the base located above street grade (Also refer to Sign Definitions – Grade.)**
2. In the event a sign is erected on a multiple-pole or piling structure, the base required by subsection (G)(1) of this section shall be apportioned among each of the upright members.
3. Any wood used in a base shall be treated against water damage and insect assault.



H. Manual changeable copy signs shall be designed to minimize the opportunity for unauthorized personnel to change the sign copy.

...

SECTION 42. Amendment. West Linn Community Development Code Chapter 54, Section 54.070 Specification Summary, is amended to read as follows:

54.070 SPECIFICATION SUMMARY

| Area/Location | Landscaping Req'd. |
|--|--------------------|
| 1. Between parking lot and R-O-W. <u>54.020.E.3.d</u> | 10 ft. |
| 2. Between parking lot and other lot. <u>54.020.E.3.b</u> | 5 ft. |
| 3. Between parking lot and R-O-W if parking lot comprises more than 50 percent of main R-O-W frontage. <u>54.020.E.3.e</u> | 15 ft. |
| 4. Percentage of residential/multi-family site to be landscaped. <u>54.020.E.1</u> | 25% |
| 5. Percentage of non-residential (commercial/industrial/office) site to be landscaped. <u>54.020.E.2</u> | 20% |
| 6. Percentage of 10 - 25 <u>20</u> car parking lot to be landscaped (excluding perimeter). <u>54.020.E.3.a.</u> | 5% |
| 7. Percentage of 1 - 9 car parking lot to be landscaped (excluding perimeter). <u>54.020.E.3.a.</u> | 0% |
| 8. Percentage of 26 <u>20</u> + car parking lot to be landscaped (excluding perimeter). <u>54.020.E.3.a.</u> | 10% |

Chapter 54 LANDSCAPING

54.070 SPECIFICATION SUMMARY

| Area/Location | Landscaping Req'd. |
|--|--------------------|
| 1. Between parking lot and R-O-W. <u>54.020.E.3.d</u> | 10 ft. |
| 2. Between parking lot and other lot. <u>54.020.E.3.b</u> | 5 ft. |
| 3. Between parking lot and R-O-W if parking lot comprises more than 50 percent of main R-O-W frontage. <u>54.020.E.3.e</u> | 15 ft. |

| | | |
|----|--|-----|
| 4. | Percentage of residential/multi-family site to be landscaped. <u>54.020.E.1</u> | 25% |
| 5. | Percentage of non-residential (commercial/industrial/office) site to be landscaped. <u>54.020.E.2</u> | 20% |
| 6. | Percentage of 10 - 25 <u>20</u> car parking lot to be landscaped (excluding perimeter). <u>54.020.E.3.a.</u> | 5% |
| 7. | Percentage of 1 - 9 car parking lot to be landscaped (excluding perimeter). <u>54.020.E.3.a.</u> | 0% |
| 8. | Percentage of 26 <u>20</u> + car parking lot to be landscaped (excluding perimeter). <u>54.020.E.3.a.</u> | 10% |

SECTION 43. Amendment. West Linn Community Development Code Chapter 55 Design Review, Section 55.025 Exemptions, is amended to read as follows:

55.025 EXEMPTIONS

The following activities are exempt from the provisions of this chapter:

- A. Detached single-family residential construction; except as indicated otherwise in the base zone or in this chapter.
- B. Accessory structures;
- C. One to two duplexes or single-family attached structures except as indicated otherwise in the base zone or in this chapter;
- D. Architectural replacements in kind, or replacement of building materials that are equal or superior to existing materials (in terms of performance or quality) but that do not alter the architectural style of the structure. Retrofitted awnings, changes in color schemes, wall art, and freestanding statuary or art under five feet tall are exempt from design review, but shall be subject to Planning Director review under the provisions of CDC 99.060(A)(2), prescribed conditions, and the approval criteria of CDC 55.100(B)(6)(a) and (b). (Ord. 1408, 1998; Ord. 1604 § 51, 2011)

SECTION 44. Amendment. West Linn Community Development Code Chapter 55 Design Review, Section 55.090 Approval Standards – Class I Design Review, is amended to read as follows:

55.090 APPROVAL STANDARDS – CLASS I DESIGN REVIEW

The Planning Director shall make a finding with respect to the following criteria when approving, approving with conditions, or denying a Class I design review application:

A. The provisions of the following sections shall be met:

1. CDC 55.100(B)(1) through (4), Relationship to the natural and physical environment, shall apply except in those cases where the proposed development site is substantially developed and built out with no remaining natural physical features that would be impacted.
2. CDC 55.100(B)(5) and (6), architecture, et al., shall only apply in those cases that involve exterior architectural construction, remodeling, or changes.
3. Pursuant to CDC 55.085, the Director may require additional information and responses to additional sections of the approval criteria of this section depending upon the type of application.

4. The design standards or requirements identified in the base zone, shall apply.

B. An application may be approved only if adequate public facilities will be available to provide service to the property at the time of occupancy.

C. The Planning Director shall determine the applicability of the approval criteria in subsection A of this section. (Ord. 1408, 1998; Ord. 1544, 2007)

SECTION 45. Amendment. West Linn Community Development Code Chapter 55 Design Review, Section 55.100 Approval Standards – Class II Design Review is amended and renumbered where needed to read as follows:

55.100 APPROVAL STANDARDS – CLASS II DESIGN REVIEW

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

A. The provisions of the following chapters shall be met:

1. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.
2. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.
- ~~3. Chapter 40 CDC, Building Height Limitations, Exceptions.~~
- 43.** Chapter 41 CDC, **Building Height**, Structures on Steep Lots, Exceptions.

SECTION 46. Amendment. West Linn Community Development Code Chapter 56 Parks and Natural Area Design Review, Section 56.100 Approval Standards – Class II Design Review, is amended to read as follows:

56.100 APPROVAL STANDARDS – CLASS II DESIGN REVIEW

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

...

K. Miscellaneous criteria. Selected elements of the following chapters shall be met. It is not necessary to respond to all the submittal standards or approval criteria contained in these chapters, only those elements that are found to be applicable by the Planning Director at the pre-application conference pursuant to CDC 99.030(B) and (C):

1. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.
2. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.
- ~~3. Chapter 40 CDC, Building Height Limitations, Exceptions.~~
- 3. Chapter 41 CDC, Building Height, Structures on Steep Lots, Exceptions.**

SECTION 47. Amendment. West Linn Community Development Code Chapter 58 Willamette Falls Drive, Commercial Design District, Section 58.090 Standards, is amended to read as follows:

...

C. The following standards shall apply to new construction and remodels.

1. Dimensional standards.

- a. Front: zero-foot setback. Building may not be set back from the property line unless it is consistent with predominant building line.
- b. Side and side street: zero-foot setback. Building may not be set back from the side property line except for side passageway, accessway, or stairway unless fire codes dictate otherwise. The setback shall not exceed six feet. ~~The setback should be consistent with the rhythm of adjacent structures, or at least not deleterious to it.~~

...

SECTION 48. Amendment. West Linn Community Development Code Chapter 59 Willamette Neighborhood Mixed Use Commercial Zone, Section 59.060 Conditional Uses, is amended to read as follows:

59.060 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.~~ **Certified Child Care Center**

...

SECTION 49. Amendment. West Linn Community Development Code Chapter 59 Willamette Neighborhood Mixed Use Commercial Zone, Section 59.100 Approval Standards – Class II Design Review, is amended and renumbered where needed to read as follows:

CHAPTER 59 WILLAMETTE NEIGHBORHOOD MIXED USE TRANSITIONAL ZONE

59.100 OTHER APPLICABLE DEVELOPMENT STANDARDS

The following standards apply to all development including permitted uses:

1. Chapter 28 CDC, Willamette and Tualatin River Protection.
2. Chapter 36 CDC, Manufactured Homes.
3. Chapter 32 CDC, Water Resource Area Protection.
4. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.
5. Chapter 35 CDC, Temporary Structures and Uses.
6. Chapter 37 CDC, Home Occupations.
7. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.
- ~~8. Chapter 40 CDC, Building Height Limitations, Exceptions.~~
- 89.** Chapter 41 CDC, **Building Height**, Structures on Steep Lots, Exceptions.

SECTION 50. Amendment. West Linn Community Development Code Chapter 59 Willamette Neighborhood Mixed Use Transitional Zone, Section 59.070 Dimensional Requirements, Uses Permitted Outright And Uses Permitted Under Prescribed Conditions, is amended to read as follows:

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

...

7. The **maximum** building floor area ratio shall be 0.4, except that the ground floor of the building shall not exceed 5,000 square feet. **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.**

SECTION 51. Amendment. West Linn Community Development Code Chapter 68 Non-Conforming Lots, Section 68.040 Status, is amended to read as follows:

A. A substandard lot of record in any residential zoning district except the Willamette Historic District, as regulated in Chapter 25 CDC, may be developed for a use allowed within the applicable zone provided:

- ...
3. All applicable code provisions including lot dimensional requirements are met except for single-family detached or attached dwellings in the R-10, R-7, R-5, R-4.5, R-3 and R-2.1 zones where the following lot dimensional requirements shall apply:
 - a. The minimum front lot line shall be 30 feet.
 - b. The average minimum lot width shall be ~~45~~ 35 feet.

SECTION 52. Amendment. West Linn Community Development Code Chapter 81 Boundary Changes, Section 81.050 Approval Criteria, is amended to read as follows:

81.050 APPROVAL CRITERIA

The City Council shall approve a boundary change proposal based on findings and conclusions that the proposal complies with the criteria of Metro Code Section 3.09.050(D) and

1. West Linn Municipal Code Sections 2.920 Step 1 Land Use Decision.

- a. **The application of the Zoning Designation shall follow the criterial in CDC Section 81.055.**

2. The West Linn Municipal Code Section 2.930 Step 2 Policy Decision. (Ord. 1442, 1999; Ord. 1635 § 29, 2014)

SECTION 53. Amendment. West Linn Community Development Code Section 85 Land Division Section 85.200, Approval Criteria, is amended to read as follows:

...

E. Grading. Grading of building sites shall conform to the following standards unless physical conditions demonstrate the propriety of other standards:

...

7. On land with slopes in excess of 12 percent, cuts and fills shall be regulated as follows:

- a. Toes of cuts and fills shall be set back from the boundaries of separate private ownerships at least three feet, plus one-fifth of the vertical height of the cut or fill. Where an exception is required from that requirement, slope easements shall be provided.
- b. Cuts shall not remove the toe of any slope where a severe landslide or erosion hazard exists ~~(as described in subsection (G)(5) of this section).~~

...

SECTION 54. Amendment. West Linn Community Development Code Section 85 Land Division Section 85.210, Property Line Adjustment – Approval Standards, is amended to read as follows:

85.210 PROPERTY LINE ADJUSTMENTS – APPROVAL STANDARDS

A. The Director shall approve or deny a request for a property line adjustment based on the criteria stated below:

1. An additional lot or parcel shall not be created by the property line adjustment.
 2. The existing property shall not be reduced in size by the adjustments below the minimum lot or parcel size established by the approved zoning for that district. The property line adjustment shall not be enlarged, increased or extended a non conforming lot or non conforming structure.
3. Property line adjustments shall be either:
- a. a straight line,
 - b. a line with maximum of two 45 to 90 degrees turns; or,
 - c. a maximum of three turns less than 45 degrees.

(The following figures are only intended as examples.)

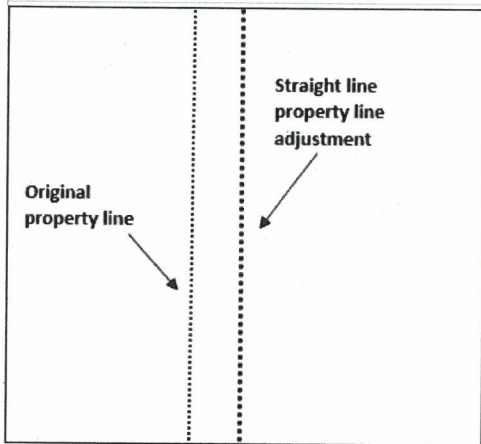


Figure 2

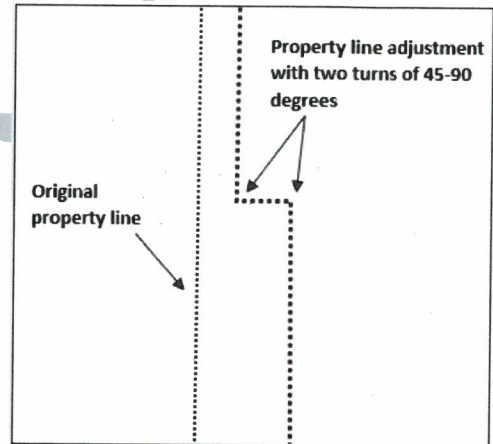


Figure 1

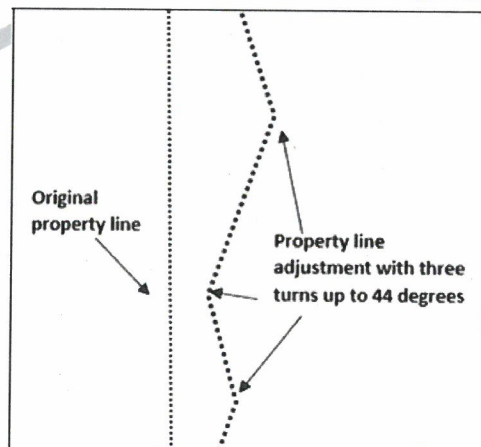
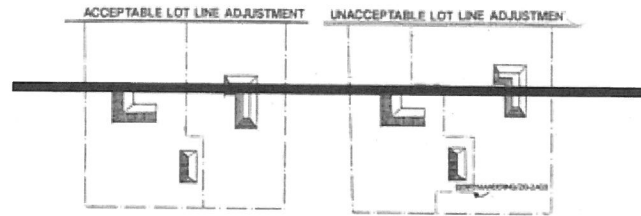


Figure 3

~~34.~~ Reducing the lot or parcel size The property line adjustment shall not create a lot or parcel that violates the applicable site development regulations. ~~for that district. For example, the property line adjustment shall not result in an overall loss of density below 70 percent except as allowed by CDC 85.200(J)(7).~~

~~45.~~ The property line adjustment is as defined by ORS Chapter 92.



5. The ~~lot~~ property line line adjustment will not adversely affect existing easements or existing utilities unless an easement vacation is obtained, replacement easements are dedicated established, or any required utility relocations are paid for by the applicant.

6. Proposed property line adjustments that cannot meet these standards are subject to review under CDC 99.060.B.7 .

7. Any appeal must be filed in accordance with CDC 99.240.

B. The provisions of CDC 85.070 shall also apply to ~~lot~~ property line adjustments.

SECTION 55. Amendment. West Linn Community Development Code Chapter 99 Procedures For Decision Making: Quasi-Judicial , Section 99.030 Application Process: Who May Apply, Pre-Application Conference, Requirements, Refusal of Application, Fees, is amended to read as follows:

...

B. Pre-application conferences.

1. Subject to subsection (B)(4) of this section, a pre-application conference is required for, but not limited to, each of the following applications:

- a. Boundary changes, per Chapter 81 CDC;
- b. Amendments to the Comprehensive Plan;
- c. Amendments to the Zoning Map;
- d. Conditional uses;
- e. Design review (Class I and Class II);
- f. Historic design review (Class II);
- g. Designation of a historic resource or removal of a historic resource designation;

- h. Demolition of a historic resource;
- i. Relocation of a historic resource;
- j. New construction or remodels in the Willamette Falls Drive Commercial Design District, except as provided for in subsection (B)(2)(h) of this section;
- k. Minor partitions;
- l. Land divisions;
- m. Enlargement of non-conforming uses or alteration of a structure containing a non-conforming use;
- n. Planned unit developments;
- o. Variances;
- p. Development subject to Chapter 32 CDC, Water Resource Area Protection;
- q. Development subject to Chapter 27 CDC, Flood Management Areas;
- r. Development subject to Chapter 28 CDC, Willamette and Tualatin River Protection; and
- s. Right-of-way and easement vacations.
- t. Extensions of Approval with Modifications to Original Approval**

2. Subject to subsection (B)(3) of this section, the following applications are exempt from subsection (B)(1) of this section, pre-application conference requirement:

- a. Signs;
- b. Home occupations;
- c. Temporary use permits;
- d. Sidewalk uses;
- e. Final plats;
- f. Property line adjustments;
- g. Re-vegetation plans;
- h. Painting, signage, awnings, or architectural in-kind replacements in the Willamette Falls Drive Commercial Design District; and
- i. Appeals of land use decisions.
- j. Extensions of Approval with No modification to Original Approval**

SECTION 56. Amendment. West Linn Community Development Code Chapter 99 Procedures For Decision Making: Quasi-Judicial , Section 99.170 Hearing Procedures , is amended to read as follows:

...

F. If requested, an applicant shall be granted an additional period of at least seven days after the record is closed to all other parties to submit final written arguments in support of the application. The applicant's final submittal shall be considered part of the record, but shall not include any new evidence. Any such time period granted to the applicant shall not be subject to the time limit provisions of ORS Chapter 227 215-ORS regarding local government decision making hearing procedures found in ORS 227.170 for ~~en~~ quasi-judicial applications.

SECTION 57. Amendment. West Linn Community Development Code Chapter 99 Procedures For Decision Making: Quasi-Judicial , Section 99.325 Extensions of Approval, is amended to read as follows:

99.325 EXTENSIONS OF APPROVAL

A. ~~The Planning Director~~ **An extension** may ~~be granted~~ **an extension by the original decision making body by an additional two years** from the effective date of approval ~~of two years~~ pertaining to applications listed in CDC 99.060(A)~~(B)(C)(D) or (E), as applicable~~ upon finding that:

1. The applicant has demonstrated, ~~and staff and the Planning Commission concur,~~ that the application is in conformance with applicable CDC provisions and relevant approval criteria enacted since the application was initially approved; and
2. There are no demonstrated material misrepresentations, errors, omissions, or changes in facts that directly impact the project, including, but not limited to, existing conditions, traffic, street alignment and drainage; or
3. The applicant has modified the approved plans to conform with current approval criteria and remedied any inconsistency with subsection (A)(2) of this section, in conformance with any applicable limits on modifications to approvals established by the CDC.

~~B. The Planning Commission may grant an extension from the effective date of approval of two years pertaining to applications listed in CDC 99.060(B), consistent with subsections (A)(1) through (3) of this section.~~

~~C. The Historic Review Board may grant an extension from the effective date of approval of two years for applications listed in CDC 99.060(D), consistent with subsections (A)(1) through (3) of this section.~~

D. *Repealed by Ord. 1635.*

E. Extension procedures.

1. The application for extension of approval **with modifications to the original approval** may be submitted only after a pre-application meeting under CDC 99.030(B). **If no modifications are made to the original approval, a pre-application conference is not required.**
2. The application **for extension of approval with modifications to the original approval** shall satisfy the neighborhood meeting requirements of CDC 99.038 for those cases that require compliance with that section. **If no modifications are made to the original approval, no neighborhood meeting is required.**
3. Applications for extensions must be submitted along with the appropriate deposit to the Community Development Department.
4. Applications for extensions will be processed if the initial approval lapses prior to issuance of a decision, consistent with subsection (D)(2) of this section.
5. Notice of the decision shall be issued consistent with CDC 99.080.
6. The decision shall not become effective until resolution of all appeal periods, including an opportunity for City Council call-up pursuant to this chapter. (Ord. 1589 § 1 (Exh. A), 2010; Ord. 1621 § 25, 2014; Ord. 1635 § 43, 2014)

SECTION 58. 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 59. Savings. Notwithstanding this amendment/repeal, 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 of the ordinance 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 60. 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 4-6) need not be codified and the City Recorder or his/her designee is authorized to correct any cross-references and any typographical errors.

SECTION 61. 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 33(c) of the City Charter on the _____ day of _____, 2018, and duly PASSED and ADOPTED this _____ day of _____, 2018.

RUSSELL B. AXELROD, MAYOR

KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY