



22500 Salamo Road  
West Linn, Oregon 97068  
<http://westlinnoregon.gov>

2022 CDC Amendments Working Group  
Meeting 8 Agenda

Wednesday, September 28, 2022  
3:00 – 5:00 pm Virtual Meeting

- 
1. Welcome and Introductions (3:00pm)
  2. Role of the Working Group (3:10pm)
    - a. Purpose/Goal (Staff)
    - b. Meeting Guidelines (Staff)
  3. Meeting 7 Review (3:15pm)
    - a. Summary Notes (Group Discussion/Agreement)
    - b. August Meeting Discussion Recap (Staff)
  4. Clear & Objective Code Compliance Project Discussion #2 (Staff/Group Discussion) (3:20pm)
    - a. Proposed Code Amendments Summary Memo (Staff)
    - b. Proposed Code Amendment Package (Consultant Team/Staff)
  5. Meeting 9 Agenda/Logistics (Staff/Group Discussion) (4:45pm)
  6. Public Comment (4:50pm)
  7. Adjourn (5:00pm)

**Meeting Notes:**

The 2022 CDC Amendments Working Group meeting will be conducted virtually via WebEx. The public can watch the meeting online at: <https://youtu.be/fxuLF5s1QQU>  
Submit written comments to [dwys@westlinnoregon.gov](mailto:dwys@westlinnoregon.gov) before 12:00 pm on the meeting day. To participate remotely during the meeting, please complete the form at: <https://westlinnoregon.gov/citycouncil/meeting-request-speak-signup> by 12:00 pm on the meeting day. Staff will email a Webex invitation before the meeting. If you do not have email access, please call 503-742-6061 for assistance 24 hours before the meeting. If you require special assistance under the Americans with Disabilities Act, please call City Hall 48 hours before the meeting date, 503-657-0331.

## Memorandum

Date: September 16, 2022

To: 2022 CDC Amendments Working Group

From: Darren Wyss, Planning Manager

Subject: Meeting #8

---

The September 28<sup>th</sup> Working Group meeting will be the second of three meetings to discuss the final project, Clear & Objective Code Compliance, assigned to the group by City Council. The purpose of the project is to ensure the City's Community Development Code is compliant with state statutes that require the City to only apply clear and objective standards, conditions, and procedures to development of housing. Associate Planner John Floyd is managing this project and can be reached at [jfloyd@westlinnoregon.gov](mailto:jfloyd@westlinnoregon.gov) or 503-742-6058. The City has a consultant team, MIG/APG, under contract to assist with the project and they will be in attendance, as well as staff from the City Attorney's office.

The rest of this memo is intended to provide background information on the Meeting 8 Agenda topics and help to frame topics for the group discussion. The agenda topics have been addressed individually below and we encourage you to become familiar with the subject matter in advance of the meeting. We also encourage you to ask clarifying questions in advance. Both will help the meetings be more efficient and effective at getting to group consensus and a final recommendation. Feel free to email John or myself [dwyss@westlinnoregon.gov](mailto:dwyss@westlinnoregon.gov) or call 503-742-6064 at any time with questions or to get clarification on the materials.

### Role of the Working Group (Agenda Item 2)

The following items are included in the packet:

1. Working Group Purpose, Goals, and Membership
2. Approved Meeting Guidelines

### Meeting 7 Review (Agenda Item 3)

The following items are included in the packet:

1. Meeting 7 Summary Notes

The working group meetings are being recorded and posted to the [City's meetings page](#). Staff will also produce a general summary of each meeting, with the goal to capture major points of discussion and consensus. Please review the attached Meeting 7 Summary Notes and bring recommended additions/deletions to the meeting for discussion and consensus.

The Working Group's first meeting on the Clear & Objective Code Compliance project was primarily focused on familiarizing the group with the concept of clear and objective standards, the state rules and associated legal cases, and the types of solutions that the consultant team will be recommending.

Clear & Objective Code Compliance Project Discussion #1 (Agenda Item 4)

The following items are included in the packet:

1. Proposed Code Amendments Summary Memo from John Floyd dated September 16, 2022
2. Proposed Code Amendment Package #1

As required by State statute (ORS 197.307), local governments may only adopt and apply clear and objective standards, conditions and procedures to the development of housing (with some exceptions for historic districts). This applies to standards such as setbacks and building height that apply at time of building permit, as well as development review application criteria that apply to partitions, subdivisions, site/design reviews, and planned unit developments that will provide housing.

At this meeting, the Working Group will review/discuss Proposed Code Amendment Package #1. The consultant team recommended, and staff concurred, that the extent of proposed amendments were such that dividing them into two packages for review would be better for efficiency. As with the HB2001 code package reviewed earlier this year, this code package is very large, but this is due to multiple chapters of the Community Development Code needing some level of amendment. The vast majority of pages do not have any amendments, or very minor language changes. Please use John Floyd's memo to help focus your attention on the chapters where the most significant amendments are proposed as the meeting discussion will also be focused on these chapters.

If you have questions about Meeting 8 or materials, please feel free to email or call me at [dwyss@westlinnoregon.gov](mailto:dwyss@westlinnoregon.gov) or 503-742-6064. As always, please submit questions before the meeting to increase the efficiency and effectiveness of the discussion as it allows staff to prepare materials and distribute them for your consideration. Thank you and hope to see everyone on the 28<sup>th</sup>.

## **Agenda Item #2 Materials**

The West Linn City Council appointed a limited-duration Working Group, as outlined in West Linn Community Development Code Chapter 98.035, to review and make recommendations on three code amendment projects currently underway. As part of the appointment process, a purpose and goal statement was also created.

### **Goal**

*The 2022 Working Group will recommend a code amendment package for each of the three projects:*

1. *HB2001 Implementation*
2. *Clear and Objective Standards for Housing*
3. *Chapter 96: Street Improvement Construction*

### **Purpose**

*The 2022 Working Group will provide input on the three projects by reviewing, discussing, and revising the draft code amendment packages. The 2022 Working Group will meet monthly addressing HB2001 Implementation first, Chapter 96 second, and the Clear and Objective Standards last.*

The City has a consultant team (MIG, Inc.) working on HB2001 Implementation and another consultant team (Angelo Planning Group) working on the Clear and Objective Standards for Housing project. Both consultant teams will be part of the 2022 Working Group process.

The working group is scheduled to meet monthly beginning in January 2022. West Linn Planning staff anticipates a minimum of eight meetings will be required to review and recommend code amendment packages for all three projects.

### **Membership**

Rory Bialostosky Mary Baumgardner (Alternate)	City Council
Charlie Mathews Scott Erwin Carrie Pellett (Alternate)	Planning Commission
Shannen Knight Dan Tedrow Vicki Olson (Alternate)	Committee for Citizen Involvement
Tom Watton	Historic Review Board
Shannon Ilas Shannen Knight (Alternate)	Economic Development Committee
Greg DiLoreto	Transportation Advisory Board
Kim Bria	Sustainability Advisory Board
Darren Gusdorf	Development Community
JJ Portlock	Development Community
Jim Farrell	Community-at-Large

## 2022 Working Group Meeting Guidelines

*Updated January 27, 2022*

1. Meetings will generally be held on 4<sup>th</sup> Wednesday of Month. They will begin at 3:00 PM and end by 5:00 PM. **Meetings will start and end on time.** Changes to the meeting day or time must be approved by a majority of the committee.
2. Staff will provide agendas and all supplemental meeting materials to the members by the Wednesday immediately preceding the next meeting.
3. Staff will record the meetings.
4. Members accept the responsibility to come to the meetings prepared for the discussions.
5. To promote efficient and effective meetings, members should make a reasonable attempt to provide questions to staff in advance of meetings to allow time for research and distribution of answers/materials to the group before the meeting.
6. The Chair will manage meetings by keeping discussions focused, ensuring all points of view are heard, maintaining civility, and adhering to the agenda.
7. Members will fully explore the issues and search for creative solutions before forming conclusions. When members have divergent perspectives on topics under discussion, members should identify where they disagree as well as where they agree and identify the rationale for their position.
8. Each member is an equal participant in the process and will have an equal opportunity to voice opinions and contribute ideas.
9. Members shall make a concerted effort to focus on the topics under discussion.
10. The Working Group will strive to achieve consensus on recommended CDC amendments. If consensus cannot be achieved, a vote of members present will be taken. Alternate members will only vote if the regular member is not present. The majority recommendation and dissenting opinions will be forwarded as appropriate.
11. Requests for information from staff will be limited to items that can reasonably be provided.
12. Members may not present themselves as speaking for the Working Group unless authorized to do so by a majority vote of the Working Group. Members are welcome to participate in any public meetings and discussions as private citizens.
13. Time shall be allotted at the end of each meeting to allow members of the public to comment.
14. Any written comments received from the public by staff will be provided to all members.

## **Agenda Item #3 Materials**



**2022 CDC AMENDMENTS WORKING GROUP MEETING  
Draft Meeting Notes of August 24, 2022**

Members: Planning Commissioner Charlie Mathews, Planning Commissioner Scott Erwin, EDC Member Shannen Knight, EDC Member Shannon Ilas, SAB Member Kim Bria, Member-at-large Darren Gusdorf, Member-at-large Jim Farrell, Member-at-large JJ Portlock CCI, CCI Member Vicki Olson, HRB Member Tom Watton, TAB Member Greg DiLoreto, Planning Commissioner Alternate Carrie Pellett

Members absent: Councilors Rory Bialostosky and Mary Baumgardner

Staff present: Darren Wyss, Planning Manager, John Floyd, Associate Planner, Chris Damgen, Land Use Planner with Jordan Ramis, Kate Rodgers, MIG Consultants, Cathy Corliss, MIG, and Lynn Schroder, Administrative Assistant

---

The meeting video is available [here](#).

**1. Welcome and Introductions**

Chair Farrell opened the meeting and took the roll.

**2. Role of the Working Group**

Planning Manager Wyss reviewed the goal and purpose of the Working Group. The purpose of the upcoming Working Group meetings is to discuss Clear & Objective Code Compliance to ensure the City's Community Development Code is compliant with state statutes that require the City only to apply clear and objective standards, conditions, and procedures to the development of housing.

**3. Meeting 6 Review**

The Working Group approved the meeting notes for June 22, 2022. Wyss provided an update on CDC Chapter 96 Code Amendment Package.

**4. CDC Clear & Objective Code Compliance - Project Discussion #1**

John Floyd introduced the Clear and Objective Code Compliance Code Amendment project. ORS 197.307 requires local governments to adopt clear and objective housing development standards, conditions, and procedures. To comply with the state requirement, staff has been working with the City Attorney's office and MIG/APG Consultants to determine the scope of amendments necessary to comply with this requirement. The goal of the amendments is a content-neutral conversion of existing standards into a clear and objective path for housing construction.

Clear and objective standards use terms, definitions, and measurements that provide consistent standard interpretation with no discretion required by the reviewer. The City may retain its existing discretionary requirements as an optional, alternative review track for housing applicants who desire more flexibility. Discretionary review places the burden of proof on the applicant to make a case for why the proposed design meets the intent or guideline.

Chris Damgen from the City Attorney's office provided an overview of the state statute, risks to the City if not in compliance, and legal cases that have been issued.



Kate Rodgers from MIG Consultants discussed the parameters of clear and objective criteria and potential, optional discretionary criteria.

Cathy Corliss discussed specific West Linn code examples and possible solutions. Members asked questions about potential scenarios.

**5. Meeting 8 Agenda/Logistics**

The next meeting is on September 8, 2022 from 3:00 to 5:00 pm.

**6. Public Comment**

None.

**7. Adjourn**

Chair Farrell adjourned the meeting at 4:30 pm.

## **Agenda Item #4 Materials**

## Memorandum

Date: September 16, 2022

To: 2022 CDC Amendments Working Group

From: John Floyd, Associate Planner

Subject: Summary of Changes – Package 1

---

The purpose of the September 28<sup>th</sup> meeting is to discuss and receive feedback on draft amendments to eighteen chapters of the Community Development Code (CDC). The affected chapters are centered on definitions, design review processes and standards, and the base zone standards. As is evident in the attached amendments and summary below, Chapters 02 (Definitions) and 55 (Design Review) are the most impacted and most complex, and the working group is asked to focus its attention on these chapters.

The remaining chapters will be presented at the October 26<sup>th</sup> meeting, and will be centered on the land division chapter (Chapter 85) and required public improvements (Chapter 92). Any follow up or outstanding items from September 28<sup>th</sup> will also be on the agenda.

As noted at the [previous meeting](#), the goal of the project is as close to a content neutral update or conversion as is possible. However, due to the subjective language within sections of the CDC, a degree of interpretation is unavoidable and staff and the project consultant have endeavored to provide language as close to the original intent as possible. In other cases where conversion to a clear and objective standard is not possible and interpretation is difficult or beyond the scope of this project, the language is proposed for deletion. Working group members are encouraged to review the materials from the last meeting to help frame your thoughts and comments on the proposed work.

Proposed amendments are included at the end of this memorandum, with commentary boxes embedded within the affected sections. New language is underlined and deleted language is ~~struck through~~, with both marked in red font. For convenience, the text of the entire chapter has been included for easy reference and context.

Changes to individual chapters are summarized below:

### CDC Chapter 02: Definitions

- Adequate public facilities – Amended to remove the second paragraph so as not to include standards in the definition. Proposed as a new review criterion for Class II

Design Review (CDC 55.100), Conditional Use Review (CDC Chapter 60), and Land Divisions (CDC 85.200).

- Bankfull stage – The term is subjective, used only in Ch. 32 Water Resource Area Protection, and is noted in the CDC as being interchangeable with the term “ordinary high water” (OHW). Proposal is deletion and reliance on OHW instead.
- Block length – Amended to make the term clear and objective.
- Building line – Amended to remove confusing language.
- DBH – New definition based on a common measurement for the size of tree trunks. Added for clarity.
- Elevation, building – New definition to clarify how this term is used in the code.
- Lot line, front – Amended existing definition to remove discretion by city staff.
- Lot line, rear – Amended existing definition to create a new method for determining rear lot line in the case of irregular shaped lots.
- Lot, through – New definition to distinguish between a corner lot and non-corner lots having more than one street frontage.
- Lot width – Amended for clarification and establish a method to determine average lot width.
- Street – Amended to better distinguish public and private streets from other forms of access.
- Tree, Significant tree, and Significant tree cluster – New definitions to create objective criteria of size, species, and proximity. Currently the city arborist determines which trees on a site are significant per CDC Section 55.100(B)(2). New definitions adapted from the Community Tree Ordinance (Muni Code 8.510).
- Type I, II, III and IV lands – Contradictory language has been deleted to better align the definition with the standards contained in the CDC. The definitions speak to lands containing X slope over more than 50 percent of the site, implying the entire lot or parcel is placed into a single land type category. However, standards such as the Design Review and PUD chapters break out the site into multiple land types in matters such as density transfer. The proposed solution is to remove the words “over more than 50 percent of the site” to better align the definition with the standards of various chapters.
- Other minor amendments for clarity.

#### CDC Chapter 08: Residential, R-40

- Minor text insertion clarifying that some permitted uses require design review.
- Replacement of the term “manufactured housing” with “manufactured home” to better align with ORS 197.314 (Required siting of manufactured homes).
- Minor text insertions to clarify that cottage clusters, townhouse, manufactured homes, and accessory dwelling units are exempted from design review. Necessary for compliance with HB2001 that requires middle-housing types be treated in a consistent manner as single-family dwellings.

#### CDC Chapter 09: Residential, R-20

- Minor text insertion clarifying that some permitted uses require design review.
- Replacement of the term “manufactured housing” with “manufactured home.”

- Minor text insertions to clarify that cottage clusters, townhouse, manufactured homes, and accessory dwelling units are exempted from design review.
- Deletion of Section 09.100 (Redivision Plan) that applies to large lots or parcels capable of being divided further. The language is discretionary, duplicates a similar requirement in Section 85.180, and this is the only residential base zone that contains this language. The proposal is to consolidate this requirement in CDC Chapter 85 (Land Divisions - General Provisions)

CDC Chapter 10: Residential, R-15

- Minor text insertion clarifying that some permitted uses require design review.
- Replacement of the term “manufactured housing” with “manufactured home.”
- Minor text insertions to clarify that cottage clusters, townhouse, manufactured homes, and accessory dwelling units are exempted from design review.

CDC Chapter 11: Residential, R-10

- Minor text insertion clarifying that some permitted uses require design review.
- Replacement of the term “manufactured housing” with “manufactured home.”
- Minor text insertions to clarify that cottage clusters, townhouse, manufactured homes, and accessory dwelling units are exempted from design review.

CDC Chapter 12: Residential, R-7

- Minor text insertion clarifying that some permitted uses require design review.
- Replacement of the term “manufactured housing” with “manufactured home.”
- Minor text insertions to clarify that cottage clusters, townhouse, manufactured homes, and accessory dwelling units are exempted from design review.

CDC Chapter 13: Residential, R-5

- Minor text insertion clarifying that some permitted uses require design review.
- Replacement of the term “manufactured housing” with “manufactured home.”
- Minor text insertions to clarify that cottage clusters, townhouse, manufactured homes, and accessory dwelling units are exempted from design review.

CDC Chapter 14: Residential, R-4.5

- Minor text insertion clarifying that some permitted uses require design review.
- Replacement of the term “manufactured housing” with “manufactured home.”
- Minor text insertions to clarify that cottage clusters, townhouse, manufactured homes, and accessory dwelling units are exempted from design review.
- Reclassification of “senior citizen/handicapped housing facilities” from a Conditional Use to a Use Permitted Under Prescribed Conditions, and conversion of associated standards into clear-and-objective language.

CDC Chapter 15: Residential, R-3

- Minor text insertion clarifying that some permitted uses require design review.
- Replacing the term “manufactured housing” with “manufactured home.”

- Minor text insertions to clarify that cottage clusters, townhouse, manufactured homes, and accessory dwelling units are exempted from design review.
- Reclassification of “senior citizen/handicapped housing facilities” from a Conditional Use to a Use Permitted Under Prescribed Conditions, and conversion of associated standards into clear-and-objective language

#### CDC Chapter 16: Residential, R-2.1

- Minor text insertion clarifying that some permitted uses require design review.
- Replacement of the term “manufactured housing” with “manufactured home.”
- Minor text insertions to clarify that cottage clusters, townhouse, manufactured homes, and accessory dwelling units are exempted from design review.
- Reclassification of manufactured homes and single-family detached dwellings from a Conditional Use to a Use Permitted Under Prescribed Conditions.
- Reclassification of “senior citizen/handicapped housing facilities” from a Conditional Use to a Use Permitted Under Prescribed Conditions, and conversion of associated standards into clear-and-objective language

#### Chapter 18: Neighborhood Commercial, NC

- Minor text insertion clarifying that some permitted uses require design review.
- Minor text insertion to clarify that existing single-family homes are exempted from design review.

#### Chapter 19: General Commercial, GC

- Minor text insertion clarifying that some permitted uses require design review.
- Removal of language exempting the conversion of a single-family dwelling into a duplex, triplex, quadplex, or cottage cluster. This language is confusing and contradictory as none of these are permitted uses.

#### Chapter 21: Office Business Center, OBC

- Minor text insertion clarifying that some permitted uses require design review.
- Removal of language exempting the conversion of a single-family dwelling into a duplex, triplex, quadplex, or cottage cluster. This language is confusing and contradictory as none of these are permitted uses.

#### Chapter 22: Campus Industrial, CI

- Minor text insertion clarifying that some permitted uses require design review.

#### Chapter 23: General Industrial, GI

- Minor text insertion clarifying that some permitted uses require design review.
- Minor text insertion to clarify that existing single-family homes are exempted from design review.

### Chapter 55: Design Review

- Modification and expansion of exemptions in Section 55.025 to include all new dwelling units, except for multi-family and manufactured home parks.
- Expansion of submittal requirements to include a TVF&R Service Provider Permit as part of the application package. This is a relatively new process requirement being implemented by the fire district to better insure new development occurs in conformance with TVF&R standards, and the proposed language codifies an existing practice across their service region.
- Minor text insertion limiting the Planning Director's authority to waive requirements or require new information to applications requiring a discretionary review (Section 55.085).
- Creation of new clear and objective language for residential development, with no change to standards and processes applicable to non-residential development.

Amendments include the following changes:

- New residential standards would reside in Sections 55.095 (Class I Design Review), and 55.105 (Class II Design Review).
- Minor text insertion clarifying that applicants who can't or choose not to meet the clear and approval standards have the option of applying under the existing standards which will remain largely unchanged.
- Relocation of language pertaining to level of service performance standards from Chapter 02 (Definitions) to Section 55.100(I). This relocation is necessary to ensure applicable standards are clearly identifiable to applicants and not overlooked by staff and decision makers.
- Clarification and conversion of existing standards regarding significant trees and tree clusters into clear and objective language. Current standards are ambiguous and assign the City Arborist broad authority to determine which trees and tree clusters are significant. Proposed amendments are based on species and minimum diameter and not individual discretion.
- Removal of subjective language regarding building separation as it is already covered by Building Code standards.
- Replacement of discretionary architectural design standards regarding architectural style and bulk/mass with clear and objective standards regarding building orientation, entry location and design, façade articulation, minimum window standards, height transitions, parking, site circulation, recreational amenities, and buffering and screening.
- Amendment of Public Facility standards to remove discretionary standards relating to streets and other infrastructure, with clarifying language that points to compliance with Public Works Design Standards and synchronization with CDC 85 that governs land divisions.
- Deletion of Shared Open Space standards (CDC 55.190) which are highly subjective, unclear in purpose, and not implemented in recent memory.
- Other minor amendments for clarity.

Chapter 58: Willamette Falls Drive Commercial Design District

- Minor text insertion requiring setbacks of less than 20 feet and lot coverage of up to 100% must be granted through a discretionary review using specified standards. Changes are limited to windows as residential uses are prohibited on the ground floor per CDC Section 19.050(1), where commercial standards will apply.
- New clear and objective dimensional standards for windows on residential development.

Chapter 59: Willamette Neighborhood Mixed Use Transitional Zone

- Minor text insertion clarifying that some permitted uses require design review.
- Added manufactured homes as a permitted use. Per State statute, in zones where single-family detached dwellings are permitted, manufactured homes must also be allowed (ORS 197.314).
- Clarified which housing types are subject to Design Review. Pursuant to HB2001, the same review procedure must apply to middle housing as applies to single-family detached dwellings. Also revised the design standards to be clear and objective and to more applicable to all development types. The standards apply to all development in the Willamette Neighborhood zone, but they are written as though they only apply to single-family development. See also changes to CDC 55 (Design Review).
- Clarification that the limitation on operating hours (6 AM to 10 PM) only applies to commercial and other non-residential uses.



**Commentary:**

Proposed amendments to definitions in Chapter 2 include the following:

- Accessory dwelling unit – Clarified that ADUs include independent living facilities, separate from the primary dwelling.
- Adequate public facilities – Removed the second paragraph so as not to include standards in the definition. This is instead proposed as a new review criterion for Class II Design Review (CDC 55.100), Conditional Use Review (CDC Chapter 60), and Land Division (CDC 85.200).
- Bankfull stage – The current definition states that bankfull stage is “typically delineated in the field by...”, which is discretionary and not sufficiently clear. The term is used only in Ch. 32 Water Resource Area Protection, and is noted in Ch. 2 as being interchangeable with the term “ordinary high water” (OHW). Therefore, the proposed solution is to remove the definition of bankfull stage and other instances of this term in the code, and to rely on OHW instead.
- Block length – Minor amendments to make the term clear and objective.
- Building line – Reworded to remove confusing language and to be more consistent with current practice.
- Carport – Added a new definition to clarify how this term is used in the code.
- DBH – See commentary with definition.
- Elevation, building – Added a new definition to clarify how this term is used in the code.
- Garage – Added a new definition to clarify how this term is used in the code.
- Lot line, front – Removed discretion by allowing an applicant with a corner lot to decide which lot line is the front, in the case where it would otherwise be unclear.
- Lot line, rear – Added a new method for determining which is the rear lot line in the case of irregular shaped lots.
- Lot, through – Added a new definition. The term would replace the term “double-frontage lot” in Chapter 85, where it is described as “have frontage on a street at the front and rear property lines.” Chapter 2 defines “double-frontage lot” more broadly to include corner lots as well.
- Lot width – Clarified the term by better defining how it is measured, and noting how average lot width is calculated. (Average lot width standards are specified in the base zone chapters.)
- Significant tree and Significant tree cluster – See commentary with definitions.
- Street – Revised the term to better distinguish public and private streets from other forms of access—for example, private tracts that provide only pedestrian access to a property.
- Tree – See commentary with definition.
- Type I, II, III and IV lands – These definitions of land types do not always line up with the practical application. The definitions speak to lands containing X slope over more than 50 percent of the site, implying the entire project site is placed into a single land type category. However, standards such as the Design Review and PUD chapters break out the site into multiple land types in matters such as density transfer. The proposed solution is to remove the words “over more than 50 percent of the site” to better align the definition with the standards of various chapters.
- Other minor amendments for clarity.

**Chapter 02**  
**DEFINITIONS**

Sections:

- 02.010 INTERPRETATION
- 02.030 SPECIFIC WORDS AND TERMS

## **02.010 INTERPRETATION**

For the purpose of this code, certain terms or words used herein shall be interpreted as follows:

- A. The word “shall” is mandatory, the word “may” is permissive.
- B. The words “used” or “occupied” shall include the words “intended, designed, or arranged to be used or occupied.”
- C. The word “lot” or “parcel” includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- D. Words not specifically defined herein shall have the meaning specified in Webster’s Third New International Dictionary of the English Language, Unabridged. (Ord. 1604 § 1, 2011; Ord. 1636 § 2, 2014; Ord. 1732 § 2 (Exh. A), 2022)

## 02.030 SPECIFIC WORDS AND TERMS

For the purpose of these regulations, the following terms or words are defined as follows:

Accessory dwelling unit (ADU). Attached or detached dwelling unit which is secondary to the primary dwelling unit and intended to provide convenient and affordable housing opportunities. The unit includes its own independent living facilities with provisions for living, sleeping, eating, cooking, and sanitation, and is designed for residential occupancy independent of the primary dwelling unit.

Accessory structure. A subordinate structure with a maximum area of 1,500 square feet, except for agricultural buildings, located on a lot or parcel with a principal use, the use of which is clearly incidental to and associated with the principal use. Examples of accessory structures include, but are not limited to, the following:

1. Greenhouse or hothouse;
2. Swimming pools;
3. Children's playhouses and structures;
4. Sheds;
5. Barns;
6. Gazebos;
7. Solar and wind energy systems;
8. Garages;
9. Dog houses for up to four dogs, bird feeders, or other pet shelters;
10. Appurtenances such as mailboxes and heat pumps; and
11. Similar structures as determined by the Planning Director.

Accessory use. A use which is incidental and subordinate to the principal use.

Acres, gross. All of the land area owned by the applicant under consideration. See "Tract."

Acres, net. The total gross acres less the public right-of-way and other acreage deductions, ~~as applicable~~ as specified in this code.

Adequate public facilities. Public facilities that must be adequate for an application for new construction, remodeling, or replacement of an existing structure to be approved are transportation, water, sewer, and storm sewer facilities. To be adequate, on-site and adjacent facilities must meet City standards, and off-site facilities must have sufficient capacity to (1) meet all existing demands, (2) satisfy the projected demands from projects with existing land use approvals, plus the additional demand created by the application, and (3) remain compliant with all applicable standards.

~~For purposes of evaluating discretionary permits in situations where the level of service or volume to capacity performance standard for an affected City or State roadway is currently failing or projected to fail to meet the standard, and an improvement project is not programmed, the approval criteria shall be that the development avoids further degradation of the affected transportation facility. Mitigation must be provided to bring the facility performance standard to existing conditions at the time of occupancy.~~

Administrator. The City Manager of West Linn, Oregon, or a duly authorized representative.

**Agricultural building.** A structure located on a farm and used in the operation of such farm for the storage, maintenance or repair of farm machinery and equipment or for the raising, harvesting and selling of crops or in the feeding, breeding management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees, or for dairying and sale of dairy products or any other agricultural or horticultural use, or animal husbandry or any combination thereof, including the preparation and storage of products raised on such farm for man's use and animal use and disposal by marketing or otherwise.

**Agricultural sales.** Sale from the premises of feed, grain, fertilizers, pesticides, and similar goods. Typical uses include nurseries and hay, feed, and grain stores.

**Agricultural services.** Establishments or places of business engaged in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include tree and lawn service firms.

**Agriculture.** The tilling of the soil, the raising of crops, dairying and/or animal husbandry, but not including the keeping or raising of fowl, pigs, or fur-bearing animals unless such is clearly incidental to the principal use of the property for the raising of crops.

**Alley.** A minor way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

**Alteration.** A change in construction or a change of occupancy. When the term is applied to a change in construction, it is intended to apply to any change, addition, or modification in construction. When the term is used in connection with a change of occupancy, it is intended to apply to changes of occupancy from one trade or use to another or from one division of trade or use to another.

**Alteration, structural.** Any change or repair which would tend to prolong the life of the supporting members of a building or structure, such as alteration of girders. In addition, any change in the external dimensions of the building shall be considered a structural alteration.

**Amusement enterprise.** Establishments or places primarily engaged in the provision of entertainment or recreation which require less personal physical activity than those uses included in indoor participant sports and recreation. Typical uses include: billiard parlors, bowling alleys, arcades, and electronic game room facilities or movie theaters.

**Anchor-secured docks.** Docks that are held in place by cables that are then attached to the riverbed or shoreline by an anchoring system.

**Animal sales and services.** Establishments or places of business primarily engaged in animal-related sales and services. The following are animal sales and services use types:

**Animal sales and services, grooming.** Grooming of dogs, cats, and similar small animals. Typical uses include dog bathing and clipping salons or pet grooming shops.

**Animal sales and services, kennels.** Kennel services for dogs, cats, and similar small animals. Typical uses for a business venture include boarding kennels or dog training centers. Kennels will be further defined as any property where more than four dogs are kept, whether such animals are kept as personal property of the property owner or as a business venture, is deemed to be a kennel. A person may have more than four dogs and not be deemed a kennel, if one of the dogs is a female with a litter under the age of six months.

**Animal sales and services, veterinary (large animals).** Veterinary services for large animals. Typical uses include animal hospitals for large animals (horses, sheep) or veterinary hospitals for large animals.

**Animal sales and services, veterinary (small animals).** Veterinary services for small animals. Typical uses include pet clinics, dog and cat hospitals, or animal hospitals for small animals.

**Antenna(s).** A device commonly in the form of a metal rod, wire panel, or dish, for transmitting or receiving electromagnetic radiation. An antenna is typically mounted on a supporting tower, pole, mast, or building.

**Appeal.** A request that a final decision by ~~the Director~~an approval authority be considered by a higher authority either on the basis of a de novo hearing or with the inclusion of evidence in addition to that considered by the maker of the initial decision.

**Approval authority.** Either the Director, the initial hearing body, or the Council, depending on the context in which the term is used.

**Approval or approved.** A determination by the City of West Linn approval authority that the provisions of this code have been met.

**Arterial.** A street whose primary function is to provide for the movement of through traffic between areas and across portions of the City or region, and having the subordinate function of providing direct access to abutting land. Depending on the nature and location of an arterial street, it may be designed to the standards of a minor arterial street or a major arterial street.

**Authorized.** Having been granted written permission from the property owner(s) to act on their behalf.

**Authorized area.** The area within the preference rights area, as determined by DSL, where the applicant may place their water-dependent structure (e.g., dock) is called the authorized area. (Also see “Preference rights” definition.)

**Automotive and equipment.** Establishments or places of business primarily engaged in motorized vehicle-related sales or services. The following are automotive and equipment use types:

Automotive and equipment, cleaning. Washing and polishing of automobiles. Typical uses include auto laundries or car washes.

Automotive and equipment, fleet storage. Fleet storage of vehicles used regularly in business operation and not available for sale or long-term storage of operating vehicles. Typical uses include taxi fleet, mobile catering truck storage, or auto storage garages.

Automotive and equipment; repairs, heavy equipment. Repair of trucks, etc., as well as the sale, installation, or servicing of truck or automotive equipment and parts together with body repairs, painting, and steam cleaning. Typical uses include truck transmission shops, body shops, or motor freight maintenance groups.

Automotive and equipment; repairs, light equipment. Repair of automobiles and the sale, installation, and servicing of automobile equipment and parts but excluding body repairs and painting. Typical uses include muffler shops, auto or motorcycle repair garages, or auto glass shops.

Automotive and equipment; sales/rentals, heavy equipment. Sale, retail or wholesale, and/or rental from the premises of heavy construction equipment and trucks together with incidental maintenance. Typical uses include boat dealers, heavy construction equipment dealers, or truck dealers.

Automotive and equipment; sales/rentals, light equipment. Sale, retail or wholesale, and/or rental from the premises of autos, non-commercial trucks, motorcycles, motorhomes, and trailers with less than a 10,000 gross cargo weight together with incidental maintenance. Typical uses include automobile dealers, car rental agencies, or recreational vehicle sales and rental agencies.

Automotive and equipment; storage, recreational vehicles and boats. Storage of recreational vehicles and boats. Typical uses include the collective storage of personal recreational vehicles or boats.

~~Bankfull stage. The level of stream flow where water reaches or exceeds the top of channel or otherwise inundates the adjacent floodplain on a frequency of approximately every 1.5 to two years. This is sometimes known as ordinary high water (OHW). In some high gradient or incised streams, the 1.5 to two year floods may be restricted to the deepened channel. Conversely, in low gradient streams, where the grades adjacent to the streams are in the zero to 15 percent range, the bankfull stage/OHW is likely to be at the outer edge of adjacent floodplain areas. The bankfull stage or OHW level of stream systems is typically delineated in the field by:~~

- ~~1. The outer extent of facultative or obligate plants;~~

- ~~2. The upper elevation of float debris (litter of branches, twigs and organic material);~~
- ~~3. The lower elevation of woody vegetation (e.g., willow and alder species);~~
- ~~4. Textural change of depositional sediment or changes in the character of the soil (e.g., from silts, sand, cobble and gravel to upland soils);~~
- ~~5. Top of the zone of washed or exposed roots;~~
- ~~6. A clear natural line impressed on the bank; or~~
- ~~7. A break or change in slope angle.~~

~~For the purpose of this code, the terms “bankfull stage” and “OHW” may be used interchangeably and are illustrated and further defined in Table 32-3.~~

Basement. Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

Bed and breakfast. Overnight accommodations and a morning meal in a dwelling unit provided to transient guests for compensation.

Bike path. A way designed for and improved with a hard surface, and signed for use by bicycle traffic.

Block length. The distance measured along all that part of one side of a street which is (1) between the centerline of two intersecting or intercepting streets; or (2) between an intersecting or intercepting street, ~~undivided acreage, or other major barrier and the end of a stubbed or dead-end street.~~

Boat house. Roofed structure to store and protect a boat. Boat houses may also include roofed open-sided boat shelters.

Building. Any structure used or intended for supporting or sheltering any use or occupancy.

Building line. A line running parallel to a lot line, that is the same distance from the lot line as the closest portion of a building on the site. ~~on a plat indicating the limit beyond which buildings or structures may not be erected.~~

Building maintenance services. Establishments primarily engaged in the provision of maintenance and custodial services. Typical uses include janitorial, landscape maintenance, or window cleaning services.

Business equipment sales and services. Establishments or places of business primarily engaged in the sale, rental or repair of equipment and supplies used by office, professional, and service establishments to the firms themselves rather than to individuals, but excludes automotive, construction, and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops, or hotel equipment and supply firms.

Business support services. Establishments primarily engaged in the provision of service, including instructional, of a clerical, employment, protective, or minor processing nature to firms rather than individuals and where the storage of goods other than samples is prohibited. Typical uses include: secretarial services, telephone answering services, or blueprint services.

Carport. A structure consisting of a roof and its supports that is entirely open on two or more sides and that is intended for shelter of vehicles.

Certified child care center. A certified child care center is regulated under OAR 414-300-0000 through OAR 414-300-0415. The use is defined in OAR 414-300-0005 generally as follows: 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 any one time.

Certified professional in erosion and sediment control. A person who has been so determined by the Soil and Water Conservation Society and the International Erosion Control Association (Urban Watershed Institute).

Channel. The channel is the physical confine of a stream within the ~~“bankfull stage” and~~ “OHW.”

Child care. Duties and rules of the State of Oregon Office of Child Care are identified in ORS 329A.010 through 329A.030. “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.

City. The City of West Linn, Oregon.

City Engineer. The City Engineer of West Linn, Oregon, or their authorized agent.

Clear vision area. An area which consists of a triangular area, two sides of which are property lines measured from the corner intersection of the access point lot lines for a distance specified in this regulation.

Co-location. The placement of two or more antenna systems or platforms by separate Federal Communications Commission (FCC) license holders on a structure such as a support structure, building, water tank, or utility pole.

Collector. A street supplementary to the arterial street system and a means of circulation between arterials and local streets; used to some extent for access to abutting properties and may be used to a limited extent for through traffic.

Commission. The Planning Commission of West Linn, Oregon.

Communications services. Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms but excludes those classified as utilities. Typical uses include: television studios, telecommunication service centers, or telegraph service offices.

Community building. A building operated by the public or a non-profit group, neighborhood or association for public assembly for meetings, arts, crafts or similar uses. Examples of a community building are a senior center or arts center.

Community recreation. Recreational, social, or multi-purpose uses typically associated with parks, play fields, or golf courses.

Comprehensive Plan. The official document of West Linn that includes goals and policies that direct how West Linn will develop. It also may include action measures or strategies for implementing the goals and policies. The Comprehensive Plan is adopted by ordinance, and thus, has the force of law and is the basis for the Community Development Code.

Conditional use. A use which may be permitted by the approval authority following a public hearing, upon findings by the authority that the approval criteria have been met or will be met upon satisfaction of conditions of approval.

Construction sales and services. Establishments or places of business primarily engaged in construction activities and incidental storage on lots other than construction sites as well as the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures. Typical uses include: building materials stores, tool and equipment rental or sales, and building contracting/construction offices.

Consumer repair services. Establishments primarily engaged in the provision of repair services to individuals and households rather than firms, but excluding “automotive and equipment” use types. Typical uses include: appliance repair shops, apparel repair firms, musical instrument repair firms and small repair shops.

Convenience sales and personal services. Small neighborhood oriented retail businesses (retail commercial and personal services) which provide for the daily needs of nearby residents. It includes uses such as grocery stores, drug stores, laundromats and dry cleaners.



**Corner lot.** A lot or parcel abutting on two intersecting streets other than an alley, excluding lots or parcels with boundary line angles greater than 135 degrees.

**Cottage cluster.** A grouping of at least four detached dwelling units per acre. Dwelling units have a building footprint of less than 900 square feet per dwelling unit that includes a common courtyard with at least 150 square feet per cottage. Units may be located on a single lot or parcel, or on individual lots or parcels. A maximum of eight cottages shall be permitted per courtyard. For example, 150 square feet of common courtyard area for eight cottages equals 1,200 square feet of common courtyard area.

**Cottage cluster project.** A development site with one or more cottage clusters. Each cottage cluster as part of a cottage cluster project must have its own common courtyard.

**Council.** The City Council of West Linn, Oregon.

**Critical facility.** A facility for which even a slight chance of flooding might be too great. Critical facilities include but are not limited to schools, nursing homes, hospitals, police stations, fire and emergency response installations, and installations which produce, use or store hazardous materials or hazardous waste.

**Cul-de-sac.** A street or streets having one end open to traffic and the other end or ends terminating in a vehicle turnaround.

**Cultural exhibits and library services.** Museums, exhibition of objects in one or more of the arts and sciences, gallery exhibition of works of art, or library collection of books, manuscripts, etc., for study and reading.

**Cut or excavation.** Any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced, or relocated.

**Commentary:**

The term DBH—Diameter at Breast Height—is a common measurement for the size of tree trunks. It is used in the proposed new definitions for “significant tree” and “significant tree cluster.” Refer to those terms for additional commentary. The proposed DBH definition is consistent with the definition used by the International Society of Arboriculture.

**DBH. Diameter at Breast Height is the diameter of a tree at 4.5 feet (54 inches) above the highest natural ground level at the base of the trunk.**

**Dedication.** The legal conveyance of land, typically from a private property owner to the City.

**Developer.** The owner of land proposed to be developed or partitioned, or representative. Consent shall be required from the legal owner of the premises for any proposed development or division of land as provided in this code. Within the flood management area, this term shall include storage of equipment or materials.

**Development.** Any manmade change defined as the construction of buildings or other structures, mining, dredging, paving, filling, grading or site clearing, and grubbing in amounts greater than 10 cubic yards on any lot, parcel, or lot of record. Within the flood management area, this term shall also include storage of equipment or materials. Within the Willamette and Tualatin River Protection Areas, this term shall also include any change of use or intensification of the use of land or water, including construction of structures (such as houses, structures, docks and associated pilings or piers), significant grading, or removal or addition of vegetation and groundcover unless specifically exempted per CDC 28.040. Development shall not include grading, site clearing, grubbing or filling where it is part of a submitted land use application that includes the restoration of grades and replanting the affected area with native vegetation per a re-vegetation plan. This definition is distinct and separate from previously disturbed areas (PDAs) and temporarily disturbed areas (TDAs).

**Director.** The Planning Director of West Linn, Oregon, or authorized agent.

**Disturbance.** For the purpose of this code, the terms “disturbance” and “development” may be used interchangeably.

**Disturbed areas.** Areas that have been subjected to disturbance or development. For the purpose of this code, the terms “disturbance” and “development” may be used interchangeably.

**Division of land.** The process of dividing a tract, lot or parcel by subdividing or partitioning. See “Partition land” and “Subdivide land.” A division of land shall be deemed to have occurred at the time when the final approved plat is recorded with the County Recorder’s office.

**Dock.** Dock/float means an individual secured and stationary or floating structure (other than a mooring buoy) used exclusively for mooring boats and for similar uses. Dock can also refer to water-dependent uses generically unless otherwise indicated from the context.

**Drainageways.** The channel of a drainage course, or other water course and the adjacent land areas that must be reserved in order to discharge surface runoff water.

**Drive-through restaurant.** An eating and drinking establishment organized so that motorists may order and pick up orders without the necessity of leaving the vehicle.

**Drop box, trailer, or structure of similar function.** A drop box, truck trailer or structure of similar function intended for the collection of donations which may include newspaper, household goods, clothes, cardboard, and other items. These drop boxes shall be operated by registered non-profit benevolent organizations, groups, associations or religious orders.

**DSL.** Department of State Lands.

**Duplex residential units.** Two attached or detached dwelling units on a lot or parcel in any configuration.

**Dwelling unit.** One or more rooms designed for occupancy by one family for living purposes providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

**Easement.** A grant of the right to use a strip of land for a specific purpose.

**Eating and drinking establishments.** Establishments or places of business that are not drive-through restaurants and primarily engage in the sale of prepared or produced food and beverages for on-premises consumption, on-premises sale, or take out service. On-premises sales do not include sales to secondary retailers or wholesalers. Typical uses include, but are not limited to: fast food establishments, restaurants, delicatessens, brew-pubs, coffee shops, taverns, bars and lounges.

**Elevation, Building.** The entire side of a building, from ground level to the roofline, as viewed perpendicular to the walls on that side of the building.

**Emergency.** Any manmade or natural event or circumstance causing or threatening loss of life, injury to person or property, and includes, but is not limited to, fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or releases of oil or hazardous material, contamination, utility or transportation disruptions, and disease.

**Engineer.** The City Engineer of West Linn, Oregon, or a duly authorized representative.

**Enhancement.** See “Mitigation.”

**Ephemeral streams.** A stream or reach of a stream which flows only in direct response to precipitation and whose channels are always above groundwater or water table levels. Ephemeral streams typically drain sub basins of under 20 acres, have slopes of less than 10 percent as measured laterally from the stream thread and often traverse surficially with no recognizable drainage channel.

**Erosion.** The process in which, by the actions of wind or water, soil particles are displaced and transported.

Erosion control, post-construction. The reestablishment of groundcover or landscaping prior to the removal of temporary erosion control measures.

Erosion prevention and sediment control. Measures that are required for construction sites where the ground surface will be disturbed with clearing, grading, fills, excavations, and other construction activities, in order to prevent and/or control eroded material and sediment from leaving the construction site and entering the City storm system and/or a water quality resource area.

Erosion, visible or measurable. Visible or measurable erosion includes, but is not limited to: deposits of mud, dirt, sediment, or similar material, exceeding one-half cubic foot in volume on public or private streets, adjacent property, or into the storm and surface water system, either by direct deposit, dropping discharge, or as a result of the action of erosion; evidence of concentrated flows of water over bare soils, turbid or sediment-laden flows, or evidence of on-site erosion such as rivulets on bare soil slopes where the flow of water is not filtered or captured on the site; and/or earth slides, mudflows, earth sloughing, or other earth movement that leaves the property.

Expedited land division. A type of land division application for subdivision or partitioning of land for residential development that meets all of the definitional requirements of expedited land division, as defined by ORS 197.360.

Extended-hour businesses. Businesses which are open to the public 17 or more hours a day on any given day of the week, or open between midnight and 6:00 a.m., including, but not limited to: eating and drinking establishments, convenience sales and personal services, drive-through restaurants, amusement enterprises, food and beverage retail sales, and general retail sales.

Fact-finding body. A body sitting for the purpose of determining the facts. The decision of the body is not discretionary.

Family. Two or more persons related by blood, marriage, legal adoption, or guardianship; or a group of not more than five persons all or part of whom are not so related by blood or marriage living together as a single housekeeping unit in a dwelling unit.

Family day care. Duties and rules of the Office of Child Care are identified in ORS 329A.010 through 329A.030. A certified family child care home or registered family child care home is identified in ORS 329A.250 and considered a residential use pursuant to ORS 329A.440; the use is defined as:

**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 provider's 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:

1. No more than six may be younger than school age; and
2. 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.

Fee simple. Land which is owned, typically by the owner of the house or building that occupies the land.

Fence. A vertical barrier for the purpose of screening, security and/or property delineation.

Fill. Placement of any soil, sand, gravel, clay, mud, debris and refuse, or any other material, organic or inorganic.

Final action, final decision, or final order. A determination reduced to writing, signed and filed under CDC 99.110(F) by the appropriate approval authority.

Financial and insurance. Establishments primarily engaged in the provision of financial, insurance, or securities brokerage services. Typical uses include: banks, savings and loans, or insurance agencies.

Findings. A written statement of the facts determined at a public hearing. The findings are applied to the relevant approval criteria or standards by the approval authority as the basis for making its decision.

Flag lot. A lot complying with all other provisions of the Community Development Code which does not meet the minimum street frontage requirement of 35 feet, and which gains access to the public right-of-way via an access strip no less than 15 feet in width.

#### FLOODPLAIN DEFINITIONS.

Appeal. A request for a review of the interpretation of any provision of this ordinance or a request for a variance.

Area of shallow flooding. A designated Zone AO, AH, AR/AO or AR/AH (or VO) on a community's flood insurance rate map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard. The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the flood insurance rate map (FIRM) as Zone A, AO, AH, A1-30, AE, A99, or AR. "Special flood hazard area" is synonymous in meaning and definition with the phrase "area of special flood hazard." (Also see city definition for "floodplain.")

Base flood. The flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation (BFE). The elevation to which floodwater is anticipated to rise during the base flood.

Basement. Any area of the building having its floor subgrade (below ground level) on all sides.

Below-grade crawlspace. An enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lower adjacent exterior grade. The height of the crawlspace, as measured from the interior grade of the crawlspace to the top of the crawlspace foundation, may not exceed four feet at any point.

Design flood elevation. The elevation of the 100-year storm as defined in FEMA flood insurance studies or, in areas without FEMA floodplains, the elevation of the 25-year storm, or the edge of mapped floodprone soils or similar methodologies.

Development. Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

FEMA (Federal Emergency Management Agency). The agency which administers the National Flood Insurance Program.

Flood elevation study. See "flood insurance study."

Flood or flooding.

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
  - a. The overflow of inland or tidal waters.
  - b. The unusual and rapid accumulation or runoff of surface waters from any source.

c. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in subsection (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in subsection (1)(a) of this definition.

Flood insurance rate map (FIRM). The official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a digital flood insurance rate map (DFIRM).

Flood insurance study (FIS). An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood management areas. All lands contained in the flood management area overlay zone, which include: areas inundated by the base flood, flood area, and floodway as shown on the FEMA flood insurance map dated June 17, 2008; the area of inundation for the February 1996 flood; and lands which have documented evidence of flooding.

Floodplain. Land subject to periodic flooding, including areas inundated by the one percent chance flood (base flood) as mapped by FEMA, or other substantial evidence of actual flood events, such as areas inundated by the 1996 flood.

Floodproofing. Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "regulatory floodway."

Floodway fringe. The area of the floodplain, lying outside the floodway, which does not contribute appreciably to the passage of floodwater, but serves as a retention area.

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure. Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

- a. By an approved state program as determined by the Secretary of the Interior; or
- b. Directly by the Secretary of the Interior in states without approved programs. (Also see city's "historic definitions.")

**Lowest floor.** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

**Manufactured dwelling.** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured dwelling" does not include a "recreational vehicle" and is synonymous with "manufactured home."

**Manufactured dwelling park or subdivision.** A parcel (or contiguous parcels) of land divided into two or more manufactured dwelling lots for rent or sale.

**Mean sea level.** For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

**New construction.** For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by West Linn and includes any subsequent improvements to such structures.

**Recreational vehicle.** A vehicle which is:

1. Built on a single chassis;
2. Four hundred square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Special flood hazard area.** See "area of special flood hazard" for this definition.

**Start of construction.** Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured dwelling on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Structure.** For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured dwelling.

**Substantial damage.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial improvement.** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

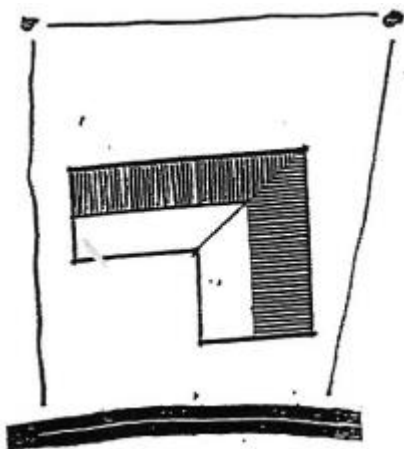
1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a “historic structure”; provided, that the alteration will not preclude the structure’s continued designation as a “historic structure.”

**Variance.** A grant of relief by West Linn from the terms of a floodplain management regulation.

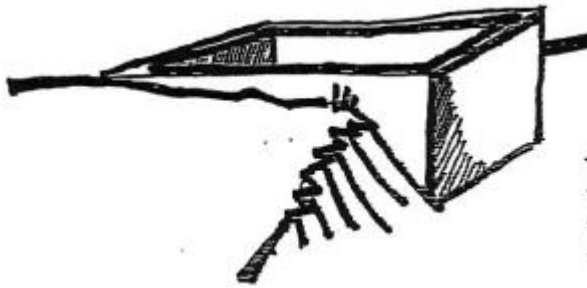
**Violation.** The failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this code is presumed to be in violation until such time as that documentation is provided.

**Floor area.** The area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. Attic spaces and unfinished basements shall not count for the purpose of determining parking requirements.

**Floor area ratio (FAR).** The FAR is that percentage of the total lot size that can be built as habitable space. A FAR of 0.45 means that the square footage of the lot is multiplied by 0.45 to yield the total habitable square footage of the house including accessory dwelling units. For example, on a 10,000-square-foot lot, an FAR of 0.45 will allow a 4,500-square-foot house ( $10,000 \times 0.45 = 4,500$ ). The FAR does not include or apply to attached garages. The FAR does not apply to detached garages, accessory dwelling units and accessory structures except that these detached structures may not individually exceed the height or square footage of the principal dwelling. The FAR does not include basement areas that average less than 50 percent of the basement perimeter exposed above grade. Uninhabitable space such as crawlspaces, attics, and spaces designed under the Flood Management Area Permit program to allow the passage of floodwaters are also exempt.

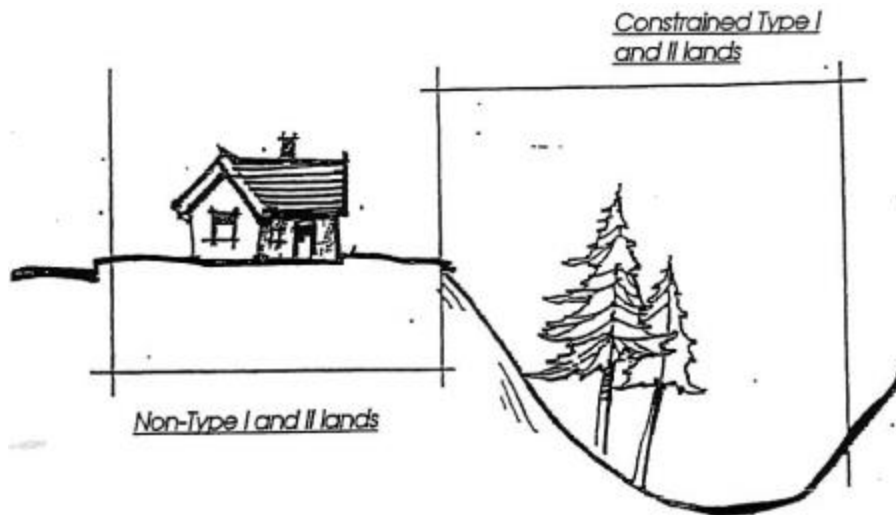


*FAR applied to a 10,000-square-foot lot yields a 4,500-square-foot house. The bigger the lot, the bigger the house. FAR excludes attached garage, detached garages and accessory structures, uninhabitable spaces, basements predominantly below grade, and spaces required to meet Flood Management Permit standards. Accessory structures cannot exceed the height or square footage of the principal dwelling.*



*Basements are exempt from FAR if less than 50 percent of basement is exposed above grade.*

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.



Type I and II lands are excluded from FAR calculations. But the property owner is guaranteed at least a FAR of 0.30 (30 percent) for the total site including Type I and II lands.

Food and beverage retail sales. Establishments or places of business primarily engaged in the retail sale of food and beverages for home consumption. Typical uses include: groceries, delicatessens, or liquor stores, and excludes eating and drinking establishments.

Frontage. Property abutting on a street.

Frontage road. A minor street parallel and adjacent to arterial street providing access to abutting properties, but protected from through traffic.

Functions and values. Ecological functions describe the numerous functions that WRAs perform including water quality improvement, floodwater storage, terrestrial or aquatic habitat, aquifer recharge, etc. WRA values express the relative efficacy of the resource in meeting specific functions.



**Gangway/Ramp.** A variably sloped structure intended to provide pedestrian access from the shore to a dock.

**Garage.** A structure or portion thereof designed and intended for use for parking or temporary storage of vehicles.

General retail services. The sale or rental of commonly used goods, and merchandise for personal or household use, but excludes those classified as agricultural sales, animal sales and services, automotive and equipment, business equipment sales and service, construction sales and services, food and beverage retail sales, and vehicle fuel sales. Typical uses include: department stores, apparel stores, furniture stores, pet stores or book stores.

**Glare.** Light that causes visual discomfort or disability, and the wattage and/or light distribution is excessive for the purposes for which the illumination is necessary.

**Grade.** The finished ground level adjoining the building at all exterior walls.

**Grade, street.** The slope of a road, street, other public way, or sidewalk specified in terms of percentage of slope.

**Ground disturbing activity.** Any activity that exposes soil through the use of motorized equipment.

**Group residential.** The residential occupancy of living units by groups of more than five persons who are not related by blood, marriage, or adoption, and where communal kitchen/dining facilities are provided. Typical uses include occupancy of retirement homes, boarding houses, cooperatives, and halfway houses, but excluding residential facility and residential home as specified below.

**Habitable floor.** Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a habitable floor.

**Habitat conservation areas (HCA).** Areas identified on the Habitat Conservation Areas Map and subject to the standards found in Chapter 28 CDC, Willamette and Tualatin River Protection.

**Habitat Conservation Areas Map (“HCA Map”).** A map adopted by the Metro Council September 29, 2005, amended December 8, 2005, and which was incorporated into the CDC by the West Linn City Council on September 25, 2008. The HCA Map, as amended by the City, serves as the official map used by the City to determine the location and designations of Habitat Conservation Areas regulated under Chapter 28 CDC, Willamette and Tualatin River Protection.

**Heliport.** A place specially designed and used for the landing and take-off of helicopters.

**HISTORIC DEFINITIONS.** The following terms and phrases shall have the meanings given to them below with regard to Chapter 25 CDC, Historic Resources:

**Addition.** Expansion or physical modification of the exterior of a historic resource that includes the expansion of the building footprint. Additions do not include painting and color selection or ordinary maintenance or repair of the resource.

**Alteration.** Physical modification of the exterior of a historic resource that does not include an expansion of the building footprint. Partial demolition of a structure is an alteration. Alterations do not include painting and color selection or ordinary maintenance or repair of the resource.

**Building.** A structure created to shelter any form of human activity, such as a house, barn, church, hotel, or similar structure. Building may refer to a historically related complex such as a courthouse and jail or a house and barn.

**Demolition.** The entire removal of a structure. Demolition of a portion of a structure is an alteration.

**Demolition by neglect.** (1) The deterioration of a building when routine or major maintenance is not performed, (2) the property is not properly secured against entry by vandals or unauthorized person or persons without right to legal access, and the occurrence of such entry is evident, (3) and/or the integrity of the building is compromised as a result of improper construction activities. This includes any structural deficiency or a deficiency in a building part, which

when left unrepaired could lead to deterioration of the building's structural frame, potentially beyond the point of repair.

**Design exception.** A discretionary decision to permit modification of a design standard or an alternative to a standard within Chapter 58 CDC (Willamette Falls Drive Commercial Design District), based on specific findings delineated in the chapter.

**Eligible contributing.** A building, structure, object, or site originally constructed within the applicable period of significance that retains and exhibits sufficient integrity (location, design, setting, materials, workmanship, feeling, and association) to convey a sense of history.

**Exterior.** The outside portions of a structure, including the materials, equipment and components which constitute the walls, roof, foundation, stairs, windows, doors, support elements, decking, attached projections and other external parts and features.

**Facade, primary.** That part of a historic resource where the main entry is located. On a corner lot each wall fronting a street shall be considered a primary facade.

**Facade, secondary.** An exterior wall not fronting a street.

**Historic district.** A geographically definable area containing a significant concentration, linkage, or continuity of buildings, structures, sites, or objects united historically or aesthetically by plan or physical development, and listed as a historic district in the National Register or designated as a local historic district by the City Council. A historic district may also comprise individual elements separated geographically but linked by association or history.

**Historic landmark.** A building, structure, site, or object listed individually on the National Register or designated as a local historic landmark by the City Council.

**Historic preservation.** Preservation, restoration, or rehabilitation of a historic resource.

**Historic resource.** A historic landmark or historic district listed on the National Register or designated as a local historic landmark or historic district by the City Council.

**Massing.** The perception of the general shape, form, and size of a building in three dimensions, not just its outline from a single perspective.

**National Register of Historic Places.** The nation's official list of buildings, structures, sites, objects, and districts important in the nation's history and maintained by the National Park Service in Washington, D.C., and hereinafter referred to as the "National Register."

**Non-contributing.** A building, structure, object, or site originally constructed within the applicable period of significance that does not retain or exhibit sufficient integrity (due to its location, design, setting, materials, workmanship, feeling, and association) to convey a sense of history. These properties do not strengthen the historic integrity of an existing or potential historic district in their current condition.

**Not in period.** A building, structure, object, or site that was originally constructed outside a historic district's applicable period of significance.

**Not in period compatible.** A building, structure, object or site built after the period of significance with a degree of craftsmanship that is compatible with the architecture of the district.

**Not in period noncompatible.** A building, structure, object or site built after the period of significance that is generally incompatible with the architecture of the district.

**Object.** A material thing of functional, aesthetic, cultural, historic or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

**Original.** A component that was constructed on or added to the building during the period of significance.

**Period of significance.** The dates stated in the official designation of a historic district that identify the period or periods of time when the geographic area attained the characteristics which qualify it for designation as a historic district.

**Primary structure.** The principal structure on a site, typically a residence or a commercial building.

**Property pending designation.** A building, structure, site, or object for which a formal application for local historic designation has been initiated, or for which an application has been submitted to the State Historic Preservation Office for nomination to the National Register, or a building, structure, site, or object within a proposed historic district for which a formal application for historic designation has been submitted, but which has not yet been reviewed by the Keeper of the National Register, or has been reviewed by the Keeper and determined to be “eligible.”

**Rehabilitation.** The process of returning a historic resource to a state of utility through repair, alterations, and additions, which makes possible an efficient use while preserving those portions or features of the historic resource that convey its historic significance.

**Scale.** The proportions of a building in relation to its surroundings, or the size of parts or details of the building, particularly in relation to the size of a person or adjacent structure. Scale refers to the apparent size, not the actual size.

**Site.** The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archaeological value regardless of the value of any existing structure.

**Visible.** The resource or a portion of the resource that can be seen from the public right-of-way. For example, typically the primary facade of a historic resource can be seen from the public right-of-way.

**Western false front.** An architectural style that was intended to create visual continuity and a prosperous urban atmosphere during the early settlement period of American western towns. Defining characteristics include:

1. The street facing facade(s) rises to form a parapet (upper wall) which hides most or nearly all of the roof;
2. The roof is almost always a front gable, though gambrel and bowed roofs are occasionally found;
3. The street facing facade(s) may exhibit greater ornamentation than other sides of the building.

**Home occupation.** Any activity carried out for gain by a resident and conducted as a customary, incidental, and accessory use in the resident’s dwelling unit. Standards for home occupations are set forth in Chapter 37 CDC.

**Horticulture.** The cultivation of plants, garden crops, trees and/or nursery stock.

**Hospitals.** An institution where the ill or injured may receive medical, surgical or psychiatric treatment; and nursing, food and lodging during their stay.

**Hotel/motel.** Establishments primarily engaged in the provision of lodging on a temporary basis with incidental food, drink, and other sales and services intended for the convenience of guests.

**Household hazardous waste depot.** A depot intended to receive, classify, then transfer elsewhere hazardous wastes that are typically found in a household such as paint, motor oil, household cleaners and solvents, etc.

**Implementing ordinance.** An ordinance adopted to carry out the Comprehensive Plan.

**Initial hearing body.** The decision-making body that renders the first decision in a land use case or legislative hearing.

**Intentional.** To act with a conscious objective to cause the result achieved or to engage in the conduct.

**Intermittent streams.** A stream that flows only during certain times of the year when it receives water from springs or surface sources such as precipitation. The term may be restricted to a stream that flows continuously during periods of at least one month; also may be a stream that does not flow continuously as when water losses from evaporation or seepage exceed the available stream flow. For the purpose of this code, intermittent and perennial streams are protected identically.

**Intersection.** A place where a street and access point adjoin each other.

**Joint-use boat docks.** These structures are designed for, and shall be used exclusively by, two or more riverfront property owners. Typically, two adjacent riverfront property owners share the joint dock. Owners of non-riverfront property may be co-applicants for a joint boat dock.

**Knowing.** To act with an awareness of the action committed.

**Landscaping.** An area covered by grass, trees, bushes, and other vegetative material. Bark mulch may only be allowed when trees, plants, or shrubs are planted in that area so that the drip line of the trees and shrubs covers 75 percent of the bark mulch, or can be expected to do so within two growing cycles or years. Patio areas, decks and walkways may only comprise 25 percent of the landscaped area. Walkways and sidewalks not adjacent to vegetative landscaped areas cannot be considered to be part of the landscaping.

**Large wood (recruitment).** Large wood comprises trees that have fallen down in the WRA due to chronic mortality, disease, windstorms, landslides, erosion, flooding, etc., which in turn may provide aquatic and terrestrial habitat opportunities, modify stream velocities, channel depths and flow patterns and stabilize banks in the WRA. “Large wood recruitment” describes forested WRAs of sufficient size that have the potential to supply these trees which ultimately become “large wood.”

**Laundry services.** Establishments primarily engaged in the provision of laundering, dry cleaning, or dyeing services other than those classified as “personal services.” Typical uses include: commercial laundry agencies, diaper services, or linen supply services, but excluding laundromats and dry cleaners.

**Legislative.** Any proposed action which would result in a change in City policy including:

1. A change to the Comprehensive Plan text.
2. A change to the Comprehensive Plan Map which involves a number of lots or parcels of land.
3. A change to the text of an implementing ordinance.
4. A change to the zoning map which involves a number of lots or parcels of land.
5. A change to any land use plan or map which represents a change in City land use policy.

**Limited duration.** A temporary ground disturbing activity where water quality standards may be violated briefly, but not of sufficient duration to cause acute or chronic effects on beneficial uses.

**Loading space.** An off-street space or berth on the same lot, or parcel, with a building or use, or contiguous to a group of buildings or uses, for the temporary parking of a vehicle which is loading or unloading persons, merchandise, or materials, and which space or berth abuts upon a street, alley, or other appropriate means of access or egress.

**Local street.** A street which functions primarily to provide access to abutting land, serving local traffic movements and not intended to accommodate through traffic.

**Lodge, fraternal, community center and civic assembly.** Meetings and activities primarily conducted for the members of a particular group. Excluded from this use type are uses classified as “group residential,” “residential care facilities,” “senior centers,” and “transient lodging.” Typical uses include meeting places for civic clubs, community centers, lodges, or fraternal or veteran organizations.

Lot.

1. A single unit of land that is created by a subdivision of land.
2. As a general term (lot) is retained to define characteristics or dimensional attributes of a lot or parcel (i.e., flag lot, lot area, lot coverage, lot line).

Lot area. The total area of a unit of land measured in a horizontal plane within the property lines exclusive of public and private roads, and easements of access to other property or the private driveway area of a flag lot.

Lot, coverage. The area covered by a building or buildings, expressed as a percentage of the total land area. For residential uses, these buildings shall include the principal residence or house, any accessory dwelling unit, and accessory structures requiring a building permit.

Lot, depth. The average horizontal distance between the front and rear property lines.

Lot, double-frontage. A unit of land having frontage on two streets.

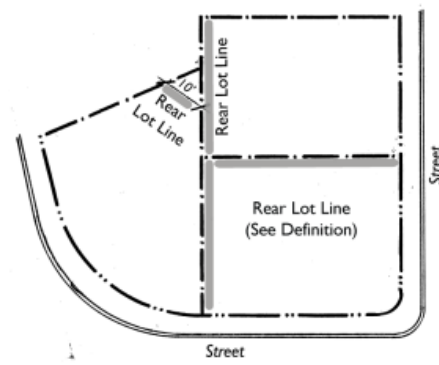
Lot line. The property line bounding a lot.

Lot line, front.

1. The lot line(s) common to the lot and a street (other than an alley) that separates the lot from the street.
2. For a corner lot, the shortest lot line along a street (other than an alley) that separates the lot from the street, ~~or as determined by the City. If two or more street lot lines are of equal length, then the applicant or property owner can choose which lot line is to be the front.~~

Lot line, rear.

1. A line separating one lot from another on the opposite side of the lot from the front lot line.
- ~~2. For a corner lot, the line opposite the front lot line, as determined by the City.~~
2. In the case of an irregular or triangular shaped lot, an imaginary lot line ten feet in length shall be drawn within the lot parallel to and at the maximum distance from the front lot line.



3. In the case of a double-frontage lot that is not a corner lot, there is no rear lot line.

Lot line, side. Any lot line that is not a front or rear lot line. An interior side lot line is a lot line separating more than one lot, or separating a lot and an alley. An exterior side lot line is a lot line separating a lot and a street other than an alley.

Lot of record. A unit of land created as follows:

1. A lot in an existing, duly recorded subdivision;
2. A parcel in an existing, duly recorded major or minor land partition;
3. An existing unit of land for which a survey has been duly filed which conformed to all applicable regulations at the time of filing; or
4. Any unit of land created prior to zoning and partitioning regulations by deed or metes and bounds description, and recorded with the County Clerk.

Lot, Through. A lot other than a corner lot with frontage on more than one street.

Lot width. The horizontal distance between side lot lines, measured at right angles to the lot depth~~the building line.~~  
Average lot width is measured at the midpoints of opposite lot lines.

Manufacture or repackaging of goods for on-site sale. Small scale manufacturing use, limited to 5,000 square feet of building area, and commonly associated with general retail services where products are sold on site.

Manufactured home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities.

Manufactured home park or subdivision. Two or more manufactured home lots for rent or sale or a subdivision pursuant to ORS 92.830 to 92.845.

Manufacturing of finished products (heavy industrial). Manufacturing, processing, or assembling of semi-finished or finished products from raw materials.

Manufacturing of finished products (light industrial). The manufacturing of finished products from previously prepared material (excluding raw materials).

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

Maximum disturbed area (MDA). The MDA, as measured in square feet, is the maximum area within a WRA that can be disturbed in hardship cases under Chapter 32 CDC, Water Resource Area Protection.

Medical and dental services. Establishments primarily engaged in the provision of personal health services ranging from prevention, diagnosis and treatment (including outpatient surgery), or rehabilitation services provided by physicians, dentists, nurses, and other health personnel as well as the provision of medical testing and analysis services, but excludes those classified as any civic use or group residential use types. Typical uses include: medical offices, eye care offices, dental offices and laboratories, or health maintenance organizations.

Minor modification. A change in the approved design that is equal to or less than a 10 percent increase in the length, width or height of the facility. A change of location by under 20 feet laterally for any part of the structure, ramp, dock, etc., also constitutes a minor modification.

Mitigation. Mitigation is creating, restoring or enhancing WRAs (including wetlands) to replace or compensate for the WRA lost. Creation entails constructing a WRA in an area that never supported WRAs historically. Restoration entails re-establishing WRA hydrology and vegetation to sites that have lost most of their function and value such as a site that was historically a WRA but dried out by draining or filling. Enhancement entails improving an existing but degraded WRA by correcting the conditions that cause it to be degraded. This might include providing more water to the site or the removal of invasive plant species and replacement with appropriate native plant material and trees.

Mixed use development. A combination of different types of uses that are complementary and integrated. This refers to allowing residential and businesses to be located in the same area (e.g., apartments over shops or other businesses or apartments adjacent to grocery stores or other commercial establishments).

**Mulch.** Application of plant residue, netting, plastic, sheeting or other suitable materials to the land surface to conserve moisture, hold soil in place and aid in establishing plant cover. Plastic mulch may be used only temporarily, during construction activities.

**Multiple family residential units.** A structure containing five or more attached dwelling units in any vertical or horizontal arrangement and located on a single lot or parcel.

**Native vegetation.** Any vegetation native to the Portland metropolitan area or listed on the Metro Native Plant list as adopted by Metro Council resolution.

**Natural resource.** A functioning natural system such as a wetland or stream.

**Natural resource area.** The land containing the natural resource to be protected.

**Negotiate.** Any activity preliminary to the execution of a binding agreement for the sale of land in a subdivision or partition, including but not limited to advertising, solicitation, and promotion of the sale of such land.

**New construction.** Structures for which the start of construction commenced on or after the effective date of this code.

**Non-conforming lot.** A lot or parcel which does not meet the requirements of the applicable zone in terms of required area, width, or depth.

**Non-conforming structure or use.** A lawful existing structure or use, at the time the ordinance codified in this title or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.

**Non-conforming use of land.** A lawful use of land which existed prior to the effective date of this code where the use involves no structure or building other than a single minor accessory structure of sign(s) and which would not be permitted by the applicable regulations of this code.

**Nursery.** The propagation of trees, shrubs, vines or flowering plants for transplanting, sale, or for grafting or budding; planting of seeds or cuttings; grafting and budding one variety on another; spraying and dusting of plants to control insects and diseases, and buying and selling the above plant stock at wholesale or retail. Seasonal labor may be employed. The term “nursery” contemplates the sale of products of the nursery. The conduct of a nursery business presumes parking places for these functions. However, the use does not include the business of manufacturing and selling products composed of raw materials purchased off the premises. Plant-related products manufactured elsewhere may be resold on the premises.

**Nursing home.** A home, place or institution, or part thereof, in which convalescent and/or chronic care is rendered to two or more patients in exchange for compensation. Convalescent and/or chronic care includes, but is not limited to, the procedures commonly employed in nursing and caring for the sick; persons who are acutely ill or are surgical or maternity cases are excluded; qualified personnel and a consulting physician are available at all times; and isolation facilities are provided.

**ODFW.** Oregon Department of Fish and Wildlife.

**Open space.** Land that is undeveloped and that is planned to remain so indefinitely. The term encompasses parks, forests, and farm land. It may also refer only to land zoned as being available to the public, including playgrounds, watershed preserves, and parks.

**Ordinary high water (OHW) mark (or “line”).** The line on the bank or shore to which the water ordinarily rises in season. Also known as OHWM.

**Ordinary low water (OLW) mark (or “line”).** The line on the bank or shore to which the water ordinarily recedes in season. Also known as OLWM.

**Owner.** Any person, agent, firm, or corporation having a legal or equitable interest in the property.

**Packaging and processing.** The production, processing, assembling, packaging, or treatment of products from previously processed materials; or production, processing, assembling, and packaging of finished products from previously prepared materials.

**Parcel.** A unit of land that is created by a partitioning of land.

**Parking facilities.** Parking services involving garages and lots, and may exclude required parking lots within the same lot of record of a particular development or use.

**Parking space.** A space as defined by the standards set forth in Chapter 46 CDC.

**Parkway (parking strip).** That portion of street right-of-way lying between the curb line of the improved roadway and the adjacent private property line.

**Participant sports and recreation.** Establishments or places primarily engaged in the provision of sports or recreation by and for participants. Any spectators would be incidental and on a non-recurring basis. The following are participant sports and recreation use types:

**Participant sports and recreation, indoor.** Those uses conducted totally within an enclosed building. Typical uses include: indoor tennis courts, racketball courts, swimming pools, or physical fitness centers.

**Participant sports and recreation, outdoor.** Those uses conducted in open facilities. Typical uses include: driving ranges, miniature golf courses, tennis courts or swimming pools.

**Partition.** Either an act of partitioning land or an area or tract of land partitioned.

**Partition land.** To divide land to create not more than three parcels of land within a calendar year.

**Party.** A person who has the right to pursue appeal or review of a decision of an approval authority.

**Passive-oriented parks.** Passive-oriented parks are more natural sites that provide trail-related recreation opportunities and passive outdoor activities such as wildlife watching, nature interpretation and picnicking. Accessory uses can also be (but not limited to) provided in this type of park, such as picnic areas, nature play features, trailheads, and environmental education facilities, provided they are accessory to the park's passive uses. Amenities should be limited to those appropriate for the numbers and types of visitors the area can accommodate, while retaining its resource value, natural character, and the intended level of solitude.

**Pedestrian way.** A right-of-way for pedestrian traffic.

**Permeable parking surface.** A parking surface with proper base and subgrade preparation designed to incorporate pervious areas into paving systems, using either concrete or plastic products. A 100 percent gravel parking surface does not qualify as a permeable parking surface.

**Permit.** An official document issued by the City of West Linn authorizing performance of a specified activity.

**Person.** Any person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit.

**Personal service facilities.** Establishments primarily engaged in the provision of informational, instructional, personal improvement, and similar services. It includes uses such as photography studios, barbershops, salons, and fitness studios.

**Petition for review.** A review of a land use decision made by the Planning Commission or Hearings Officer.

**Pilings.** Plastic, wood, steel, or composite poles that are driven into, or otherwise attached to, the river bed to hold a dock in place or to support a pier.



**Plat.** The final map, diagram, drawing, replat or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision which the subdivider submits for approval and intends in final form to record.

**Postal services.** Mailing services and processing as traditionally operated or leased by the United States Postal Service, United Parcel Service and other postal services.

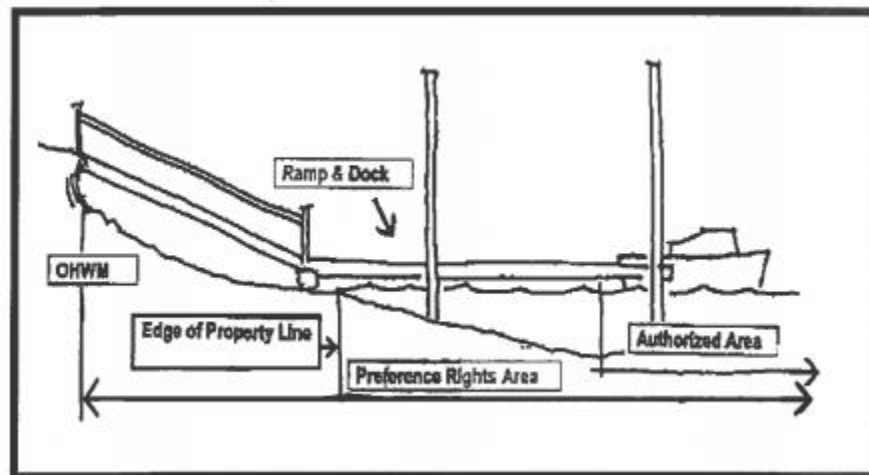
**Potentially severe erosion hazard area.** Surface areas where erosion can be easily caused by removal of vegetation cover, stripping topsoil or by placement of fill, whether by natural causes such as streams or surface runoff or by development activities. The placement of any new fill or severe cuts in such an area shall be considered as creating a potentially severe erosion hazard.

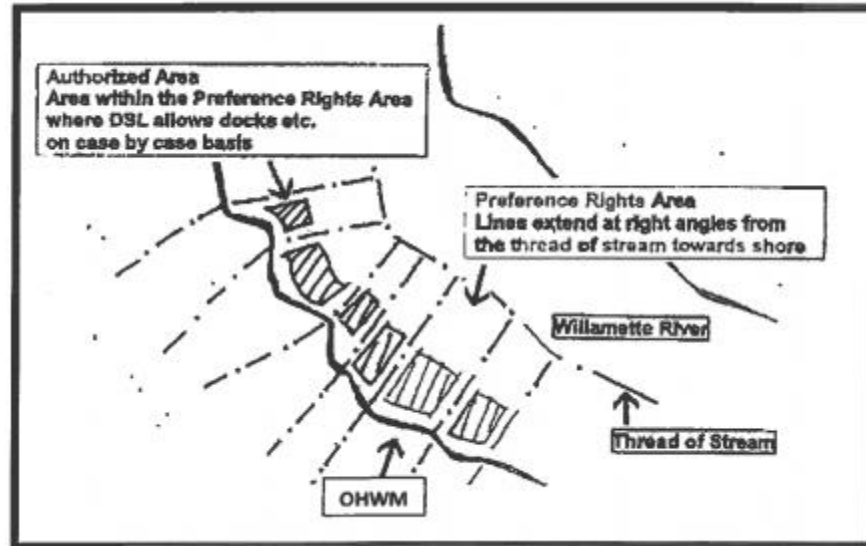
**Potentially severe landslide hazard area.** Areas where earth movement or failure, such as slumps, mud flows, debris slides, rock falls or soil falls, is likely to occur as a result of development activities. These activities include excavation which removes support of soils by changes in runoff, or groundwater flow or vibration loading such as pile driving or blasting.

**Practicable.** Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purpose.

**Pre-application conference.** A meeting between City staff and a prospective applicant, who is not necessarily the property owner but has the written permission of the property owner to schedule the conference, prior to the submittal of an application for a development permit.

**Preference rights.** The preference rights area represents the water surface that is allocated to each riverfront property owner by the Department of State Lands (DSL). Starting with the center thread of the river, DSL extends lines at right angles from that thread towards the OHW mark of the respective properties along the shoreline. (Because the thread of the river twists and turns, the line extending to shore can vary also in its angle.) The area within the preference rights area that the applicant may place their water-dependent structure (e.g., dock) is called the authorized area. (Also see “Authorized area” definition.)





Previously disturbed areas (PDA). Areas, such as old driveways, trails, gardens, graded areas, old abandoned structural foundations, storm water outfalls and intakes, manholes, utilities, etc. that existed and were altered or modified before January 1, 2006, typically as a result of clearing, grubbing, grading, excavation or construction whereby the topography, ground cover and vegetation have been modified from their original or natural state and not re-established or returned to their natural state. The burden shall be on the applicant to date the PDA through photographs or other credible evidence. The PDA definition applies to Chapter 32 CDC and is distinct and separate from temporarily disturbed areas (TDAs) and maximum disturbed areas (MDAs).

Principal structure. The structure that represents the main use of the property; to which all other structures on the property serve an incidental or subordinate purpose.

Private railed launch facilities. These are rail lines that usually extend from an on-shore boat storage facility above OHW, across the beach and into the water below OLV for the purpose of launching a boat.

Private street. An accessway which is under private ownership.

Professional and administrative services. Offices of private firms or organizations which are primarily used for the provision of professional, executive, management, or administrative offices, legal offices, architectural or engineering firms, or real estate firms.

Property line. The division line between two units of land.

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.

Protected water feature. A wetland identified in the West Linn Local Wetlands Inventory or any major or minor open channel drainageway identified by the most recently adopted West Linn Surface Water Management Plan, except for small manmade open roadside drainage swales in residential areas, or any drainage course identified by the West Linn Riparian Corridor Inventory as significant (not including the Willamette or Tualatin Rivers).

Protection area. Collective term to describe areas within the Willamette River Greenway boundary and/or Tualatin River Protection Area boundary.

Public right-of-way. The area between the boundary lines of a street, pedestrian way or bicycle path.

Public safety facilities. Providing protection pursuant to fire, life, and safety code sections together with the incidental storage and maintenance of necessary vehicles. Typical uses include fire stations, police stations, and ambulance services.

Public support facilities. Public services that deal directly with citizens, to include meeting and hearing rooms, together with incidental storage and maintenance of necessary vehicles, and exclude commercial use type “professional and administrative services.” Typical use types are associated with governmental offices.

Quadplex residential units. Four attached or detached dwelling units on a lot or parcel in any configuration.

Quasi-judicial action. An action which involves the application of adopted policy to a specific development application or amendment, as provided in this chapter.

Reasonable use. Uses, similar in size, intensity and type, to uses allowed on other properties in the City, that have the same zoning designation as the subject property.

Recreational vehicle. A vehicle that is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recycle collection center (civic). A place where recyclable materials are deposited by the residents and sorted for transport to processing plants. Yard debris depots shall also fall into this classification. (Yard debris is organic material: leaves, grass clippings, weeds, etc.)

Recycling collection center (commercial). A facility where glass, cans, and papers, or similar recyclable materials are collected for the purpose of being transferred to a paper salvage or recycling facility.

Religious institutions. A building constructed or utilized primarily for worship, together with its accessory uses, and buildings where persons regularly assemble for religious worship and which is controlled by a religious body organized to sustain worship.

Remodeling. The alteration of the physical condition of more than 50 percent of the floor area of an existing structure. Remodeling does not include normal maintenance or repair.

Research services. Establishments primarily engaged in research of an industrial or scientific nature which is generally provided as a service or which is conducted by and for a private firm, but excludes medical testing and analysis. Typical uses include: electronics research laboratories, environmental research and development firms, or pharmaceutical research labs.

Residential facility. A facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training, or a combination thereof, for six to 15 individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

Residential home. A home licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.825 which provides residential care alone or in conjunction with treatment or training, or a combination thereof for five or fewer individuals who need not be related. This definition includes facilities categorized as “adult foster homes” under ORS 443.700 to 443.825. Staff persons required to meet the Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

Restoration. The process of returning a disturbed or altered area or feature to a previously existing natural condition. Restoration activities reestablish the structure, function, and/or diversity to that which occurred prior to impacts caused by human activity.

Review. A request that a final decision by the initial approval authority be considered by a higher authority as set forth in Chapter 99 CDC.

Riparian. Those areas associated with streams, lakes, and wetlands where vegetation communities are predominately influenced by their association with water.

**Riparian corridor.** Any area within and adjacent to a WRA on the West Linn WRA Map for its vegetative, forested and habitat values.

**Riparian vegetation.** Plants native to the riparian areas.

**Roadway.** The portion of a street right-of-way developed for vehicular traffic.

**Rough proportionality.** The allowed relationship between an exaction imposed to comply with a City code standard and the impact of the proposed development that is alleviated through imposition of the exaction. The measure of rough proportionality involves the following steps:

1. Identify the public problem caused or exacerbated by the proposed development which the proposed exaction is designed to address.
2. Measure the impact of the proposed development upon the identified public problem.
3. Analyze how the proposed exaction solves or alleviates the identified public problem.
4. Analyze the proportionality of the proposed exaction to that part of the problem created or exacerbated by the proposed development.

**Routine repair and maintenance.** Activities directed at preserving an existing allowed use or facility, without expanding the development footprint or site use.

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

**Scrap operations, salvage.** Places of business primarily engaged in the storage, sale, dismantling, or processing of used or waste materials which are not intended for reuse in their original form. Typical uses include automotive wrecking yards, junk yards, or paper salvage yards.

**Sediment.** Any organic or mineral material that is in suspension, is being transported or has been moved from its site of origin by water, wind, or gravity as a product of erosion.

**Senior center.** Facility that provides meetings and activity space primarily for senior citizens. Ancillary uses that support the senior center are also permitted.

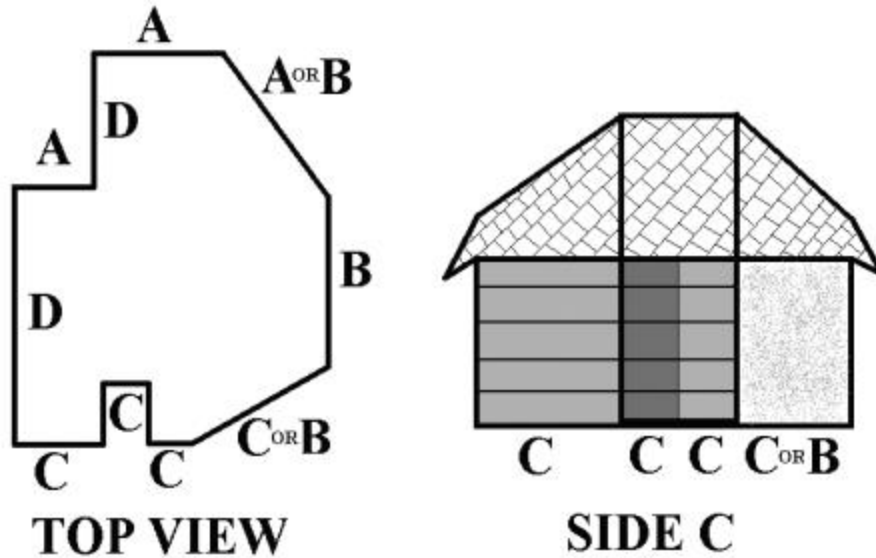
**Senior citizen/handicapped housing facilities.** Living facilities which provide living units, congregate dining, recreational facilities and other services and requiring 24-hour staffing assistance.

**Sidewalk.** A pedestrian walkway with permanent surfacing built to City standards.

**SIGN DEFINITIONS.** The following terms and phrases shall have the meanings given to them below with regard to Chapter 52 CDC, Signs:

**Billboard sign.** A freestanding sign in excess of the maximum size allowed for freestanding signs.

**Building face.** The area of a single side of a structure used for computing allowable signage for that structure. More specifically, the building face is the height from grade to the roof eaves multiplied by the width of all walls facing the same direction on a single side of a structure. See illustration below.



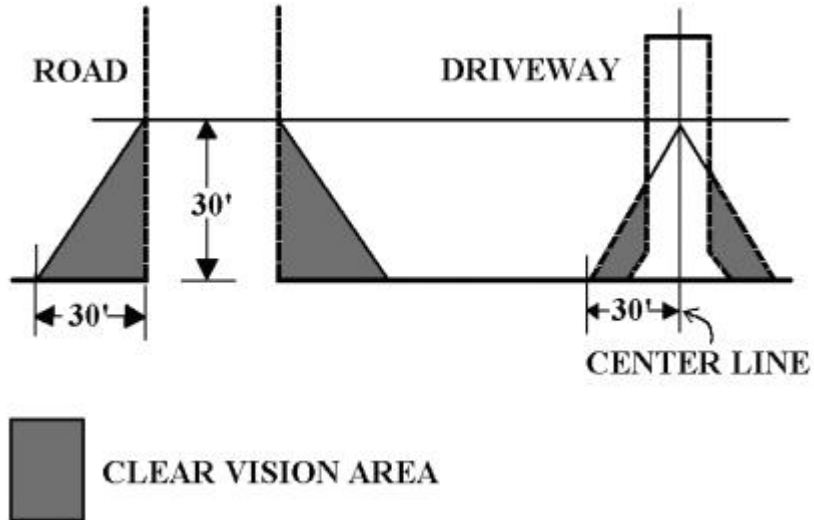
Note: For angled walls, walls cannot be double counted. In other words, to calculate the building face of side “C,” you would add  $C+C+(C \text{ or } B)$ , while side “B” would then consist of  $B+(A \text{ or } B)$  only.

**Business.** A commercial, office, or industrial development of one or more buildings on one or more tax lots in which there may be shared facilities such as parking, pedestrian mall, or common ownership of real property upon which the development is located.

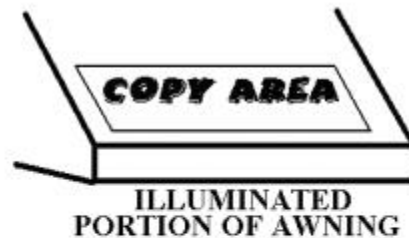
**Business center.** A commercial or industrial area planned and built as a unit containing two or more commercial or industrial establishments on a fully developed site of four acres or more in size, associated by common agreement or under common ownership, which comprise a single commercial or industrial unit with common parking, limited access, and a minimum frontage of 200 lineal feet. A large independent store or business on a fully developed site greater than 10 acres in size may also be considered as a shopping center for the purpose of outdoor advertising.

**City sign.** Signs which are erected and maintained by the City. This shall include temporary signs which are specifically approved by the City for placement in the public right-of-way in accordance with a resolution adopted pursuant to CDC 52.109(D).

**Clear vision area.** An area of unobstructed visibility which must be maintained for corner lots and driveways as specified in CDC 42.050. See illustration below.



Copy area. The smallest rectangular area which encompasses a business logogram or message. This is used to compute the sign area for, among others, channelized letter signs. The copy area for backlit awning signs shall consist of the area which is illuminated. Depending on the emphasis of the sign structure, the materials on which the sign is placed may be included in the copy area calculations. See illustration below.



Double-faced signs. Signs which have only two sign surfaces back to back. Allowable sign square footage applies to only one side of double-faced signs.

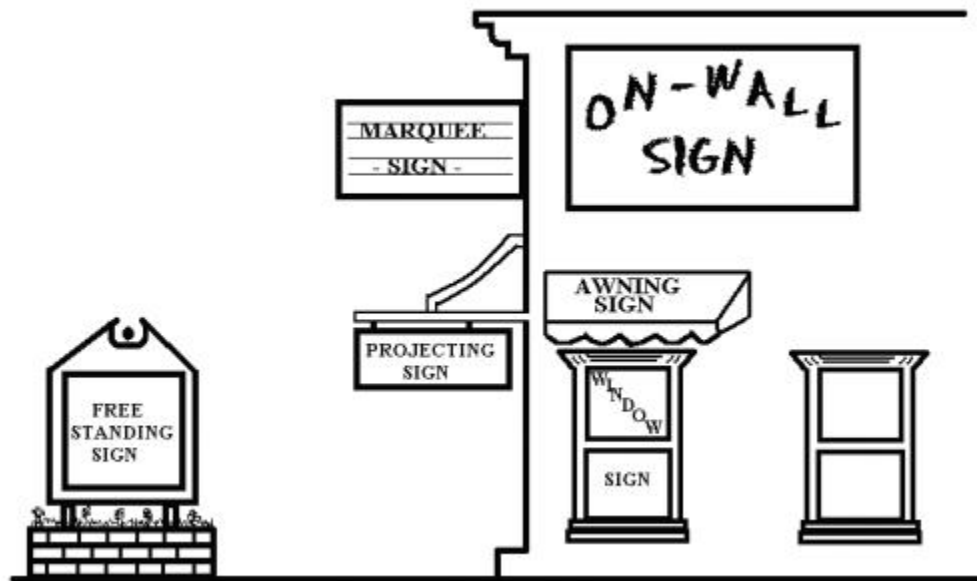
Grade. For the purpose of establishing the height of freestanding signs, the centerline of the nearest street shall be considered grade. The height of all signs mounted on a building shall be measured from the same point considered to be the grade of the building.

Incombustible material. Flame-resistant material as defined in the Uniform Building Code, Chapter 43, Fire-Resistive Standards.

Maintain. To permit a sign, sign structure, or part thereof to continue; or to repair or refurbish a sign, sign structure, or part thereof.

**Projecting sign.** A double-faced sign which projects more than 18 inches from the building wall to which it is attached.

**Sign.** Any description, words, numbers, or illustration, which is affixed directly or indirectly upon a building, vehicle, structure, or land, which directs attention to a product, place, activity, person, institution, or business, and which is visible from any public street, waterway, alley, or private area open to public vehicular travel. National flags and flags of political subdivisions shall not be construed as signs. See illustration below.



**Sign base.** The structure beneath a freestanding sign which houses the upright supports for that sign.

**Sign face or faceplate.** The material on which a design, message, or logogram is printed or otherwise affixed. “Faceplate change” includes any change to an existing sign display.

**Sign structure.** The supports, braces, and framework of the sign.

**Sign, A-frame.** A temporary, freestanding, and portable form of advertising, also known as a sandwich board.

**Sign, attached.** A sign which is mounted to the walls of a building and may either be flat against or projecting from the wall.

**Sign, awning.** A sign painted, stamped, perforated, stitched, or otherwise applied on the valance of an awning.

**Sign, changeable copy.** A sign designed such that the copy can be readily altered as described below:

Changeable copy sign (automatic). A sign on which the copy changes automatically on a lampbank or through mechanical means; e.g., electronic or electrical time and temperature units.

Changeable copy sign (manual). A sign on which copy is changed manually in the field; e.g., readerboards with changeable letters.

**Sign, electric.** Any sign containing electrical wiring but does not include signs illuminated by an exterior floodlight source.

**Sign, entryway.** A freestanding sign placed at the entry to a commercial or industrial property that does not exceed 30 inches in height above grade and does not obstruct vision of motorists at driveway or street intersections.

**Sign, freestanding.** A sign which is ground-supported only and has no support other than one or more columns placed on a foundation designed to withstand the maximum movement developed by the sign in high wind without lateral bracing or support. Right-of-way setback distance to freestanding signs is measured to the closest part of the sign and/or support structures to the right-of-way.

**Sign, freeway-oriented.** A sign primarily designed to be read by a motorist traveling on a highway designated by the Oregon State Highway Department as a freeway or expressway; specifically, this shall be Interstate 205 and shall not include Highway 43.

**Sign, illuminated.** A sign which uses a light source to make recognizable its message or image in darkness. This definition shall include internally and externally lighted signs as well as reflectorized, glowing, or radiating signs.

**Sign, marquee.** Any sign affixed to or constructed in a permanent roofed structure projecting over a pedestrian or vehicular travel way from the side of a building.

**Sign, non-conforming.** Any sign lawfully installed prior to the effective date of this code, or any subsequent amendment thereto, which does not meet the current applicable standards for compliance.

**Sign, permanent.** A sign constructed of durable materials such as wood, plastic, or metal which can withstand the deteriorating effects of weathering (e.g., tearing, cracking, peeling, warping) for a period of not less than six years. See illustration for “Sign.”

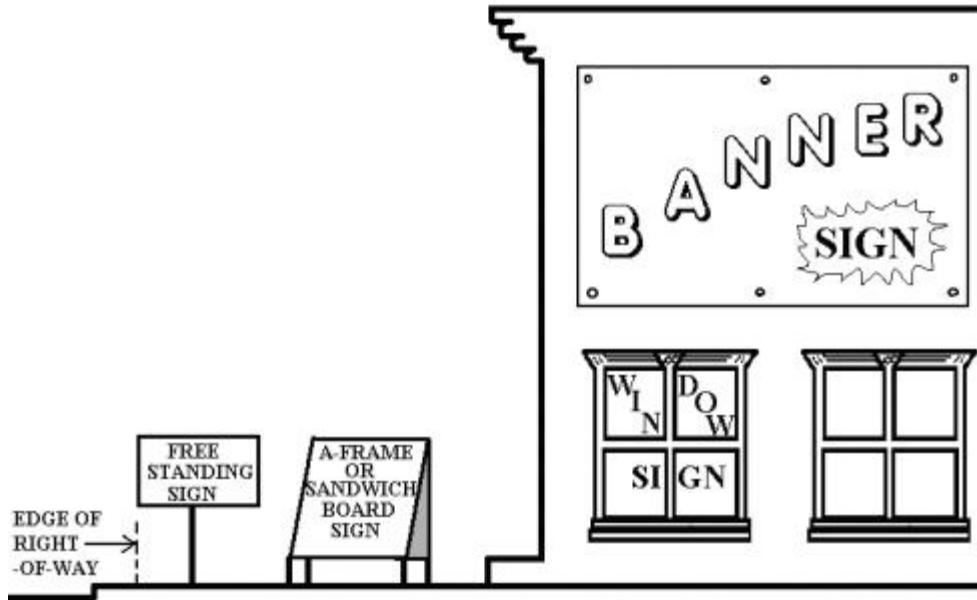
**Sign, roof.** A sign erected upon or above a roof or parapet wall of a building and which is wholly or partially supported by said building.

**Sign, subdivision monument.** A sign at the entry to a subdivision on land owned by the homeowners association or the developer.

**Sign, Sunday.** A temporary A-frame sign allowed within City right-of-way on Sundays, subject to the requirements of CDC 52.109(E).

**Sign, temporary.** Any sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials, with or without frames, intended to be displayed for a limited period of time. See illustration below.





Single-faced signs. Signs which have one advertising surface and only one side is visible to public right-of-way or private areas open to public vehicular travel, though not always placed flat against the surface of a wall.

Total sign area. The accumulated amount of signage from several locations. Total allowable sign area may normally be divided among two or more signs.

Wall sign (flat). A sign which is painted or which is attached so its surface is parallel with the mounting wall and is readable from one side only.

**Commentary:**

The terms significant tree and significant tree cluster are used in the Design Review criteria in Chapter 55. Under the current definitions, it is up to the City Arborist to determine which trees and tree clusters are significant, but that is discretionary and not permitted under the clear and objective requirements. The proposed new definitions establish clear and measurable means of determining which trees and clusters are significant. The definitions are similar to those used in the West Linn Municipal Code to define which trees require tree removal permits to remove.

Significant tree. A tree with a minimum of 6 inch DBH for Oregon white oak, Pacific madrone, and Pacific dogwood, and 12 inch DBH for all other tree species. If the tree splits into multiple trunks above grade but below breast height, the diameter shall be determined by adding the total diameter of all trunks 2 inches or greater DBH. A tree is determined to be significant by the City Arborist based on its size, health, species, location, proximity to other significant trees, and other characteristics.

Significant Tree Cluster. Three or more significant trees with overlapping driplines.

Single-family attached residential units. Two or more dwelling units attached side by side with some structural parts in common at a common property line on separate lots or parcels. This may be further defined as a duplex, triplex, or quadplex.

Single-family detached residential units. One dwelling unit, freestanding and structurally separated from other dwelling units or buildings, located on a lot or parcel. This may be further defined as a duplex, triplex, or quadplex.

**Slope.** Measurement of the deviation of a non-level land feature from the horizontal, measured as a percent calculated as maximum rise divided by minimum horizontal run. Example: a rise of one foot divided by a run of 10 feet equals slope of 10 percent. Slope shall be measured in intervals corresponding with slope analysis requirements in the Community Development Code. Slope shall be measured at a right angle from the mapped elevation interval lines.

**Slope determination (for WRAs).** Slope (e.g., rise over run) is the average slope in the first 50 feet as measured at right angle from the OHW mark, ~~the edge of bankfull stage~~ or outer edge of wetland.

**Soil infiltration.** The process by which water on the surface enters the soil and replenishes below ground water tables.

**Start of construction.** The first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings, or any work beyond the stage of excavation. Permanent construction does not include land preparation such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a structure (other than manufactured home) without a basement or poured footings, the “start of construction” includes the first permanent framing or assembly of the structure, or any part thereof, on its piling or foundation. For manufactured homes not within a manufactured home subdivision, “start of construction” means the affixing of the manufactured home to its permanent site. For manufactured homes within manufactured home subdivisions, “start of construction” is the date on which the manufactured home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

**Stealth designs.** The use of structures, etc., to accommodate and conceal a WCF, particularly as it may be seen from the adjoining right-of-way. An example would be the use of a cupola or clock tower to hide a WCF. Stealth designs can be either inside or outside a building.

**Story.** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or unused under floor space is more than six feet above grade as defined herein for more than 50 percent of the total perimeter, or is more than 12 feet above grade as defined herein at any point, such basement or unused under floor space shall be considered as a story.

**Story, first.** The lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor shall be classified as a first story, provided such floor level is not more than four feet below grade, as defined herein, for more than 50 percent of the total perimeter, or more than eight feet below grade, as defined herein, at any point.

**Story, half.** A story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.

**Stream.** A body of water with a current or flow confined within the OHW mark ~~or the edge of bankfull stage~~. (See also ephemeral stream or water resource.)

**Stream centerline or thread.** The starting point of measurement for ephemeral streams which often lack an identifiable ~~bankfull stage or~~ OHW mark.

**Street.** A public or private right-of-way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land, and the placement of utilities and including the terms whose primary function is to carry vehicular traffic or provide vehicular access to abutting property, and that may allow access for pedestrians and bicycles. For purposes of this Code, facilities with other names meeting this definition (such as “road,” “highway,” “lane,” “avenue,” “alley,” “place,” “court,” “way,” “circle,” or “drive,”) are also considered streets, or similar designations.

**Stripping.** Any activity which disturbs vegetated or otherwise stable soil surface, including clearing and grubbing operations.

**Structure.** Anything built or constructed.

**Subdivide land.** To divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

**Subdivision.** Either an act of subdividing land or an area or a tract of land subdivided as defined in this chapter.

**Substantial construction.** An approved application shall have undertaken substantial construction when any of the following have taken place: utilities have been installed to serve the project; approved grading has been undertaken representing at least 25 percent of all the required preliminary grading; foundation excavation has occurred; foundation or building construction has occurred; street improvements are being installed; or a major physical improvement, required as part of the approved permit, has clearly begun. Substantial construction is not satisfied by simply having approved pre-construction plans or building permits, or by site clearing and grubbing. Actual physical improvements as identified above must have taken place.

**Substantial damage.** Within the flood management area, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before damage occurred.

**Substantial improvement.** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

**Super stores.** Large box-like or monolithic retail and associated commercial use structures of 40,000 square feet or more in size. Stores over 40,000 square feet that are broken up into separate and distinct architectural buildings or separate and distinct elements, but still under the same ownership or operated by the same company, are also defined as super stores.

**Temporarily disturbed areas (TDA).** Area impacted by clearing, grubbing, grading, excavation, storage of building materials, building equipment, construction activity or other temporary activity whereby the area is modified from its original state but is subsequently fully restored in terms of soil character and grades and re-vegetated. TDAs will not have any new structures or other physical improvements built on them, but they may have buried utilities approved consistent with Chapter 32 CDC. The TDA definition is distinct and separate from disturbed areas, PDAs and MDAs. TDAs shall not include significant trees or wetlands that cannot be replicated in a timely way through restoration.

**Temporary use.** A use which, by its nature, will last under two years, with the exception of drop boxes and structures/trailers serving a similar function and construction related uses and facilities. Examples of temporary uses include, but are not limited to: uses associated with the sale of goods for a specific holiday, activity or celebration, such as the sale of Christmas trees and fireworks; uses associated with construction; seasonal uses, such as the sale of fresh fruits, produce, and flowers; uses associated with festivals, celebrations or special promotional events; a real estate office within a development limited to the sale of real estate in the development; and portable outdoor storage units or similar structures as are typically used for storing items in conjunction with a move, minor remodel or construction project. Temporary uses do not include businesses seeking a temporary or interim location.

**Townhouse.** A dwelling unit that is part of a row of two or more attached dwelling units, where each unit is located on an individual lot or parcel and shares at least one common wall with an adjacent dwelling unit.

Townhouse project. One or more townhouse structures constructed, or proposed to be constructed, together with the development site where the land has been divided, or is proposed to be divided, to reflect the townhouse property lines and any commonly owned property.

Tract. A lot or parcel, or more than one contiguous lot or parcel, in a single ownership.

Trailhead. A trail access point as identified in the Comprehensive Plan. The purpose of the trailhead is to provide access to a trail and trail information, and to provide parking for trail users that do not live in the immediate area of the trail, or choose to arrive by automobile.

Transition area. The land around the edge of the natural resource area that constitutes a buffer, or transition, to protect the resource from conflicting development and activities.

Transportation facilities. Facilities and amenities that are used for transporting people and goods. Typical uses include streets, highways, sidewalks, transit stops and stations, bicycle and pedestrian facilities, bike lanes, and operation, maintenance, preservation, and construction of these facilities. There are two classifications of transportation facilities (Type I and Type II):

1. Transportation facilities (Type I) are those which are designated in the adopted TSP or are part of an approved, active development order. Type I facilities are permitted uses in all zoning districts.
2. Transportation facilities (Type II) are those which are not designated in the adopted TSP or part of an approved, active development order. Type II transportation facilities are allowed in all zoning districts subject to conditional use approval and the additional criteria of CDC 60.090.

**Commentary:**

The term “tree” is defined in order to distinguish trees from other woody plants, such as shrubs. The proposed definition is consistent with the definition used by the International Society of Arboriculture.

Tree. A woody perennial plant usually having one dominant trunk, the capacity to achieve a mature height greater than 16 feet, and primarily referred to as a tree in scientific literature.

Triplex residential units. Three attached or detached dwelling units on a lot or parcel in any configuration.

Types of land. Lands are categorized into one of four types (I, II, III or IV), depending on their features including slope, drainage and geology. In considering slope of the site, lands shall be classified into the steepest category for which they qualify.

Type I lands. Lands that have severe constraints that preclude the use of standard development techniques and technical criteria. Type I lands exist in one or more of the following areas:

1. Slope: Land that has slopes of 35 percent or more ~~over more than 50 percent of the site~~, as shown on the RLIS topography GIS layer.
2. Drainage: All lands within the designated floodway as shown on the appropriate FEMA flood panel.
3. Geological hazard: All landslide areas shown on the City’s Natural Hazard Mitigation Plan (“NHMP”) and identified as “landslide potential exists” on Map 16 of the NHMP, or areas outside Map 16, but within Map 17, Landslide Vulnerable Analysis Area.

Type II lands. Lands which have constraints that are sufficient to preclude most standard types of development. Constraints in these areas generally do not constitute a health or safety hazard, but require the use of non-standard technical design criteria. Type II lands exist in one or more of the following areas:

1. Slope: Land that has slopes over 25 percent ~~on more than 50 percent of the site~~, as shown on the RLIS topography GIS layer.
2. Drainage: All drainage courses identified on the water resource area maps or areas identified as protected Goal 5 Wetlands, and areas outside the floodway, but within the floodway fringe, also known as the 100-year floodplain.
3. Geology: All known mineral and aggregate deposits identified on the Comprehensive Plan map as protected Goal 5 resources.

Type III lands. These lands are considered within the major portion of the City's developable lands. Standard development criteria can be applied through normal implementation measures. Type III lands have slopes over 10 percent ~~on more than 50 percent of the site~~, as shown on the RLIS topography GIS layer.

Type IV lands. These lands are considered to have few, if any, constraints to development and are within the major portion of the City's developable lands. Normal development standards will apply in these areas. Type IV lands have slopes 10 percent or under ~~on more than 50 percent of the site~~, as shown on the RLIS topography GIS layer.

Unhealthy or disturbed state. Defines an area of a WRA that is dominated by non-native vegetation and/or grading which is an appropriate candidate for restoration to its natural condition.

Unlisted use. A use that is not listed as either a use permitted outright or a conditional use in a particular zone.

Urgent care. A facility which provides emergency medical care on a non-appointment basis, but does not have overnight sleeping facilities.

Use. The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

Utilities. All lines, facilities and services related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication and telephone cable, and includes facilities for the generation of electricity, or similar service. There are two classes of utilities – major and minor:

Utility, major. A major utility facility or service includes, but is not limited to: a substation; pump station; water storage tank; sewerage treatment plant; water treatment plant; and transmission lines for water, drainage or sewerage collection systems, gas or electric, or other similar use.

Utility, minor. A minor utility facility or service includes, but is not limited to: overhead or underground electric, telephone or cable television poles and wires, and distribution lines for electric, gas, water, drainage or sewerage collection systems, or other similar use.

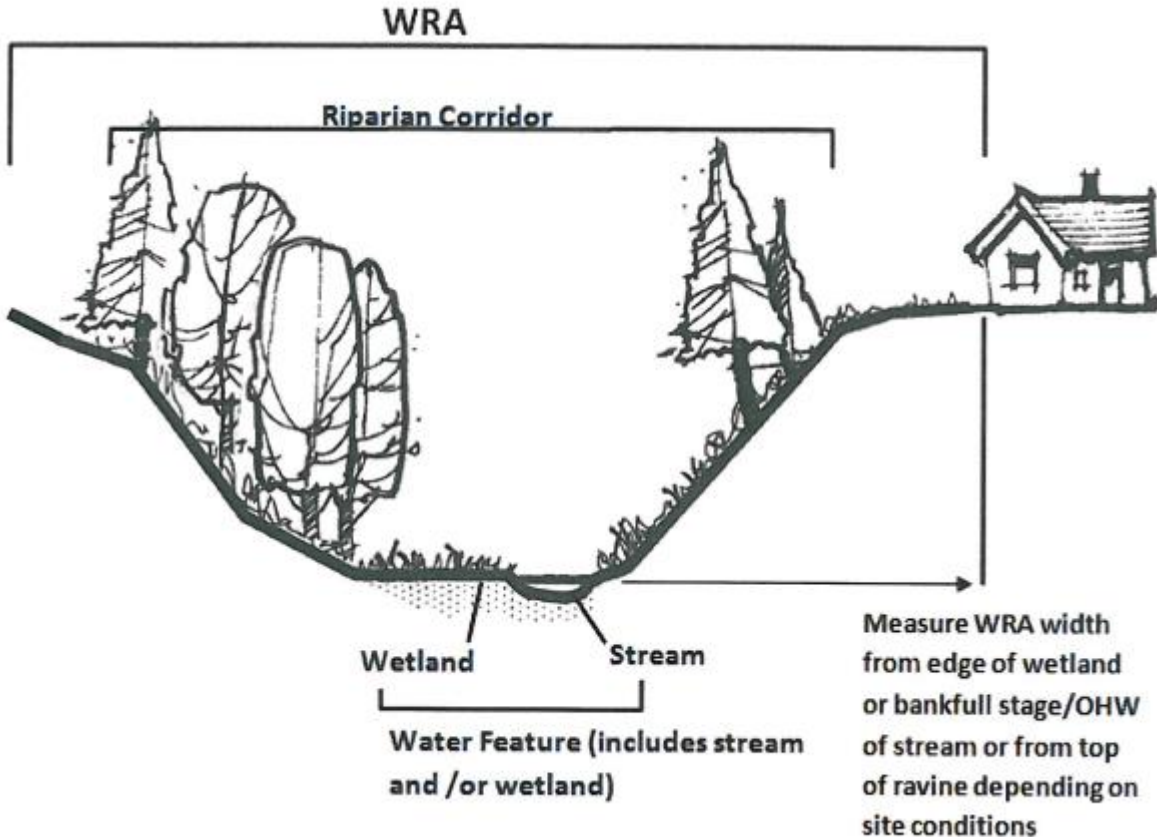
Variance. A discretionary decision to permit modification of the terms of an implementing ordinance based upon specific findings delineated in the Community Development Code.

Vehicle fuel sales. Establishments or places of business primarily engaged in the retail sale, from the premises, of petroleum products with incidental sale of tires.

Walkway/boardwalk. A floating or non-floating platform that either provides pedestrian access along a shoreline or within a riparian area; it may also act as a bridge between two bodies of land.

Water-dependent uses. Any use that requires access to, or use of, the rivers.

Water resource area (WRA). Any water resource or riparian area identified in the West Linn WRA Map and the adjacent area of varying widths, established pursuant to Chapter 32 CDC, in which development activities are restricted in order to protect the functions and values of the associated water resource (see graphic below).



Water resource area transition and setback area. The land adjacent to the protected water feature that constitutes a buffer, or transition, to protect the resource from conflicting development and activities.

Water resource (or feature). Any stream or wetland identified on the West Linn WRA map.

Wetlands. Those areas inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands are also defined by the subcategories of "high quality wetlands" and "locally significant wetlands."

Wholesale, storage, and distribution. Establishments or places of business primarily engaged in wholesaling, storage, distribution, and handling of materials and equipment other than live animals and plants. The following are wholesaling, storage, and distribution use types:

Wholesaling, storage and distribution (heavy industrial). Open air storage, distribution, and handling of materials and equipment. Typical uses include monument or stone yards, or grain elevators.

Wholesaling, storage and distribution (light industrial). Wholesaling, storage, and warehousing services within enclosed structures. Typical uses include wholesale distributors, storage warehouses, or moving and storage firms.

Wholesale, storage, and distribution, mini-warehouses. Storage and warehousing service within a building(s) primarily for individuals to store personal effects and by businesses to store materials for operation of an industrial or commercial enterprise located elsewhere. Incidental uses in a mini-warehouse may include the repair and maintenance of stored materials by the tenant, but in no case may storage spaces in a mini-warehouse facility function as an independent retail, wholesale business, or service use.

Spaces shall not be used for workshops, hobbyshops, manufacturing, or similar uses and human occupancy of said spaces shall be limited to that required to transport, arrange, and maintain stored materials.

**Willamette River Greenway Area.** The area designated by the City of West Linn Comprehensive Plan as within the Willamette River Greenway and thus subject to the provisions of Goal 15 (Willamette Greenway) of the Oregon Statewide Planning Program.

**Wireless communication facility (WCF).** An unstaffed facility for the transmission or reception of radio frequency (RF) signals, usually consisting of an equipment shelter, cabinet, or other enclosed structure containing electronic equipment, a support structure, antennas, or other transmission and reception devices. It may also include stealth designs.

**Wireless communication facility (WCF), attached.** A wireless communication facility that is affixed to an existing structure; e.g., an existing building wall or roof, mechanical equipment, tower or pole, water tank, utility pole, or light pole. It cannot include an additional new wireless communication support structure.

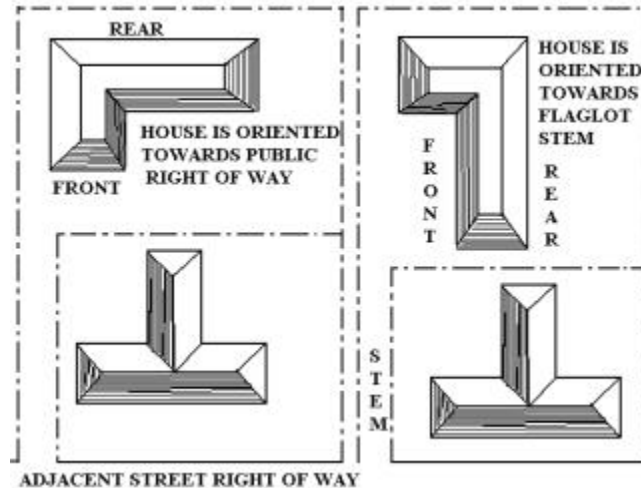
**Wireless communication support structure.** A new structure, tower, pole, or mast erected to support wireless communication antennas and connecting appurtenances. Support structure types include, but are not limited to, monopoles, lattice towers, wood poles, and guyed towers.

**Yard.** A required area of land unoccupied and unobstructed by any structure that is 30 inches or more above the general ground level, with the exception of fences, walkways/staircases, retaining walls, poles, posts, customary yard accessories, appurtenances, ornaments, furniture and accessory structures or uses permitted subject to the provisions of this code. (See Figure A below.)



**Figure A**

**Yard, front.** A yard between side lot lines and measured horizontally at right angles to the front lot line from the lot line to the nearest point of the building. In the case of flag lots, the front yard may either face an adjacent street right-of-way or the access driveway along the flag lot stem. The front of the house or dwelling faces the front yard. (See Figure B.)



**Figure B**

**Yard, rear.** A yard between side lot lines or between a street side yard and opposite side lot line and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of a main building. The rear of the house or dwelling faces the rear yard. In the case of corner lots, the rear yard is not always on the opposite side of the house or dwelling as the front yard. (See Figure A.)

**Yard, side.** A yard between the front and rear yard measured horizontally and at right angles from the side lot line to the nearest point of the building. The side of the house or dwelling faces the side yard. (See Figure A.)

**Yard, side street.** For dwellings or homes on corner lots, this is the yard on the side of the house that faces a street right-of-way and does not include the front of the house or front yard. (See Figure A). (Ord. 1604 § 2, 2011; Ord. 1613 § 1, 2013; Ord. 1614 § 1, 2013; Ord. 1622 §§ 22, 29, 2014; Ord. 1623 § 2, 2014; Ord. 1635 § 3, 2014; Ord. 1636 § 3, 2014; Ord. 1647 § 1, 2016; Ord. 1655 § 1, 2016; Ord. 1662 § 1, 2017; Ord. 1675 § 1, 2018; Ord. 1686 § 1, 2018; Ord. 1694 § 1, 2019; Ord. 1732 § 2 (Exh. A), 2022; Ord. 1735 § 2 (Exh. A), 2022; Ord. 1736 § 1 (Exh. A), 2022)



**Commentary:**

The following amendments apply in multiple base zone chapters.

- The *PROCEDURES AND APPROVAL PROCESS* sections in each zone (section XX.020) state that a permitted use is “a use which requires no approval under the provisions of this code.” However, many uses are subject to Design Review, which is a type of land use review, per the *OTHER APPLICABLE DEVELOPMENT STANDARDS* sections in each chapter. To make this clearer, the proposed approach is to simply note that some uses require design review.
- The *OTHER APPLICABLE DEVELOPMENT STANDARDS* sections (section XX.090) list single-family detached and attached dwellings as exempt from Chapter 55 Design Review. Under House Bill 2001, the City cannot apply a review process to middle housing that does not apply to single-family detached dwellings. Therefore, all middle housing types (including cottage clusters and townhouses) must be exempt where single-family detached dwellings are exempt. This has been updated to clarify the provisions in each chapter.
- Under House Bill 4064 (2022), the City cannot apply standards to manufactured homes that do not apply to site-built single-family homes in the same zone. Also, the City’s current practice is not to require Design Review for accessory dwelling units. Therefore, both manufactured homes and ADUs are listed as exempt from Design Review in all sections XX.090.

Additional commentary can be found in Sections 09.010, 14.050, and 16.050.

**Chapter 08**

**RESIDENTIAL, R-40**

Sections:

08.010	PURPOSE
08.020	PROCEDURES AND APPROVAL PROCESS
08.030	PERMITTED USES
08.040	ACCESSORY USES
08.050	USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS
08.060	CONDITIONAL USES
08.070	DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS
08.080	DIMENSIONAL REQUIREMENTS, CONDITIONAL USES
08.090	OTHER APPLICABLE DEVELOPMENT STANDARDS

### **08.010 PURPOSE**

The purpose of this district is to provide for development where there are some available services, but the services will not support the development of land at more urban densities. The intent of the zone is to allow development at a level based on the existing service level, but in a manner which does not adversely impact environmentally sensitive areas. This zone may also be applied to areas where public harm to wildlife habitats may result if developed at a higher density.

## 08.020 PROCEDURES AND APPROVAL PROCESS

- A. A use permitted outright, CDC 08.030, is a use which requires no approval under the provisions of this code, except that some uses require design review pursuant to CDC 08.090(B). 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 08.050, is a use for which approval will be granted provided all the 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;
  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 08.060) 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.

### 08.030 PERMITTED USES

The following uses are permitted outright in this zone:

1. Community recreation.
2. Cottage cluster.
3. Family day care.
4. Public support facilities.
5. Residential home.
6. Single-family attached or detached residential unit.
  - a. Duplex residential units.
  - b. Triplex residential units.
  - c. Quadplex residential units.
7. Townhouse.
8. Utilities, minor.
9. Manufactured ~~housing~~home.
10. Transportation facilities (Type I). (Ord. 1354, 1994; Ord. 1500, 2003; Ord. 1584, 2008; Ord. 1736 § 1 (Exh. A), 2022)

### **08.040 ACCESSORY USES**

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

**08.050 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. Sign, subject to the provisions of Chapter 52 CDC.
3. Temporary use subject to the provisions of Chapter 35 CDC.
4. Agricultural or horticultural use; provided, that no retail or wholesale business sales office is maintained on the premises; and provided, that poultry or livestock shall not be permitted within 100 feet of any residence other than a dwelling on the same lot, nor on a lot less than one acre or which has less than 20,000 feet per head of livestock. These uses are subject to the nuisance provisions found in Section 5.400 et seq. of the West Linn Municipal Code. (Ord. 1565, 2008; Ord. 1624 § 2, 2014)

### **08.060 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. Cultural exhibits and library services.
2. Lodge, social, community center and civic assembly.
3. Public safety facilities.
4. Recycle collection center.
5. Religious institution.
6. Schools.
7. Utilities, major.
8. Aggregate extraction except aggregate extraction on submersible land subject to valid permits from the U.S. Army Corps of Engineers and the Oregon State Land Board.
9. Transportation facilities (Type II). See CDC 60.090 for additional approval criteria. (Ord. 1538, 2006; Ord. 1565, 2008; Ord. 1584, 2008; Ord. 1604 § 4, 2011)

**08.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED**

**UNDER PRESCRIBED CONDITIONS**

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

STANDARD		REQUIREMENT	ADDITIONAL NOTES
Minimum lot size Average minimum lot or parcel size for a townhouse project		40,000 sf 1,500 sf	For a single-family attached or detached unit
Minimum lot width at front lot line		150 ft	Does not apply to townhouses or cottage clusters
Average minimum lot width		150 ft	Does not apply to townhouses or cottage clusters
Minimum yard dimensions or minimum building setbacks			Front, rear, and side yard setbacks for a cottage cluster project are 10 ft. There are no additional setbacks for individual structures on individual lots, but minimum distance between structures shall follow applicable building code requirements.
	Front yard	30 ft	Except for steeply sloped lots where the provisions of CDC 41.010 shall apply
	Interior side yard	10 ft	Townhouse common walls that are attached may have a 0 ft side setback.
	Street side yard Townhouse street side yard	30 ft 15 ft	
	Rear yard	30 ft	
Maximum building height		40 ft	Except for steeply sloped lots, in which case the provisions of Chapter 41 CDC shall apply
Maximum lot coverage		25%	Maximum lot coverage does not apply to cottage clusters. However, the maximum building footprint for a cottage cluster is less than 900 sf per dwelling unit. • This does not include detached garages, carports, or accessory structures. • A developer may deduct up to 200 sf for an attached garage or carport.
Minimum accessway width to a lot which does not abut a street or a flag lot		20 ft	
Maximum floor area ratio		0.45	Maximum FAR does not apply to cottage clusters. 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.



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

1. The sidewall provisions of Chapter 43 CDC shall apply. (Ord. 1377, 1995; Ord. 1622 § 24, 2014; Ord. 1675 § 2, 2018; Ord. 1736 § 1 (Exh. A), 2022)

**08.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES**

Except as may otherwise be established by this code, the appropriate lot or parcel 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). (Ord. 1636 § 5, 2014)

### **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 41 CDC, Building Height, Structures on Steep Lots, 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 attached and/or detached single-family dwellings, cottage clusters, townhouses, manufactured homes, accessory dwelling units, residential homes and residential facilities. (Ord. 1590 § 1, 2009; Ord. 1675 § 3, 2018; Ord. 1736 § 1 (Exh. A), 2022)

**Chapter 09**  
**RESIDENTIAL, R-20**

Sections:

- 09.010 PURPOSE
- 09.020 PROCEDURES AND APPROVAL PROCESS
- 09.030 PERMITTED USES
- 09.040 ACCESSORY USES
- 09.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS
- 09.060 CONDITIONAL USES
- 09.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS
- 09.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES
- 09.090 OTHER APPLICABLE DEVELOPMENT STANDARDS
- 09.100 REDIVISION PLAN REQUIRED

### **09.010 PURPOSE**

The purpose of this district is to provide for development flexibility at a range of densities where urban services are available. The intent of the zone is to allow development at a level which recognizes and preserves natural features of the area. This zone may also be applied to areas where public harm to wildlife habitats may result if developed at a higher density. (Ord. 1308, 1991)

## 09.020 PROCEDURES AND APPROVAL PROCESS

- A. A use permitted outright, CDC 09.030, is a use which requires no approval under the provisions of this code, except that some uses require design review pursuant to CDC 09.090(B). 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 09.050, 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 09.060) 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.

### **09.030 PERMITTED USES**

The following are uses permitted outright in this zoning district:

1. Community recreation.
2. Cottage cluster.
3. Family day care.
4. Residential home.
5. Single-family attached or detached residential unit.
  - a. Duplex residential units.
  - b. Triplex residential units.
  - c. Quadplex residential units.
6. Townhouse.
7. Utilities, minor.
8. Transportation facilities (Type I).
9. Manufactured home. (Ord. 1226, 1988; Ord. 1500, 2003; Ord. 1584, 2008; Ord. 1635 § 4, 2014; Ord. 1736 § 1 (Exh. A), 2022)

### **09.040 ACCESSORY USES**

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



**09.050 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. Sign, subject to the provisions of Chapter 52 CDC.
3. Temporary use, subject to the provisions of Chapter 35 CDC.
4. Agricultural or horticultural use; provided, that no retail or wholesale business sales office is maintained on the premises; and provided, that poultry or livestock shall not be permitted within 100 feet of any residence other than a dwelling on the same lot, nor on a lot less than one acre, or which has less than 20,000 feet per head of livestock. These uses are subject to the nuisance provisions found in Section 5.400 et seq. of the West Linn Municipal Code.
5. Wireless communication facilities, subject to the provisions of Chapter 57 CDC. (Ord. 1298, 1991; Ord. 1308, 1991; Ord. 1408, 1998; Ord. 1565, 2008; Ord. 1624 § 3, 2014; Ord. 1635 § 5, 2014)

### **09.060 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. Cultural exhibits and library services.
2. Lodge, social, community center and civic assembly.
3. Public safety facilities.
4. Public support facilities.
5. Recycle collection center.
6. Religious institution.
7. Schools.
8. Senior center.
9. Utilities, major.
10. Aggregate extraction except aggregate extraction on submersible land, subject to valid permits from the U.S. Army Corps of Engineers and the Oregon State Land Board.
11. Transportation facilities (Type II). See CDC 60.090 for additional approval criteria. (Ord. 1172, 1985; Ord. 1378, 1995; Ord. 1411, 1998; Ord. 1565, 2008; Ord. 1584, 2008; Ord. 1604 § 5, 2011)

**09.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED**

**UNDER PRESCRIBED CONDITIONS**

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

STANDARD		REQUIREMENT	ADDITIONAL NOTES
Minimum lot size Average minimum lot or parcel size for a townhouse project		20,000 sf 1,500 sf	For a single-family attached or detached unit
Minimum lot width at front lot line		100 ft	Does not apply to townhouses or cottage clusters
Average minimum lot width		100 ft	Does not apply to townhouses or cottage clusters
Minimum yard dimensions or minimum building setbacks			Front, rear, and side yard setbacks in a cottage cluster project are 10 ft. There are no additional setbacks for individual structures on individual lots, but minimum distance between structures shall follow applicable building code requirements.
	Front yard	20 ft	Except for steeply sloped lots where the provisions of CDC 41.010 shall apply
	Interior side yard	7.5 ft	Townhouse common walls that are attached may have a 0-ft side setback.
	Street side yard	15 ft	
	Rear yard	20 ft	
Maximum building height		40 ft	Except for steeply sloped lots in which case the provisions of Chapter 41 CDC shall apply.
Maximum lot coverage		25%	Maximum lot coverage does not apply to cottage clusters. However, the maximum building footprint for a cottage cluster is less than 900 sf per dwelling units. <ul style="list-style-type: none"> <li>• This does not include detached garages, carports, or accessory structures.</li> <li>• A developer may deduct up to 200 sf for an attached garage or carport.</li> </ul>
Minimum accessway width to a lot which does not abut a street or a flag lot		15 ft	
Maximum floor area ratio		0.45	Maximum FAR does not apply to cottage clusters. 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.

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

1. The sidewall provisions of Chapter 43 CDC shall apply. (Ord. 1298, 1991; Ord. 1377, 1995; Ord. 1538, 2006; Ord. 1622 § 24, 2014; Ord. 1675 § 4, 2018; Ord. 1736 § 1 (Exh. A), 2022)

**09.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES**

Except as may otherwise be established by this code, the appropriate lot or parcel 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). (Ord. 1636 § 6, 2014)

### **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 41 CDC, Building Height, Structures on Steep Lots, 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 attached and/or detached single-family dwellings, cottage clusters, townhouses, manufactured homes, accessory dwelling units, residential homes and residential facilities. (Ord. 1308, 1991; Ord. 1590 § 1, 2009; Ord. 1675 § 5, 2018; Ord. 1736 § 1 (Exh. A), 2022)

**Commentary:**

Section 09.100 requires a redivision plan in the R-20 zone for large properties that are big enough to be further divided into two or more lots (i.e., where the property could be developed at a higher density). Some of the language in the criteria below are discretionary. Also, since this is required even for a single-family dwelling building permit, the requirements appear to conflict with single-family detached dwellings being permitted outright. The proposed approach is to delete this section, and let Section 85.180 control. That section, which is triggered by a partition or subdivision, requires a Redivision Plan under similar circumstances (where the property could be developed at a higher density), and includes the same requirements and criteria as below.

**~~09.100 REDIVISION PLAN REQUIRED~~**

~~A. —Where the property being developed is in excess of multiples of 20,000 square feet and additional dwelling units could be developed, a redevelopment plan shall be required as a condition of approval for a single-family dwelling building permit, partition or subdivision.~~

~~B. —The redevelopment plan is a sketch plan, and a land survey and engineering drawing is not required except where there are unique soil, topographic or geologic conditions. Under the provisions of CDC 99.035, Administrative Procedures, the Planning Director may require additional information.~~

~~C. —The applicant shall submit a topographic map based on available information, and a subdivision layout in accordance with standards set forth in Chapter 85 CDC, Land Division, and the Low Density Residential, R-20 zone.~~

~~D. —A building permit issued shall be for a specified future lot or parcel and the building shall meet the setback provisions of the Low Density Residential, R-20 zone.~~

~~E. —The redivision plan is considered a guide. Its purpose is to assure the efficient use of land and orderly growth. At such time as the property owner applies to redivide the land, a different proposal may be submitted for approval provided it meets all of the requirements. The redivision plan is not binding on the applicant or the City at the time a formal application is submitted under the land division chapter.~~

~~F. —The Planning Director shall approve the redivision plan in the manner set forth in CDC 99.060(A)(2), except that no notice shall be given. The applicant may appeal the Planning Director's decision as provided by CDC 99.240(A).~~

~~G. —The Planning Director's decision shall be based on the following findings:~~

- ~~1. —The redivision plan complies with the applicable requirements of the land division chapters and Low Density Residential, R-20 zone.~~
- ~~2. —The sub-surface sewage system has been approved.~~
- ~~3. —There is adequate water for the proposed use. (Ord. 1308, 1991; Ord. 1636 § 7, 2014)~~

**Chapter 10**  
**RESIDENTIAL, R-15**

Sections:

- 10.010 PURPOSE
- 10.020 PROCEDURES AND APPROVAL PROCESS
- 10.030 PERMITTED USES
- 10.040 ACCESSORY USES
- 10.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS
- 10.060 CONDITIONAL USES
- 10.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS
- 10.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES
- 10.090 OTHER APPLICABLE DEVELOPMENT STANDARDS



### **10.010 PURPOSE**

The purpose of this zone is to provide for development at levels which relate to the site development limitations. This zone is applicable to areas having steep slopes, areas subject to high erosion potential, areas which will cause serious off-site drainage problems, areas subject to movement, or areas with other types of limitations which require a minimum amount of disturbance to the natural features.

### 10.020 PROCEDURES AND APPROVAL PROCESS

- A. A use permitted outright, CDC 10.030, is a use which requires no approval under the provisions of this code, except that some uses require design review pursuant to CDC 10.090(B). 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 10.050, 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 10.060) 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.
- 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.

### **10.030 PERMITTED USES**

The following uses are permitted outright in this zoning district:

1. Community recreation.
2. Cottage cluster.
3. Family day care.
4. Residential home.
5. Single-family attached or detached residential unit.
  - a. Duplex residential units.
  - b. Triplex residential units.
  - c. Quadplex residential units.
6. Townhouse.
7. Utilities, minor.
8. Transportation facilities (Type I).
9. Manufactured home. (Ord. 1226, 1988; Ord. 1500, 2003; Ord. 1584, 2008; Ord. 1590 § 1, 2009; Ord. 1635 § 6, 2014; Ord. 1736 § 1 (Exh. A), 2022)

### **10.040 ACCESSORY USES**

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

**10.050 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. Sign, subject to the provisions of Chapter 52 CDC.
3. Temporary use, subject to the provisions of Chapter 35 CDC.
4. Agricultural or horticultural use; provided, that no retail or wholesale business sales office is maintained on the premises; and provided, that poultry or livestock shall not be permitted within 100 feet of any residence other than a dwelling on the same lot, nor on a lot of less than one acre, or which has less than 20,000 feet per head of livestock. These uses are subject to the nuisance provisions found in Section 5.400 et seq. of the West Linn Municipal Code.
5. Wireless communication facilities, subject to the provisions of Chapter 57 CDC. (Ord. 1298, 1991; Ord. 1308, 1991; Ord. 1408, 1998; Ord. 1565, 2008; Ord. 1624 § 4, 2014; Ord. 1635 § 7, 2014)

### **10.060 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. Cultural exhibits and library services.
2. Lodge, social, community center and civic assembly.
3. Public safety facilities.
4. Public support facilities.
5. Recycle collection center.
6. Religious institution.
7. Schools.
8. Senior center.
9. Utilities, major.
10. Transportation facilities (Type II). See CDC 60.090 for additional approval criteria. (Ord. 1377, 1995; Ord. 1378, 1995; Ord. 1411, 1998; Ord. 1565, 2008; Ord. 1584, 2008; Ord. 1604 § 6, 2011)

**10.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED**

**UNDER PRESCRIBED CONDITIONS**

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

STANDARD		REQUIREMENT	ADDITIONAL NOTES
Minimum lot size		15,000 sf	For a single-family attached or detached unit.
Average minimum lot or parcel size for a townhouse project		1,500 sf	
Minimum lot width at front lot line		45 ft	Does not apply to townhouses or cottage clusters
Average minimum lot width		80 ft	Does not apply to townhouses or cottage clusters
Minimum yard dimensions or minimum building setbacks			Front, rear, and side yard setbacks in a cottage cluster project are 10 ft. There are no additional setbacks for individual structures on individual lots, but minimum distance between structures shall follow applicable building code requirements.
	Front yard	20 ft	Except for steeply sloped lots where the provisions of CDC 41.010 shall apply
	Interior side yard	7.5 ft	Townhouse common walls that are attached may have a 0-ft side setback.
	Street side yard	15 ft	
	Rear yard	20 ft	
Maximum building height		40 ft	Except for steeply sloped lots in which case the provisions of Chapter 41 CDC shall apply.
Maximum lot coverage		30%	Maximum lot coverage does not apply to cottage clusters. However, the maximum building footprint for a cottage cluster is less than 900 sf per dwelling unit. • This does not include detached garages, carports, or accessory structures. • A developer may deduct up to 200 sf for an attached garage or carport.
Minimum accessway width to a lot which does not abut a street or a flag lot		15 ft	
Maximum Floor Area Ratio		0.45	Maximum FAR does not apply to cottage clusters. 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.

1. The sidewall provisions of Chapter 43 CDC shall apply. (Ord. 1377, 1995; Ord. 1538, 2006; Ord. 1622 § 24, 2014; Ord. 1675 § 6, 2018; Ord. 1736 § 1 (Exh. A), 2022)

**10.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES**

Except as may otherwise be established by this code, the appropriate lot or parcel 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). (Ord. 1636 § 8, 2014)



### 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 41 CDC, Building Height, Structures on Steep Lots, 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 attached and/or detached single-family dwellings, cottage clusters, townhouses, manufactured homes, accessory dwelling units, residential homes and residential facilities. (Ord. 1590 § 1, 2009; Ord. 1675 § 7, 2018; Ord. 1736 § 1 (Exh. A), 2022)

**Chapter 11**  
**RESIDENTIAL, R-10**

Sections:

- 11.010 PURPOSE
- 11.020 PROCEDURES AND APPROVAL PROCESS
- 11.030 PERMITTED USES
- 11.040 ACCESSORY USES
- 11.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS
- 11.060 CONDITIONAL USES
- 11.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS
- 11.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES
- 11.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

### **11.010 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 to public facilities and public transportation. This zone is intended to implement the Comprehensive Plan policies and locational criteria, and is applicable to areas designated as Low Density Residential on the Comprehensive Plan Map and Type I and Type II lands identified under the Buildable Lands Policy.

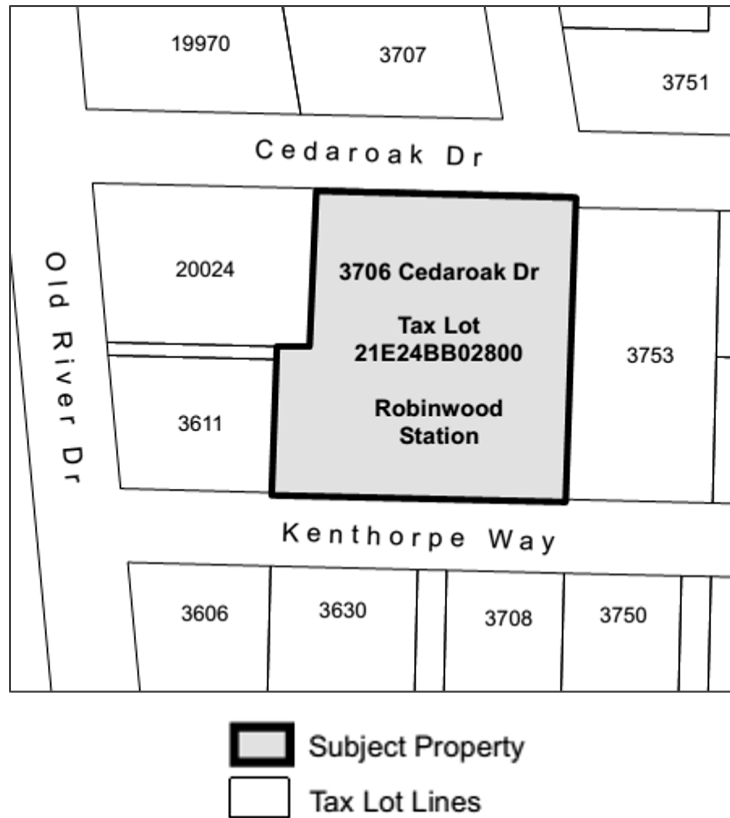
## 11.020 PROCEDURES AND APPROVAL PROCESS

- A. A use permitted outright, CDC 11.030, is a use which requires no approval under the provisions of this code, except that some uses require design review pursuant to CDC 11.090(B). 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 11.050) 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. A conditional use (CDC 11.060) 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.

### **11.030 PERMITTED USES**

The following are uses permitted outright in this zoning district:

1. Single-family attached or detached residential unit.
  - a. Duplex residential units.
  - b. Triplex residential units.
  - c. Quadplex residential units.
2. Cottage clusters.
3. Townhouse.
4. Community recreation.
5. Family day care.
6. Residential home.
7. Utilities, minor.
8. Transportation facilities (Type I).
9. Manufactured home.
10. Community building on City-owned property at 3706 Cedaroak Drive and indicated on the map below.



(Ord. 1226, 1988; Ord. 1500, 2003; Ord. 1584, 2008; Ord. 1635 § 8, 2014; Ord. 1661 § 1, 2017; Ord. 1736 § 1 (Exh. A), 2022)

### **11.040 ACCESSORY USES**

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

**11.050 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. Sign, 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. Agricultural or horticultural use; provided, that no retail or wholesale business sales office is maintained on the premises; and provided, that poultry or livestock shall not be permitted within 100 feet of any residence other than a dwelling on the same lot, nor on a lot of less than one acre, or which has less than 20,000 feet per head of livestock. These uses are subject to the nuisance provisions found in Section 5.400 et seq. of the West Linn Municipal Code.
6. Wireless communication facilities, subject to the provisions of Chapter 57 CDC. (Ord. 1298, 1991; Ord. 1308, 1991; Ord. 1408, 1998; Ord. 1565, 2008; Ord. 1624 § 5, 2014; Ord. 1635 § 9, 2014)



### **11.060 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. Cultural exhibits and library services.
2. Lodge, social, community center and civic assembly.
3. Public safety facilities.
4. Public support facilities.
5. Recycle collection center.
6. Religious institution.
7. Schools.
8. Senior center.
9. Utilities, major.
10. Transportation facilities (Type II). See CDC 60.090 for additional approval criteria. (Ord. 1172, 1985; Ord. 1377, 1995; Ord. 1378, 1995; Ord. 1411, 1998; Ord. 1565, 2008; Ord. 1584, 2008; Ord. 1604 § 7, 2011)

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

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

STANDARD		REQUIREMENT	ADDITIONAL NOTES
Minimum lot size Average minimum lot or parcel size for a townhouse project		10,000 sf 1,500 sf	For a single-family attached or detached unit
Minimum lot width at front lot line		35 ft	Does not apply to townhouses or cottage clusters
Average minimum lot width		50 ft	Does not apply to townhouses or cottage clusters
Minimum yard dimensions or minimum building setbacks			Except as specified in CDC 25.070(C)(1) through (4) for the Willamette Historic District. Front, rear, and side yard setbacks in a cottage cluster project are 10 ft. There are no additional setbacks for individual structures on individual lots, but minimum distance between structures shall follow applicable building code requirements.
	Front yard	20 ft	Except for steeply sloped lots where the provisions of CDC 41.010 shall apply
	Interior side yard	7.5 ft	Townhouse common walls that are attached may have a 0-ft side setback.
	Street side yard	15 ft	
	Rear yard	20 ft	
Maximum building height		35 ft	Except for steeply sloped lots in which case the provisions of Chapter 41 CDC shall apply.
Maximum lot coverage		35%	Maximum lot coverage does not apply to cottage clusters. However, the maximum building footprint for a cottage cluster is less than 900 sf per dwelling unit. • This does not include detached garages, carports, or accessory structures. • A developer may deduct up to 200 sf for an attached garage or carport.
Minimum accessway width to a lot which does not abut a street or a flag lot		15 ft	
Maximum floor area ratio		0.45	Maximum FAR does not apply to cottage clusters.
Duplex, triplex, and quadplex		0.60	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-

STANDARD	REQUIREMENT	ADDITIONAL NOTES
		conforming structures permit under Chapter 66 CDC.

1. The sidewall provisions of Chapter 43 CDC shall apply. (Ord. 1175, 1986; Ord. 1298, 1991; Ord. 1377, 1995; Ord. 1538, 2006; Ord. 1614 § 2, 2013; Ord. 1622 § 24, 2014; Ord. 1675 § 8, 2018; Ord. 1736 § 1 (Exh. A), 2022)

**11.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES**

Except as may otherwise be established by this code, the appropriate lot or parcel 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). (Ord. 1636 § 9, 2014)

### 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 41 CDC, Building Height, Structures on Steep Lots, 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 attached and/or detached single-family dwellings, cottage clusters, townhouses, manufactured homes, accessory dwelling units, residential homes and residential facilities. (Ord. 1590 § 1, 2009; Ord. 1675 § 9, 2018; Ord. 1736 § 1 (Exh. A), 2022)

**Chapter 12**  
**RESIDENTIAL, R-7**

Sections:

- 12.010 PURPOSE
- 12.020 PROCEDURES AND APPROVAL PROCESS
- 12.030 PERMITTED USES
- 12.040 ACCESSORY USES
- 12.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS
- 12.060 CONDITIONAL USES
- 12.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS
- 12.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USE
- 12.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

### **12.010 PURPOSE**

The purpose of this zone is to provide for urban development at levels which relate to the site development limitations, the proximity to commercial development, and to public facilities and public transportation. This zone is intended to implement the policies and locational criteria set forth in the Comprehensive Plan.

## 12.020 PROCEDURES AND APPROVAL PROCESS

- A. A use permitted outright, CDC 12.030, is a use which requires no approval under the provisions of this code, except that some uses require design review pursuant to CDC 12.090(B). 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 12.050) 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 12.060) 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.



### **12.030 PERMITTED USES**

The following uses are permitted outright in this zone:

1. Single-family attached and detached residential unit.
  - a. Duplex residential units.
  - b. Triplex residential units.
  - c. Quadplex residential units.
2. Cottage cluster.
3. Townhouse.
4. Community recreation.
5. Family day care.
6. Residential home.
7. Utilities, minor.
8. Transportation facilities (Type I).
9. Manufactured home. (Ord. 1226, 1988; Ord. 1500, 2003; Ord. 1584, 2008; Ord. 1635 § 10, 2014; Ord. 1736 § 1 (Exh. A), 2022)

## **12.040 ACCESSORY USES**

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

**12.050 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. Agricultural or horticultural use; provided, that no retail or wholesale business sales office is maintained on the premises; and provided, that poultry or livestock shall not be permitted within 100 feet of any residence other than a dwelling on the same lot, nor on a lot of less than one acre, or which has less than 20,000 feet per head of livestock. These uses are subject to the nuisance provisions found in Section 5.400 et seq. of the West Linn Municipal Code.
6. Wireless communication facilities, subject to the provisions of Chapter 57 CDC. (Ord. 1255, 1989; Ord. 1298, 1991; Ord. 1408, 1998; Ord. 1565, 2008; Ord. 1624 § 6, 2014; Ord. 1635 § 11, 2014)

## **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. Certified child care center.
2. Cultural exhibits and library services.
3. Lodge, social, community center and civic assembly.
4. Public safety facilities.
5. Public support facilities.
6. Recycle collection center.
7. Religious institution.
8. Schools.
9. Senior center.
10. Utilities, major.
11. Transportation facilities (Type II). See CDC 60.090 for additional approval criteria. (Ord. 1377, 1995; Ord. 1378, 1995; Ord. 1411, 1998; Ord. 1565, 2008; Ord. 1584, 2008; Ord. 1604 § 8, 2011; Ord. 1675 § 10, 2018)

**12.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED**

**UNDER PRESCRIBED CONDITIONS**

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

STANDARD		REQUIREMENT	ADDITIONAL NOTES
Minimum lot size			
	For single-family detached units	7,000 sf	No yard shall be required between units
	For single-family attached units	5,500 sf	
	Average minimum lot or parcel size for a townhouse project	1,500 sf	
Minimum lot width at front lot line		35 ft	Does not apply to townhouses or cottage clusters
Average minimum lot width		35 ft	Does not apply to townhouses or cottage clusters
Minimum yard dimensions or minimum building setbacks			Front, rear, and side yard setbacks in a cottage cluster project are 10 ft. There are no additional setbacks for individual structures on individual lots, but minimum distance between structures shall follow applicable building code requirements.
	Front yard	20 ft	Except for steeply sloped lots where the provisions of CDC 41.010 shall apply
	Interior side yard	7.5 ft	Townhouse common walls that are attached may have a 0-ft side setback.
	Street side yard	15 ft	
	Rear yard	20 ft	
Maximum building height		35 ft	Except for steeply sloped lots in which case the provisions of Chapter 41 CDC shall apply.
Maximum lot coverage		35%	Maximum lot cover does not apply to cottage clusters. However, the maximum building footprint for a cottage cluster is less than 900 sf per dwelling unit. <ul style="list-style-type: none"> <li>• This does not include detached garages, carports, or accessory structures.</li> <li>• A developer may deduct up to 200 sf for an attached garage or carport.</li> </ul>
Minimum accessway width to a lot which does not abut a street or a flag lot		15 ft	
Maximum floor area ratio		0.45	Maximum FAR does not apply to cottage clusters.
Duplex, triplex, and quadplex		0.60	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.

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

1. The sidewall provisions of Chapter 43 CDC shall apply. (Ord. 1226, 1988; Ord. 1308, 1991; Ord. 1377, 1995; Ord. 1538, 2006; Ord. 1622 § 24, 2014; Ord. 1675 § 11, 2018; Ord. 1736 § 1 (Exh. A), 2022)

**12.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USE**

Except as may otherwise be established by this code, the appropriate lot or parcel 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). (Ord. 1636 § 10, 2014)

### **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 41 CDC, Building Height, Structures on Steep Lots, Exceptions.
  5. Chapter 42 CDC, Clear Vision Area.
  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 attached and/or detached single-family dwellings, cottage clusters, townhouses, manufactured homes, accessory dwelling units, residential homes and residential facilities. (Ord. 1308, 1991; Ord. 1590 § 1, 2009; Ord. 1675 § 12, 2018; Ord. 1736 § 1 (Exh. A), 2022)



## **Chapter 13**

### **RESIDENTIAL, R-5**

Sections:

- 13.010 PURPOSE
- 13.020 PROCEDURES AND APPROVAL PROCESS
- 13.030 PERMITTED USES
- 13.040 ACCESSORY USES
- 13.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS
- 13.060 CONDITIONAL USES
- 13.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS
- 13.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USE
- 13.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

### **13.010 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 medium density residential housing.

### 13.020 PROCEDURES AND APPROVAL PROCESS

- A. A use permitted outright, CDC 13.030, is a use which requires no approval under the provisions of this code, except that some uses require design review pursuant to CDC 13.090(B). 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 13.050, 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 13.060) 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.

### **13.030 PERMITTED USES**

The following uses are permitted outright in this zoning district:

1. Single-family attached or detached residential unit.
  - a. Duplex residential units.
  - b. Triplex residential units.
  - c. Quadplex residential units.
2. Cottage cluster.
3. Townhouse.
4. Community recreation.
5. Family day care.
6. Residential home.
7. Utilities, minor.
8. Transportation facilities (Type I).
9. Manufactured home. (Ord. 1308, 1991; Ord. 1500, 2003; Ord. 1584, 2008; Ord. 1614 § 3, 2013; Ord. 1635 § 12, 2014; Ord. 1736 § 1 (Exh. A), 2022)

### **13.040 ACCESSORY USES**

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

**13.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS**

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

1. Manufactured home park, subject to the provisions of Chapters 36 and 55 CDC.
2. Home occupations, subject to the provisions of Chapter 37 CDC.
3. Sign, subject to the provisions of Chapter 52 CDC.
4. Temporary uses, subject to the provisions of Chapter 35 CDC.
5. Water-dependent uses, subject to the provisions of Chapters 28 and 34 CDC.
6. Agricultural or horticultural use; provided, that no retail or wholesale business sales office is maintained on the premises; and provided, that poultry or livestock shall not be permitted within 100 feet of any residence other than a dwelling on the same lot, nor on a lot of less than one acre, or which has less than 20,000 feet per head of livestock. These uses are subject to the nuisance provisions found in Section 5.400 et seq. of the West Linn Municipal Code.
7. Wireless communication facilities, subject to the provisions of Chapter 57 CDC. (Ord. 1308, 1991; Ord. 1408, 1998; Ord. 1565, 2008; Ord. 1624 § 7, 2014; Ord. 1635 § 13, 2014)

### **13.060 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. Certified child care center.
2. Cultural exhibits and library services.
3. Lodge, social, community center and civic assembly.
4. Manufactured home subdivision subject to the provisions of Chapter 36 CDC.
5. Public safety facilities.
6. Public support facilities.
7. Recycle collection center.
8. Schools.
9. Senior center.
10. Utilities, major.
11. Transportation facilities (Type II). See CDC 60.090 for additional approval criteria. (Ord. 1308, 1991; Ord. 1377, 1995; Ord. 1378, 1995; Ord. 1411, 1998; Ord. 1565, 2008; Ord. 1584, 2008; Ord. 1604 § 9, 2011; Ord. 1675 § 13, 2018)

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

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

STANDARD		REQUIREMENT	ADDITIONAL NOTES
Minimum lot size			
	For single-family detached units	5,000 sf	No yard shall be required between units.
	For single-family attached units	4,500 sf	
	Average minimum lot or parcel size for a townhouse project	1,500 sf	
Minimum lot width at front lot line		35 ft	Does not apply to townhouses or cottage clusters
Average minimum lot width		35 ft	Does not apply to townhouses or cottage clusters
Minimum yard dimensions or minimum building setbacks			Except as specified in CDC 25.070(C)(1) through (4) for the Willamette Historic District. Front, rear, and side yard setbacks for a cottage cluster project are 10 ft. There are no additional setbacks for individual structures on individual lots, but minimum distance between structures shall follow applicable building code requirements.
	Front yard	20 ft	Except for steeply sloped lots where the provisions of CDC 41.010 shall apply
	Interior side yard	5 ft	Townhouse common walls that are attached may have a 0 ft side setback.
	Street side yard	15 ft	
	Rear yard	20 ft	
Maximum building height		35 ft	Except for steeply sloped lots in which case the provisions of Chapter 41 CDC shall apply.
Maximum lot coverage		40%	Maximum lot coverage does not apply to duplexes, triplexes, quadplexes, townhouses or cottage clusters. However, the maximum building footprint for a cottage cluster is less than 900 sf per dwelling unit. <ul style="list-style-type: none"> <li>• This does not include detached garages, carports, or accessory structures.</li> <li>• A developer may deduct up to 200 sf for an attached garage or carport.</li> </ul>
Minimum accessway width to a lot which does not abut a street or a flag lot		15 ft	
Maximum floor area ratio		0.45	Maximum FAR does not apply to duplexes, triplexes, quadplexes, townhouses or cottage clusters. 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



STANDARD	REQUIREMENT	ADDITIONAL NOTES
		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.

A. The sidewall provisions of Chapter 43 CDC shall apply. (Ord. 1377, 1995; Ord. 1538, 2006; Ord. 1614 § 4, 2013; Ord. 1622 § 24, 2014; Ord. 1675 § 14, 2018; Ord. 1736 § 1 (Exh. A), 2022)

**13.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USE**

Except as may otherwise be established by this code, the appropriate lot or parcel 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). (Ord. 1636 § 11, 2014)

### **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 41 CDC, Building Height, Structures on Steep Lots, 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 attached and/or detached single-family dwellings, cottage clusters, townhouses, manufactured homes, accessory dwelling units, residential homes and residential facilities. (Ord. 1590 § 1, 2009; Ord. 1675 § 15, 2018; Ord. 1736 § 1 (Exh. A), 2022)

**Chapter 14**  
**RESIDENTIAL, R-4.5**

Sections:

- 14.010 PURPOSE
- 14.020 PROCEDURES AND APPROVAL PROCESS
- 14.030 PERMITTED USES
- 14.040 ACCESSORY USES
- 14.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS
- 14.060 CONDITIONAL USES
- 14.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS
- 14.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES
- 14.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

#### **14.010 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 medium density residential housing.

### 14.020 PROCEDURES AND APPROVAL PROCESS

- A. A use permitted outright, CDC 14.030, is a use which requires no approval under the provisions of this code, except that some uses require design review pursuant to CDC 14.090(B). 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 14.050, 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 14.060) 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.

### 14.030 PERMITTED USES

The following are uses permitted outright in this zoning district:

1. Single-family attached or detached residential unit.
  - a. Duplex residential units.
  - b. Triplex residential units.
  - c. Quadplex residential units.
2. Cottage cluster.
3. Family day care.
4. Townhouse.
5. Community recreation.
6. Residential home.
7. Utilities, minor.
8. Manufactured ~~housing~~home.
9. Transportation facilities (Type I). (Ord. 1180, 1986; Ord. 1226, 1988; Ord. 1248, 1989; Ord. 1354, 1994; Ord. 1584, 2008; Ord. 1736 § 1 (Exh. A), 2022)

#### **14.040 ACCESSORY USES**

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



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

##### Commentary:

According to the state's interpretation of ORS 197.307(4), if a housing type is allowed in a zone, there must be a clear and objective path to approval for that use. The City currently requires Conditional Use review for Senior citizen/handicapped housing facilities, per CDC 14.060(15). However, with a few relatively minor modifications, the conditions in that section can be converted into clear and objective standards, and the use can be relocated to this section for "Uses and Development Permitted Under Prescribed Conditions." That is the approach proposed for this section, as well as the equivalent sections in CDC 15.050 and 16.050.

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

1. Manufactured home park, subject to the provisions of Chapters 36 and 55 CDC.
2. Home occupations, subject to the provisions of Chapter 37 CDC.
3. Signs, subject to the provisions of Chapter 52 CDC.
4. Temporary uses, subject to the provisions of Chapter 35 CDC.
5. Water-dependent uses, subject to the provisions of Chapters 28 and 34 CDC.
6. Wireless communication facilities, subject to the provisions of Chapter 57 CDC.
7. Senior citizen/handicapped housing facilities with a maximum number of units 50 percent above the allowed density for the property; provided that 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 Design Review, Chapter 55 CDC. Special considerations for this use are the following:

- 1) 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 visual and sound buffering of adjacent properties.
- 2) No more than 25 percent of the total number of units may be used for nursing care patients.
- 3) Minimum front, rear and side yard setbacks shall be the same as the underlying district unless the applicant requests discretionary review, and the approval authority board finds that a greater setback is indicated by uses and structures on surrounding properties or unique circumstances of the site.

(Ord. 1226, 1988; Ord. 1408, 1998; Ord. 1565, 2008)

### 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. Certified child care center.
2. Cultural exhibits and library services.
3. Lodge, social, community center and civic assembly.
4. Medical and dental offices or clinic.
5. Nursing home.
6. Postal services.
7. Professional and administrative services.
8. Public safety facilities.
9. Public support facilities.
10. Recycle collection center.
11. Religious institution.
12. Schools.
13. Senior center.
14. Utilities, major.

**Commentary:**

See commentary in Section 14.050.

~~15. 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 citizen 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 board finds that a greater setback is indicated by uses and structures on surrounding properties or unique circumstances of the site.~~

1546. Transportation facilities (Type II). See CDC 60.090 for additional approval criteria. (Ord. 1172, 1985; Ord. 1377, 1995; Ord. 1378, 1995; Ord. 1411, 1998; Ord. 1500, 2003; Ord. 1584, 2008; Ord. 1590 § 1, 2009; Ord. 1604 §§ 10, 11, 2011; Ord. 1675 § 16, 2018)

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

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

STANDARD		REQUIREMENT	ADDITIONAL NOTES
Minimum lot size			
	For single-family detached units	4,500 sf	No yard shall be required between units.
	For single-family attached units	4,000 sf	
	Average minimum lot or parcel size for a townhouse project	1,500 sf	
Minimum front lot line Minimum lot width at front lot line		35 ft	Does not apply to townhouses or cottage clusters
Average minimum lot width		35 ft	Does not apply to townhouses or cottage clusters
Minimum yard dimensions or minimum building setbacks			Front, rear, and side yard setbacks for a cottage cluster project are 10 ft. There are no additional setbacks for individual structures on individual lots, but minimum distance between structures shall follow applicable building code requirements.
	Front yard	20 ft	Except for steeply sloped lots where the provisions of CDC 41.010 shall apply
	Interior side yard	5 ft	Townhouse common walls that are attached may have a 0-ft side setback.
	Street side yard	15 ft	
	Rear yard	20 ft	
Maximum building height		35 ft	Except for steeply sloped lots in which case the provisions of Chapter 41 CDC shall apply.
Maximum lot coverage		40%	Maximum lot coverage does not apply to duplexes, triplexes, quadplexes, townhouses or cottage clusters. However, the maximum building footprint for a cottage cluster is less than 900 sf per dwelling unit. • This does not include detached garages, carports, or accessory structures. • A developer may deduct up to 200 sf for an attached garage or carport.
Minimum accessway width to a lot which does not abut a street or a flag lot		15 ft	
Maximum floor area ratio		0.45	Maximum FAR does not apply to duplexes, triplexes, quadplexes, townhouses or cottage clusters. 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.

- A. The sidewall provisions of Chapter 43 CDC shall apply. (Ord. 1538, 2006; Ord. 1622 § 24, 2014; Ord. 1675 § 17, 2018; Ord. 1736 § 1 (Exh. A), 2022)

**14.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES**

Except as may otherwise be established by this code, the appropriate lot or parcel 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). (Ord. 1636 § 12, 2014)

#### **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 41 CDC, Building Height, Structures on Steep Lots, 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 attached and/or detached single-family dwellings, cottage clusters, townhouses, manufactured homes, accessory dwelling units, residential homes, and residential facilities. (Ord. 1590 § 1, 2009; Ord. 1675 § 18, 2018; Ord. 1736 § 1 (Exh. A), 2022)



**Chapter 15**  
**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, except that some uses require design review pursuant to CDC 15.090(B). 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 permitted outright in this zoning district:

1. Single-family attached or detached residential units.
  - a. Duplex residential units.
  - b. Triplex residential units.
  - c. Quadplex residential units.
2. Cottage cluster.
3. Multiple-family residential unit.
4. Townhouse.
5. Group residential units.
6. Community recreation.
7. Family day care.
8. Residential home.
9. Utilities, minor.
10. Manufactured ~~housing~~home.
11. Transportation facilities (Type I). (Ord. 1226, 1988; Ord. 1354, 1994; Ord. 1500, 2003; Ord. 1584, 2008; Ord. 1736 § 1 (Exh. A), 2022)

### **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.

**Commentary:**

See commentary in Section 14.050.

6. Senior citizen/handicapped housing facilities with a maximum number of units 50 percent above the allowed density for the property; provided, that 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) 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 visual and sound buffering of adjacent properties.
  - 2) No more than 25 percent of the total number of units may be used for nursing care patients.
  - 3) Minimum front, rear and side yard setbacks shall be the same as the underlying district unless the applicant requests discretionary review, and the approval authority finds that a greater setback is indicated by uses and structures on surrounding properties or unique circumstances of the site.



## 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. Certified child care center.
2. Cultural exhibits and library services.
3. Lodge, social, 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.~~

1243. 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; Ord. 1675 § 19, 2018)

**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:

STANDARD		REQUIREMENT	ADDITIONAL NOTES
Minimum lot size			
	For single-family detached units	3,000 sf	
	For single-family attached units	3,000 sf	
	Multifamily dwelling units	3,000 sf	
	Average minimum lot or parcel size for a townhouse project	1,500 sf	
Minimum lot width at front lot line		35 ft	Does not apply to townhouses or cottage clusters
Minimum yard dimensions or minimum building setbacks			Front, rear, and side yard setbacks for a cottage cluster project are 10 ft. There are no additional setbacks for individual structures on individual lots, but minimum distance between structures shall follow applicable building code requirements.
	Front yard	15 ft	Except for steeply sloped lots where the provisions of CDC 41.010 shall apply
	Garage	20 ft	
	Interior side yard	5 ft	Townhouse common walls that are attached may have a 0-ft side setback.
	Street side yard	15 ft	
	Rear yard	15 ft	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.
Maximum building height		35 ft	Except for steeply sloped lots in which case the provisions of Chapter 41 CDC shall apply.
Maximum lot coverage		50%	Maximum lot coverage does not apply to duplexes, triplexes, quadplexes, townhouses or cottage clusters. However, the maximum building footprint for a cottage cluster is less than 900 sf per dwelling unit. <ul style="list-style-type: none"> <li>• This does not include detached garages, carports, or accessory structures.</li> <li>• A developer may deduct up to 200 sf for an attached garage or carport.</li> </ul>
Maximum floor area ratio		0.45	Maximum FAR does not apply to duplexes, triplexes, quadplexes, multi-family units, townhouses or cottage clusters. 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

STANDARD	REQUIREMENT	ADDITIONAL NOTES
		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.

A. The sidewall provisions of Chapter 43 CDC shall apply. (Ord. 1538, 2006; Ord. 1622 § 24, 2014; Ord. 1675 § 20, 2018; Ord. 1736 § 1 (Exh. A), 2022)

**15.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES**

Except as may otherwise be established by this code, the appropriate lot or parcel 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). (Ord. 1636 § 13, 2014)

### **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 41 CDC, Building Height, Structures on Steep Lots, 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 attached and/or detached single-family dwellings, cottage clusters, townhouses, manufactured homes, accessory dwelling units, residential homes and residential facilities. (Ord. 1590 § 1, 2009; Ord. 1675 § 21, 2018; Ord. 1736 § 1 (Exh. A), 2022)

**Chapter 16**  
**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, except that some uses require design review pursuant to CDC 16.090(B). 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
  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. Townhouse.
3. Family day care.
4. Group residential units.
5. Multiple-family residential unit.
6. Residential home.
7. Single-family attached residential units.
  - a. Attached duplex residential units.
  - b. Attached triplex residential units.
  - c. Attached quadplex residential units.
8. Cottage cluster.
9. Utilities, minor.
10. Transportation facilities (Type I). (Ord. 1226, 1988; Ord. 1248, 1989; Ord. 1276, 1990; Ord. 1584, 2008; Ord. 1736 § 1 (Exh. A), 2022)

### **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

### Commentary:

In the current code, Conditional Use review is required in the R-2.1 zone for single-family detached dwellings and manufactured homes (per Section 16.060). As noted above, if a housing type is allowed in a zone, there must be a clear and objective path to approval for that use. Therefore, the City can no longer list these housing types as Conditional Uses.

The proposed solution is to instead list these housing types as *Uses Permitted Under Prescribed Conditions*. The code would then point to the Mix Requirements in Chapter 85, which would serve to limit single-family development in R-2.1.

85.200(J)(8). Mix requirement. The “mix” rule means that developers shall have no more than 15 percent of the R-2.1 and R-3 development as single-family residential. The intent is that the majority of the site shall be developed as medium high density multi-family housing.

This would remain consistent with the intent of the R-2.1 zone, which is the City’s highest-density residential zone, and currently allows multi-family housing as well as attached single-family (and other middle housing types). According to staff, detached and attached units have been differentiated in the R-2.1 zone as least as far back as 1983.

In addition, the same approach for Senior citizen/handicapped housing facilities is proposed below as was proposed for the R-4.5 and R-3 zones. Refer to the commentary in Section 14.050.

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.
6. Single-family detached residential units, subject to the provisions of CDC 85.200(J)(8).
  - a. Detached duplex residential units.
  - b. Detached triplex residential units.
  - c. Detached quadplex residential units.
7. Manufactured homes, subject to the provisions of CDC 85.200(J)(8).
8. Senior citizen/handicapped housing facilities with a maximum number of units 50 percent above the allowed density for the property; provided, that 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 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) 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.

2) No more than 25 percent of the total number of units may be used for nursing care patients.

3) Minimum front, rear and side yard setbacks shall be the same as the underlying district unless the applicant requests discretionary review, and the approval authority finds that a greater setback is indicated by uses and structures on surrounding properties or unique circumstances of the site.

(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. Certified child care center.
2. Convenience sales and personal services.
3. Cultural exhibits and library services.
4. Lodge, social, 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.~~

~~a. Detached duplex residential units.~~

~~b. Detached triplex residential units.~~

~~c. Detached quadplex residential units.~~

~~1516. 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.~~

1618. Senior center.

~~19. — Manufactured housing.~~

1720. 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; Ord. 1675 § 22, 2018; Ord. 1736 § 1 (Exh. A), 2022)

**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:

STANDARD		REQUIREMENT	ADDITIONAL NOTES
Minimum lot size			
	For single-family detached units	4,000 sf	
	For each attached single-family units	2,700 sf	
	For a boarding, lodging or rooming house	7,000 sf	
	For each multifamily dwelling units	2,100 sf	
	Average minimum lot or parcel size for a townhouse project	1,500 sf	
Minimum lot width at front lot line		35 ft	Does not apply to townhouses or cottage clusters
Average minimum lot width		35 ft	Does not apply to townhouses or cottage clusters
Minimum yard dimensions or minimum building setbacks			Front, rear, and side yard setbacks for a cottage cluster project are 10 ft. There are no additional setbacks for individual structures on individual lots, but minimum distance between structures shall follow applicable building code requirements.
	Front yard	15 ft	Except for steeply sloped lots where the provisions of CDC 41.010 shall apply
	Interior side yard	5 ft	Townhouse common walls that are attached may have a 0-ft side setback.
	Street side yard	15 ft	
	Rear yard	15 ft	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
Maximum building height		35 ft	Except for steeply sloped lots in which case the provisions of Chapter 41 CDC shall apply; 3.5 stories or 45 feet for a garden apartment medium rise unit; Multifamily dwelling units are limited to 3.5 stories in height.
Maximum lot coverage		50%	Maximum lot cover does not apply to duplexes, triplexes, quadplexes, townhouses or cottage clusters. However, the maximum building footprint for a cottage cluster is less than 900 sf per dwelling unit. • This does not include detached garages, carports, or accessory structures.

STANDARD	REQUIREMENT	ADDITIONAL NOTES
		<ul style="list-style-type: none"> <li>• A developer may deduct up to 200 sf for an attached garage or carport.</li> </ul>
Maximum floor area ratio	0.45	<p>Maximum FAR does not apply to duplexes, triplexes, quadplexes, multi-family units, townhouses or cottage clusters.</p> <p>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.</p>

A. The sidewall provisions of Chapter 43 CDC shall apply. (Ord. 1538, 2006; Ord. 1622 § 24, 2014; Ord. 1675 § 23, 2018; Ord. 1736 § 1 (Exh. A), 2022)



**16.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES**

Except as may otherwise be established by this code, the appropriate lot or parcel 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). (Ord. 1636 § 14, 2014)

### **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 41 CDC, Building Height, Structures on Steep Lots, 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 attached and/or detached single-family dwellings, cottage clusters, townhouses, manufactured homes, accessory dwelling units, residential homes, and residential facilities. (Ord. 1590 § 1, 2009; Ord. 1675 § 24, 2018; Ord. 1736 § 1 (Exh. A), 2022)

**Commentary:**

See the commentary box in Section 19.090 for minor amendments in the GC and OBC zones. Also refer to the commentary box at the beginning of Chapter 08, which explains proposed amendments that apply to all base zones.

No other substantive changes are proposed for the Commercial and Industrial Zone chapters.

**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, except that some uses require design review pursuant to CDC 18.090(B). 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. Residential units above a permitted use. (Ord. 1226, 1988; Ord. 1401, 1997; Ord. 1590 § 1, 2009; Ord. 1613 § 2, 2013; Ord. 1736 § 1 (Exh. A), 2022)

### **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. Certified child 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; Ord. 1675 § 25, 2018)

**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 41 CDC, Building Height, Structures on Steep Lots, 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 existing detached single-family dwellings. (Ord. 1590 § 1, 2009; Ord. 1675 § 26, 2018)

## **Chapter 19**

### **GENERAL COMMERCIAL, GC**

Sections:

- 19.010 PURPOSE
- 19.020 PROCEDURES AND APPROVAL PROCESS
- 19.030 PERMITTED USES
- 19.040 ACCESSORY USES
- 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, except that some uses require design review pursuant to CDC 19.090(B). 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. Drive-through restaurants.
12. Family day care.
13. Financial, insurance and real estate services.
14. Food and beverage retail sales.
15. General retail services.
16. Hotel/motel, including those operating as extended hour businesses.
17. Laundry services.
18. Senior center.
19. Medical and dental services.
20. Parking facilities.
21. Participant sports and recreation, indoor.
22. Personal service facilities.
23. Professional and administrative services.
24. Research services.
25. Utilities, minor.
26. Cultural exhibits and library services.
27. Extended-hour businesses that do not include the construction of a new building or expansion of an existing structure.



28. Transportation facilities (Type I).
29. Lodge, social, community center, and civic assembly within the commercial districts along Highway 43, Salamo Road or Blankenship Road.
30. 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; Ord. 1655 § 2, 2016)

### **19.040 ACCESSORY USES**

1. Manufacture or repackaging of goods for on-site sale. (Ord. 1686 § 2, 2018)

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

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

1. Residential 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.
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; Ord. 1638 § 3, 2015; Ord. 1736 § 1 (Exh. A), 2022)

## **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:

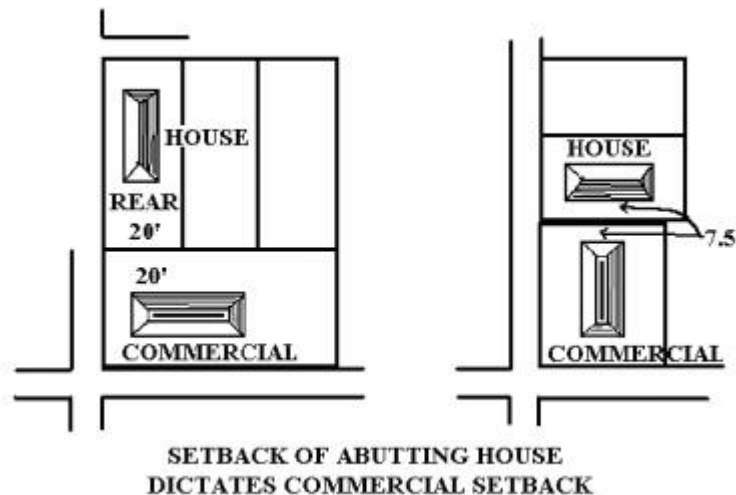
1. Certified child care center.
2. Automotive and equipment:
  - a. Cleaning.
  - b. Repairs, heavy equipment.
  - c. Repairs, light equipment.
  - d. Sales/rentals, heavy equipment.
  - e. Sales/rentals, light equipment.
  - f. Storage, recreation vehicles and boats.
3. Construction, sales and services.
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. All 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; Ord. 1675 § 27, 2018; Ord. 1736 § 1 (Exh. A), 2022)

**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 or parcel 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). (Ord. 1636 § 15, 2014)

## 19.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

### Commentary:

Currently, new detached single-family dwellings are not permitted in the GC zone. They are listed in subsection (B) below as being exempt from Chapter 55 Design Review because existing single-family homes are allowed to remain (regulated as conditional uses per CDC 65.030(A)). However, the further exemptions from Design Review for conversion of single-family homes into duplexes, triplexes, quadplexes, or cottage clusters seems contradictory, since those other housing types are not permitted in the GC zone (conditionally or otherwise). Therefore, the exemptions for conversion to plexes and cottage clusters have been struck out. This same approach is taken in the OBC zone (Section 21.090).

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 41 CDC, Building Height, Structures on Steep Lots, 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 ~~and/or their conversion into a duplex, triplex, or quadplex, and the addition of cottages in a cottage cluster with the preexisting non-conforming detached single-family dwelling located on the same lot~~ and approved conditional use applications pursuant to CDC 60.030(C). (Ord. 1590 § 1, 2009; Ord. 1635 § 14, 2014; Ord. 1675 § 28, 2018; Ord. 1736 § 1 (Exh. A), 2022)



## **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.

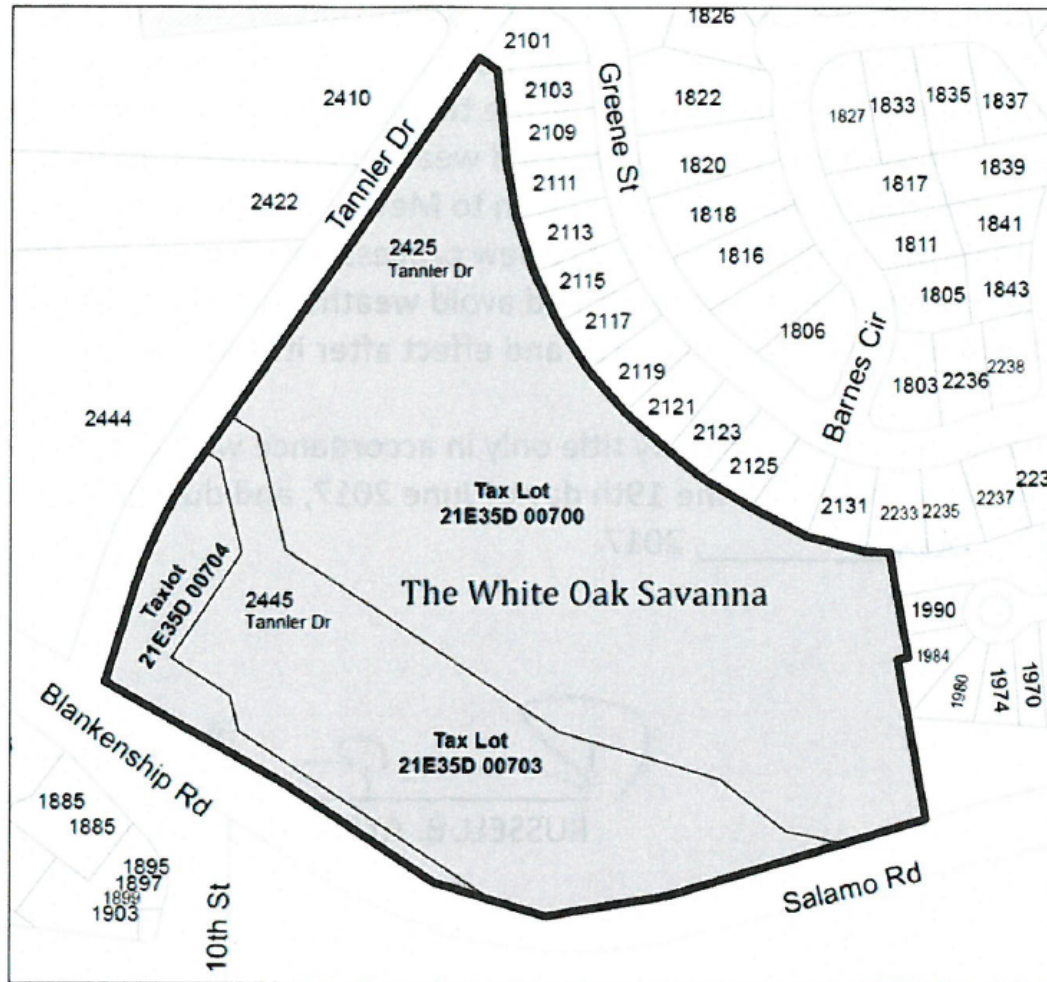
## 21.020 PROCEDURES AND APPROVAL PROCESS

- A. A use permitted outright, CDC 21.030, is a use that requires no approval under the provisions of this code, except that some uses require design review pursuant to CDC 21.090(B). 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).
15. Special use areas only if located on those properties indicated on the map below.



(Ord. 1226, 1988; Ord. 1401, 1997; Ord. 1590 § 1, 2009; Ord. 1622 § 23, 2014; Ord. 1660 § 1, 2017)

## **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 only above the first floor of the structure, as a mixed use in conjunction with commercial development that utilizes the entire first floor.
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 that do not constitute more than 20 percent of the total floor area of the building in which it is located. (Ord. 1226, 1988; Ord. 1408, 1998; Ord. 1442, 1999; Ord. 1565, 2008; Ord. 1647 § 2, 2016; Ord. 1655 § 3, 2016)

## 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. Certified child 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. All 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; Ord. 1675 § 29, 2018; Ord. 1736 § 1 (Exh. A), 2022)



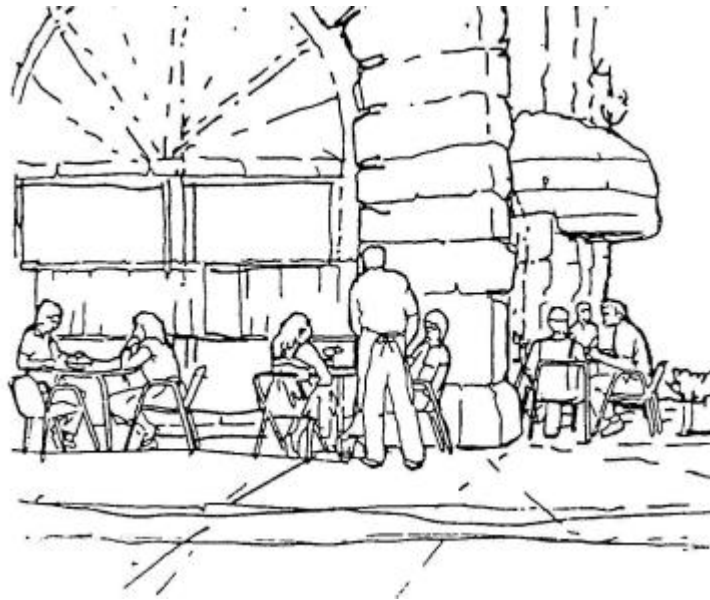
21.070 DIMENSIONAL REQUIREMENTS, USES  
PERMITTED OUTRIGHT AND USES PERMITTED  
UNDER PRESCRIBED CONDITIONS

**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 or parcel 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). (Ord. 1636 § 16, 2014)

### **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 41 CDC, Building Height, Structures on Steep Lots, 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 ~~and/or their conversion into a duplex, triplex, or quadplex, and the addition of cottages in a cottage cluster with the preexisting non-conforming detached single-family dwelling located on the same lot~~. (Ord. 1590 § 1, 2009; Ord. 1675 § 30, 2018; Ord. 1736 § 1 (Exh. A), 2022)

**Chapter 22**  
**CAMPUS INDUSTRIAL, CI**

Sections:

- 22.010 PURPOSE
- 22.020 PROCEDURES AND APPROVAL PROCESS
- 22.030 PERMITTED USES
- 22.040 ACCESSORY USES
- 22.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS
- 22.060 CONDITIONAL USES
- 22.070 DIMENSIONAL REQUIREMENTS FOR USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS
- 22.080 DEVELOPMENT STANDARDS
- 22.090 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES
- 22.100 OTHER APPLICABLE DEVELOPMENT STANDARDS

## **22.010 PURPOSE**

The purpose of the Campus Industrial zoning district is to provide a mix of clean, employee intensive industries, offices, and retail commercial uses which have no off-site impacts in terms of noise, odor, glare, lights, vibration, smoke, dust or other types of off-site impacts. The zone provides for combining parking, landscaping and other design features which physically and visually link structures and uses within one development.

## 22.020 PROCEDURES AND APPROVAL PROCESS

- A. A use permitted outright, CDC 22.030, is a use which requires no approval under the provisions of this code, except that all uses require design review pursuant to CDC 22.100(11). 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 22.050, 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 22.060) 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.

## **22.030 PERMITTED USES**

The following uses are permitted outright in this zone:

1. Research services.
2. Manufacturing of finished products; provided, that:
  - a. The use is employee intensive, providing approximately 15 or more jobs for every developed acre of land.
  - b. The use is not of a type or intensity which produces odor, smoke, fumes, noise, glare, heat or vibrations which are incompatible with other primary uses allowed in this district.
  - c. The physical and operational requirements of the use, including type of structure used and volume of heavy traffic generated, are similar to other industrial and office uses allowed in this district.
3. Business support services.
4. Personal service facilities primarily serving the business community within the area.
5. Corporate headquarters or regional offices with 50 or more employees.
6. Offices, except corporate headquarters or regional offices allowed under subsection 5 of this section, and those offices specified as limited uses under CDC 22.050(B), may occupy up to 70 percent of the total floor area of the development.
7. Participant sports and recreation, indoor and outdoor, developed to serve primarily the recreational needs of residents and employees of the district.
8. Transportation facilities (Type I). (Ord. 1590 § 1, 2009)

## **22.040 ACCESSORY USES**

Accessory uses are allowed in this zone as provided by Chapter 34 CDC and include among other uses the following:

1. Public support facilities.
2. Building maintenance facilities.
3. Recycling collection centers; provided, that any storage of material shall be within an enclosed structure.
4. Children's day care.
5. Utilities, minor.



**22.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS**

A. The following uses are allowed on a limited basis as part of the development of this district when developed concurrently with or after the primary uses, subject to the provisions of subsection B of this section:

1. Convenience sales and personal services.
2. Banks.
3. Medical and dental services.
4. Eating and drinking establishments.
5. Drive-through restaurants.
6. Drive-through window service for all uses allowed in this subsection in conjunction with the limitations in subsection B of this section.

B. Limitations and conditions on the development of the uses in subsection A of this section shall be as follows:

1. The total combined floor area occupied by all the listed uses shall not exceed 10 percent of the total floor area occupied by the permitted use. Formula: 0.10 times permitted floor area equals listed use floor area.
2. All listed uses shall be located, arranged and integrated within the development to serve primarily the shopping and service needs of employees of the district.
3. No outdoor storage of materials associated with the listed use shall be allowed.
4. Uses shall not be of a type or intensity which produces odor, smoke, fumes, noise, glare, heat or vibrations which are incompatible with associated permitted uses in the area.
5. All listed uses shall comply with the dimensional and development standards under CDC 22.070 and 22.080.

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

1. Sign, subject to the provisions of Chapter 52 CDC.
2. Temporary use, subject to the provisions of Chapter 35 CDC.
3. Water dependent uses, subject to the provisions of Chapters 28 and 34 CDC.
4. Wireless communication facilities, subject to the provisions of Chapter 57 CDC. (Ord. 1408, 1998; Ord. 1655 § 4, 2016)

## **22.060 CONDITIONAL USES**

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

1. Will have minimal adverse impact on the appropriate development of permitted uses on abutting properties and the surrounding area considering location, size, design and operating characteristics of the use.
2. Will not create offensive odor, dust, smoke, fumes, noise, glare, heat or vibrations which are incompatible with permitted uses allowed in this zone.
3. Will be located on a site occupied by a permitted use or a use permitted under prescribed conditions or, if separate, in a structure which is compatible with the character and scale of uses allowed within the district, and on a site no larger than necessary for the use and operational requirements of the use.
4. Will provide vehicular and pedestrian access, circulation, parking and loading areas which are compatible with similar facilities for uses on the same site or adjacent sites.
5. Transportation facilities (Type II). See CDC 60.090 for additional approval criteria.

B. Uses allowed subject to the above conditions are:

1. Transient lodging and associated convention facilities.
2. Heliports.
3. Retail and service commercial uses.
4. Household hazardous waste depot. (Ord. 1172, 1985; Ord. 1339, 1993; Ord. 1590 § 1, 2009)

**22.070 DIMENSIONAL REQUIREMENTS FOR USES PERMITTED OUTRIGHT AND USES**

**PERMITTED UNDER PRESCRIBED CONDITIONS**

- A. The purposes of these requirements and limitations are to:
1. Encourage coordinated development, and the most efficient and maximum use of campus industrial districts.
  2. Provide for adequate structure separation to ensure air and light access, and fire safety and protection for all.
  3. Provide for a compatible mix of uses supportive of public transportation facilities.
  4. Provide for the protection of adjacent properties.
  5. Provide for open space and outdoor activity areas.
- B. Site area requirements. A site area for purposes of this section shall be the total land area to be developed as a unit, prior to the creation of any new parcels or lots within the land area. A site area may be either of the following:
1. A parcel or lot, or tract.
  2. Two or more contiguous tracts, lots or parcels under separate ownership; provided, that:
    - a. All individual property owners are members of a group formed for the purpose of developing the properties as a single planned development; or
    - b. All individual ownerships are converted into development shares prior to any building permit being issued for the project; or
    - c. The owners shall record, in the office of the City Recorder, a contract in which all owners agree to subject the use and development of individual ownerships to the development plan for the site area as approved by the City. No permit shall be issued on any structure or use not indicated on the City-approved development plan for the site area.
- C. Minimum site area size requirements.
1. Developments which include uses under at least two of the permitted use categories under CDC 22.030 shall require a minimum site area of three acres.
  2. Developments which include only uses under CDC 22.030(1) through (5), and accessory uses, shall require a minimum site area of two acres.
  3. Developments which include only uses under CDC 22.030(7) shall require a minimum site area of one acre.
- D. Undersized lots. Any permitted use under CDC 22.030, and accessory uses, may be established on a lot or parcel smaller than the minimum site area requirements which is physically separated from all other undeveloped or underdeveloped properties in this district, or which is approved as a conditional use under CDC 22.060. Uses under CDC 22.050 shall not be included in undersized lot developments.
- E. Floor area ratio. The maximum floor area for all permitted and conditional uses within a site area shall not exceed the net site area multiplied by one (1:1).

F. Floor area requirements. Any permitted use or combination of permitted uses under CDC 22.030 may be allowed within a development in this district at floor area percentages, excluding accessory uses, not exceeding those illustrated on the following table:

**Floor Area Limitations for Permitted Use Categories Under CDC 22.030**

1, 2, 3, 4, & 5	6	7
100%	70%	100%

Limited uses: Only permitted use floor area may be included for purposes of calculating the allowed limited use floor area for development.

G. The requirements under this section may be modified or waived by the Director pursuant to the provisions of CDC 99.060. Approval shall not be granted unless the applicant provides evidence substantiating conditions in subsections (G)(1) through (3), or (G)(4), of this section:

1. The modification or waiver is consistent with the purposes under this section; and
2. The need for the use for which additional floor area is requested is at least as great as the need for other compatible permitted uses allowed in this district; and
3. The proposed use, and location of the use, is compatible with, and complementary to, existing or proposed developments within the district area; or
4. A substantial mix of permitted uses has been established within the immediate district area to the extent that all permitted use categories under Section 22.030 are represented.

H. Lot coverage. The maximum lot coverage for all structures shall be 55 percent of the net site area, after any required dedications for roadway purposes. A minimum of 25 percent of the development site area shall be used for landscaping, natural areas or outdoor recreational use area.

I. Minimum perimeter setback is 15 feet.

1. The following uses may be allowed within a perimeter setback area which fronts on a public road:
  - a. Landscaping.
  - b. Bikeways, trails, pedestrian walks and plazas.
  - c. Access driveways.
  - d. Bus shelters and other pedestrian amenities.
  - e. Identification signs.
2. The following uses may be allowed within perimeter setback areas which are adjacent to other site areas:
  - a. Landscaping.
  - b. Bikeways, trails, pedestrian walks, patios, courts.
  - c. On-site directional signs.
  - d. Coordinated joint use circulation drives, parking, loading, recreational activity areas, plazas.

- e. Coordinated joint use structures, subject to provisions of the Uniform Building Code.

J. Minimum street frontage is 50 feet.

K. Maximum building height. The maximum building height shall be two and one-half stories or 35 feet for any structure located within 50 feet of a residential zone and three and one-half stories or 45 feet for any structure located 50 feet or more from a residential zone. (Ord. 1622 § 24, 2014; Ord. 1636 § 17, 2014)

## 22.080 DEVELOPMENT STANDARDS

All development within this district is subject to the review procedures and application requirements under Chapter 55 CDC. In addition, the following specific standards, requirements, and objectives shall apply to all development in this district:

A. Building siting and design. The design and siting of structures in this district shall comply with the following:

1. Particular attention shall be given to the siting and design of all structures, and portions thereof, which may be viewed by the public from inside and outside the development.
2. When more than one permitted use is to be included in a site area, structures and uses shall be arranged and clustered to maximize opportunities for shared circulation, parking, loading, pedestrian walkways and plazas, recreation areas, transit-related facilities, and day and night surveillance.

B. Access and on-site circulation. In addition to the provisions of Chapter 48 CDC, the location, design and development of on-site circulation shall:

1. Provide, as appropriate, joint access and circulation drives through and between developments.
2. Provide continuous pedestrian and bicycle access to permitted and accessory uses, and uses permitted under prescribed conditions within and between developments, and conveniently located bicycle storage to service the various uses.
3. Provide on-site directional signing identifying the location of all uses within the development.
4. Minimize barriers to handicapped and elderly persons.

C. Parking and loading requirements. The provisions of Chapter 46 CDC shall apply, except as modified to address the following objectives:

1. Locate parking areas to maximize the potential for shared parking between on- and off-site complementary uses, as provided under Chapter 46 CDC.
2. Encourage the provision of priority parking spaces convenient to the building entrances for employee carpool vehicles.
3. Maximize the joint use of truck loading and maneuvering areas between on-site and adjacent off-site complementary uses.
4. Locate necessary commercial or recreational vehicle storage in areas which are generally inappropriate for permitted use parking, and buffer such areas from residential uses. No parking or loading space required under Chapter 46 CDC shall be used for storing a commercial or recreational vehicle.

D. Landscaping. A minimum of 25 percent of the developed site area shall be used for landscaping. The design and development of landscaping in this district shall:

1. Enhance the appearance of the site internally and from a distance.
2. Include street trees and streetside landscaping. (Trees and ground cover shall be selected from those recommended in the adopted design plan, as applicable.)
3. Provide an integrated open space and pedestrian way system within the development with appropriate connections to surrounding properties.
4. Include, as appropriate, a bikeway, pedestrian walkway or jogging trail.

5. Provide buffering or transitions between uses.
6. Encourage outdoor eating areas conveniently located for use by employees.
7. Encourage outdoor recreation areas appropriate to serve all the uses within the development.

E. Fences. Periphery fences shall not be allowed within this district. Decorative fences or walls may be used to screen service and loading areas, private patios or courts. Fences may be used to enclose playgrounds, tennis courts, or to secure sensitive areas or uses, such as vehicle storage areas or drainage detention facilities. Fences shall not be located where they impede pedestrian or bicycle circulation through or between site areas.

F. Signs. One freestanding or ground-mounted sign may be provided for a development pursuant to Chapter 52 CDC.

G. Outdoor storage. No outdoor storage of materials shall be allowed within this district.

H. The requirements of subsections A through G of this section may be modified for developments under the planned unit development provisions of Chapter 24 CDC.

**22.090 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES**

Except as may otherwise be established by CDC 22.070, the appropriate lot or parcel 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). (Ord. 1636 § 18, 2014)



## **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 41 CDC, Building Height, Structures on Steep Lots, 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.
11. Chapter 55 CDC, Design Review. (Ord. 1590 § 1, 2009; Ord. 1675 § 31, 2018)

**Chapter 23**  
**GENERAL INDUSTRIAL, GI**

Sections:

- 23.010 PURPOSE
- 23.020 PROCEDURES AND APPROVAL PROCESS
- 23.030 PERMITTED USES
- 23.040 ACCESSORY USES
- 23.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS
- 23.060 CONDITIONAL USES
- 23.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED  
UNDER PRESCRIBED CONDITIONS
- 23.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES
- 23.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

### **23.010 PURPOSE**

The purpose of this zone is to provide for manufacturing, processing and assembling uses which are of a size and scale which makes them generally incompatible with other adjoining non-industrial uses. The uses included in this zone are generally characterized by large buildings and large storage areas and have off-site effects from smoke, odor, noise, dust, lights or other externalities. The zone is intended to implement the policies and locational criteria in the Comprehensive Plan.

### 23.020 PROCEDURES AND APPROVAL PROCESS

- A. A use permitted outright, CDC 23.030, is a use which requires no approval under the provisions of this code, except that some uses require design review pursuant to CDC 23.090(B). 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 23.050, 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 23.060) 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.

### **23.030 PERMITTED USES**

The following uses are uses permitted outright in this zone:

1. Agricultural sales and services.
2. Animal sales and services:
  - a. Kennels.
  - b. Veterinary, small and large animals.
3. Automotive and equipment:
  - a. Cleaning.
  - b. Fleet storage.
  - c. Repairs, light and heavy equipment.
  - d. Sales/rentals, light and heavy equipment.
  - e. Storage, recreational vehicles and boats.
4. Construction sales and services.
5. Laundry services.
6. Manufacturing of products:
  - a. From raw materials.
  - b. From previously prepared materials.
7. Packaging and processing.
8. Postal service.
9. Public safety facilities.
10. Public support facilities.
11. Research services.
12. Scrap operations, recycling collection center.
13. Utilities, minor and major.
14. Wholesale, storage and distribution:
  - a. Mini-warehouse.
  - b. Light.
  - c. Heavy.
15. Transportation facilities (Type I). (Ord. 1590 § 1, 2009)

### **23.040 ACCESSORY USES**

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

**23.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS**

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

1. Sign, subject to the provisions of Chapter 52 CDC.
2. Temporary use, subject to the provisions of Chapter 35 CDC.
3. Water-dependent uses, subject to the provisions of Chapters 28 and 34 CDC.
4. Wireless communication facilities, subject to the provisions of Chapter 57 CDC. (Ord. 1408, 1998)

### **23.060 CONDITIONAL USES**

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

1. Heliport.
2. Household hazardous waste depot.
3. Transportation facilities (Type II). See CDC 60.090 for additional approval criteria. (Ord. 1339, 1993; Ord. 1590 § 1, 2009)



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

**23.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED**

**UNDER PRESCRIBED CONDITIONS**

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

1. The minimum front lot line length or the minimum lot width at the front lot line shall be 50 feet.
2. The average minimum lot width shall be 50 feet.
3. *Repealed by Ord. 1622.*
4. 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.
6. The maximum building height shall be two and one-half stories or 35 feet for any structure located within 100 feet of a residential zone and three and one-half stories or 45 feet for any structure located 100 feet or more from a residential zone.

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. 1622 § 24, 2014)

**23.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES**

Except as may otherwise be established by this code, the appropriate lot or parcel 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). (Ord. 1636 § 19, 2014)

**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 41 CDC, Building Height, Structures on Steep Lots, 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 existing detached single-family dwellings. (Ord. 1590 § 1, 2009; Ord. 1675 § 32, 2018)

## Chapter 55

### DESIGN REVIEW

Sections:

- 55.010 PURPOSE AND INTENT – GENERAL
- 55.020 CLASSES OF DESIGN REVIEW
- 55.025 EXEMPTIONS
- 55.030 ADMINISTRATION AND APPROVAL PROCESS
- 55.040 EXPIRATION OR EXTENSION OF APPROVAL
- 55.050 DESIGN REVIEW AMENDMENT TRIGGER
- 55.060 STAGED OR PHASED DEVELOPMENT
- 55.070 SUBMITTAL REQUIREMENTS
- 55.085 ADDITIONAL INFORMATION REQUIRED AND WAIVER OF REQUIREMENTS
- 55.090 APPROVAL STANDARDS – CLASS I DESIGN REVIEW – GENERAL/DISCRETIONARY
- 55.095 APPROVAL STANDARDS – CLASS I DESIGN REVIEW – RESIDENTIAL/CLEAR AND OBJECTIVE
- 55.100 APPROVAL STANDARDS – CLASS II DESIGN REVIEW – GENERAL/DISCRETIONARY
- 55.105 APPROVAL STANDARDS – CLASS II DESIGN REVIEW – RESIDENTIAL/CLEAR AND OBJECTIVE
- 55.110 SITE ANALYSIS
- 55.120 SITE PLAN
- 55.125 TRANSPORTATION ANALYSIS
- 55.130 GRADING AND DRAINAGE PLANS
- 55.140 ARCHITECTURAL DRAWINGS
- 55.150 LANDSCAPE PLAN
- 55.170 EXCEPTIONS TO UNDERLYING ZONE, YARD, PARKING, SIGN PROVISIONS, AND LANDSCAPING PROVISIONS
- 55.180 MAINTENANCE
- 55.190 SHARED OPEN SPACE
- 55.195 ANNEXATION AND STREET LIGHTS

### **55.010 PURPOSE AND INTENT – GENERAL**

The purpose of the design review provisions is to establish a process and standards for the review of development proposals in order to conserve and enhance the appearance of the City and to promote functional, safe, and innovative site development. Attention will be paid to the proposal's scale, layout and design, its compatibility with the surrounding natural environment, and the character of the surrounding neighborhood or area. The intent is to ensure that there is general compatibility between adjoining uses, that private and common outdoor space is provided, that vehicular access and circulation are safe, and that areas of public use are made aesthetically attractive and safe. Also of concern are the needs of persons with disabilities.

Developers of multi-family, industrial, commercial, office, and public building projects are required to take steps to reduce reliance on the automobile by, in part, encouraging other modes of transportation such as transit, bicycles, and foot traffic, and through building orientation or location. (Ord. 1650 § 1 (Exh. A), 2016)

**Commentary:**

Design Review (DR) applies to residential uses as follows:

- Class I: Development of a single-family dwelling, duplex, triplex, quadplex, townhouse, or cottage cluster in the Willamette Neighborhood Mixed-Use Transitional Zone, per CDC 59.070. (Note: The term “single-family dwelling” encompasses each of these housing types, except for cottage cluster, per the Definitions in Chapter 2.) This is added to the list of development subject to Class I DR below, for the sake of clarity.
- Class II: Multi-family development in any zone, plus the residential portion of a mixed-use development.

**55.020 CLASSES OF DESIGN REVIEW**

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

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

- e. Revised circulation.
- f. Revised points of ingress/egress to a site.
- g. Heating, ventilation, and air conditioners (HVAC) that are visible from the public right-of-way.

10. New development of a single-family detached dwelling (including a duplex, triplex, or quadplex), single-family attached dwelling (including a duplex, triplex, quadplex, or townhouse), or cottage cluster in the Willamette Neighborhood Mixed-Use Transitional Zone.

B. Class II Design Review. Class II design review applies to all uses/activities except those uses/activities listed under Class I design review, and the exemptions of CDC 55.025. Class II design review applies to the proposed improvements listed in this section when the proposed improvement (e.g., new sidewalk) is part of a major commercial, office, industrial, public, or multi-family construction project (e.g., a new shopping center). (Ord. 1547, 2007; Ord. 1604 § 50, 2011; Ord. 1622 § 20, 2014)

**Commentary:**

Except in the Willamette Neighborhood Mixed-Use Transitional Zone, single-family detached and attached dwellings are exempt from DR. This also includes duplexes, triplexes, quadplexes, and townhouses. Middle housing types (including cottage clusters) cannot be subject to DR if single-family is not subject to DR, according to OAR 660-046.

In the current code, manufactured homes are not exempt from DR. However, House Bill 4064 (2022) precludes local governments from applying any standards to manufactured homes built on individual lots (i.e., not in manufactured home parks) that do not apply to site-built single-family homes. Therefore, DR cannot be required for manufactured homes.

Also, in current practice, accessory dwelling units (ADUs) are not subject to DR except in the historic district; however, this is not clear based on the applicability and exemptions.

As a solution, the proposed amendments list all new dwelling units other than multi-family dwellings and manufactured home parks as exempt from DR, except as indicated otherwise.

**55.025 EXEMPTIONS**

The following activities are exempt from the provisions of this chapter, except as indicated otherwise in the base zone or this chapter:

A. Construction of new dwelling units, except for multiple family residential units, dwelling units that are part of a mixed-use building, and manufactured home parks~~Detached single family residential construction, except as indicated otherwise in the base zone or this chapter;~~

B. Accessory structures;

~~C. Single family attached structures except as indicated otherwise in the base zone or this chapter;~~

DC. 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; Ord. 1675 § 43, 2018)



### **55.030 ADMINISTRATION AND APPROVAL PROCESS**

- A. A pre-application conference is required before submitting a development plan application for design review as provided by CDC 99.030(B).
- B. The application shall be submitted by the record owner(s) of the property, authorized agent, or condemnor.
- C. Action on the development plan application shall be as provided by Chapter 99 CDC, Procedures for Decision-Making: Quasi-Judicial, and the following:
  - 1. The Planning Director for Class I design review applications, or Planning Commission for Class II design review applications, shall approve, approve with conditions, or deny the application based on findings related to the applicable criteria set forth in CDC 99.110 and this chapter.
  - 2. A decision by the Planning Director may be reviewed by the City Council.
- D. Substantial modifications made to the approved development plan will require reapplication (e.g., more or fewer lots, different architectural design, etc.). (Ord. 1474, 2001; Ord. 1597 § 14, 2010)

### **55.040 EXPIRATION OR EXTENSION OF APPROVAL**

If substantial construction has not occurred within three years from the date of approval of the development plan, the approved proposal will be void, unless an extension is granted under CDC 99.325. (Ord. 1408, 1998; Ord. 1589 § 1 (Exh. A), 2010)

### **55.050 DESIGN REVIEW AMENDMENT TRIGGER**

Amendments to design review shall be required when 10 percent or more of the housing type changes (e.g., from single-family units to multi-family units) from the tentatively approved design review plan, or when there is more than a 10 percent change in the number of units, or when the layout of streets and lots significantly changes, or adjusting more than 20 percent of the building footprint or site plan, or significant changes to the architecture that modify the style, mass, or result in elimination of significant design features. Changes in color or materials would not require an amendment unless the colors were non-earth tones and the materials were of poorer quality (for example, going from tile roof to composition roofing) than originally approved. Changes to the project/site plan to meet conditions of approval or legislative changes shall not trigger an amendment. (Ord. 1408, 1998)

### **55.060 STAGED OR PHASED DEVELOPMENT**

The applicant may elect to develop the site in stages. Staged development shall be subject to the provisions of CDC 99.125.

### 55.070 SUBMITTAL REQUIREMENTS

- A. The design review application shall be initiated by the property owner or the owner's agent, or condemnor.
- B. A pre-application conference, per CDC 99.030(B), shall be a prerequisite to the filing of an application.
- C. Documentation of any required meeting with the respective City-recognized neighborhood association per CDC 99.038.

**Commentary:**

The proposed amendments below clarify the meaning of "architectural work" and add a new requirement for a service provider permit from TVF&R, which is consistent with current practice.

- D. The applicant shall submit a completed application form and:
  - 1. The development plan for a Class I design review shall contain the following elements:
    - a. A site analysis (CDC 55.110) only if the site is undeveloped;
    - b. A site plan (CDC 55.120);
    - c. Architectural drawings, including building envelopes and all elevations (CDC 55.140) only if ~~architectural work is~~ exterior architectural construction, remodeling, or changes are proposed; ~~and~~
    - d. Tualatin Valley Fire & Rescue Service Provider Permit; and
    - e. Pursuant to CDC 55.085, additional submittal material may be required.

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

- 2. The development plan for a Class II design review shall contain the following elements:
  - a. A site analysis (CDC 55.110);
  - b. A site plan (CDC 55.120);
  - c. A grading plan (CDC 55.130);
  - d. Architectural drawings, indicating floor plan and elevation (CDC 55.140);
  - e. A landscape plan (CDC 55.150);
  - f. A utility plan appropriate to respond to the approval criteria of CDC 55.100(I)(1) through (5) relating to streets, drainage, municipal water, sanitary sewers, solid waste, and recycling storage;
  - g. A light coverage plan with photometric data, including the location and type of outdoor lighting, with specific consideration given to compliance with CDC 55.100(J) pertaining to crime prevention and, if applicable, CDC 46.150(A)(13) pertaining to parking lot lighting;
  - h. If staff determines before or during the pre-application conference that the land use is expected to generate noise that may exceed DEQ standards, the application shall include a noise study conducted by a

licensed acoustical engineer that demonstrates that the application and associated noise sources will meet DEQ standards. Typical noise sources of concern include, but are not limited to, vehicle drive-throughs, parking lots, HVAC units, and public address systems; and

i. Documents as required per the Tree Technical Manual.

j. Tualatin Valley Fire & Rescue Service Provider Permit.

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

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

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

F. The applicant shall pay the required deposit and fee. (Ord. 1401, 1997; Ord. 1408, 1998; Ord. 1442, 1999; Ord. 1613 § 11, 2013; Ord. 1621 § 25, 2014; Ord. 1622 § 14, 2014)

**55.085 ADDITIONAL INFORMATION REQUIRED AND WAIVER OF REQUIREMENTS**

- A. For applications subject to discretionary review, ~~t~~The Planning Director may require additional information as part of the application subject to the provisions of CDC 99.035(A).
- B. For applications subject to discretionary review, ~~t~~The Planning Director may waive any requirements for the application subject to the provisions of CDC 99.035(B) and (C).

**Commentary:**

The proposed approach to creating a clear and objective Design Review path for housing is to create a separate set of approval criteria and standards for housing—see the new section 55.095 below for the proposed Residential/Clear and Objective criteria for Class I DR. The existing discretionary criteria would remain as-is, and would apply to any non-residential application or to any residential project for which the applicant opts for the discretionary path (i.e., the alternative track in a two-track system). If an applicant could not meet one or more of the clear and objective criteria, the discretionary criteria would apply.

NOTE: Section 55.095 is a new section that would be added to the code. The amendments are shown in blue font, but also in underline/strikeout format so it is clear how the existing criteria in 55.090 would be modified for the clear and objective path.

**55.090 APPROVAL STANDARDS – CLASS I DESIGN REVIEW – GENERAL/DISCRETIONARY**

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, as defined in CDC 2.030, 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; Ord. 1675 § 44, 2018)

**55.095 APPROVAL STANDARDS – CLASS I DESIGN REVIEW – RESIDENTIAL/CLEAR AND OBJECTIVE**

Applicability. Class I Design Review applications for the development of one or more new dwelling units, as applicable under CDC 55.020(A), are subject to the clear and objective approval standards in this section. Proposals where the applicant cannot or chooses not to meet the clear and objective approval standards in this section may apply under the discretionary Class I approval standards in CDC 55.090. 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. Unless waived by the Planning Director, t~~The~~ provisions of the following sections shall be met:



1. CDC 55.10~~50~~(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 55.10~~50~~(C) and (D), Building Orientation and Entries and Architecture, ~~(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.~~

~~3.4.~~ The design standards or requirements identified in the base zone shall apply.

B. An application may be approved only if adequate public facilities, as defined in CDC 2.030 and pursuant to CDC 55.105(M), 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; Ord. 1675 § 44, 2018)

**Commentary:**

The same approach is proposed for creating a clear and objective review path for Class II DR. The existing criteria are retained for non-residential projects and for residential projects that opt into the discretionary path. A new set of clear and objective criteria is proposed as new Section 55.105, after the section below.

**55.100 APPROVAL STANDARDS – CLASS II DESIGN REVIEW – GENERAL/DISCRETIONARY**

Except for applications subject to Section 55.105, 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:

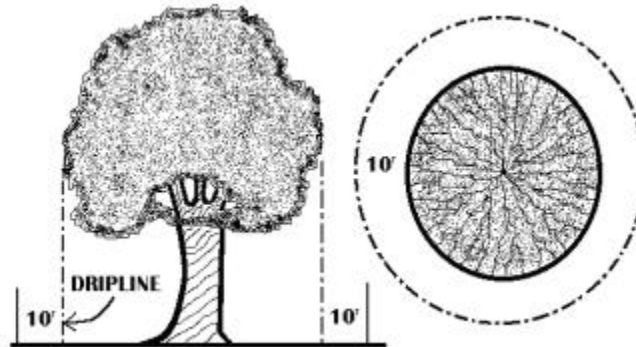
A. The provisions of the following chapters shall be met:

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 41 CDC, Building Height, Structures on Steep Lots, Exceptions.
4. Chapter 42 CDC, Clear Vision Areas.
5. Chapter 44 CDC, Fences.
6. Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas.
7. Chapter 48 CDC, Access, Egress and Circulation.
8. Chapter 52 CDC, Signs.
9. Chapter 54 CDC, Landscaping.

B. Relationship to the natural and physical environment.

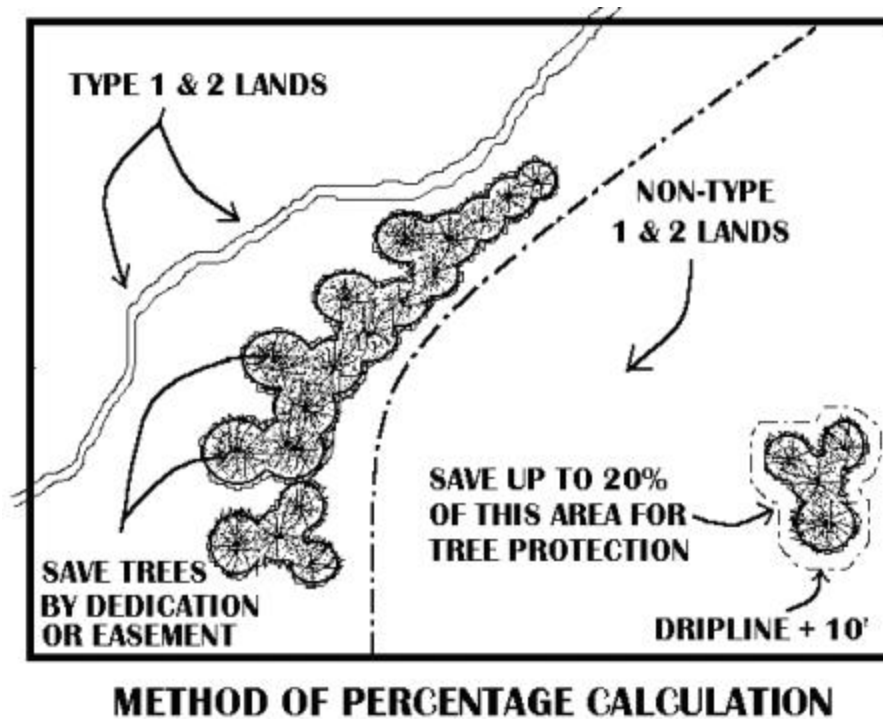
1. The buildings and other site elements shall be designed and located so that all heritage trees, as defined in the municipal code, shall be saved. Diseased heritage trees, as determined by the City Arborist, may be removed at their direction.
2. All heritage trees, as defined in the municipal code, all trees and clusters of trees (“cluster” is defined as three or more trees with overlapping driplines; however, native oaks need not have an overlapping dripline) that are considered significant by the City Arborist, either individually or in consultation with certified arborists or similarly qualified professionals, based on accepted arboricultural standards including consideration of their size, type, location, health, long term survivability, and/or numbers, shall be protected pursuant to the criteria of subsections (B)(2)(a) through (f) of this section. In cases where there is a difference of opinion on the significance of a tree or tree cluster, the City Arborist’s findings shall prevail. It is important to acknowledge that all trees are not significant and, further, that this code section will not necessarily protect all trees deemed significant.
  - a. Non-residential and residential projects on Type I and II lands shall protect all heritage trees and all significant trees and tree clusters by limiting development in the protected area. The protected area includes the protected tree, its dripline, and an additional 10 feet beyond the dripline, as depicted in the figure below. Development of Type I and II lands shall require the careful layout of streets, driveways, building pads, lots, and utilities to avoid heritage trees and significant trees and tree clusters, and other natural resources pursuant to this code. The method for delineating the protected trees or tree clusters

(“dripline plus 10 feet”) is explained in subsection (B)(2)(b) of this section. Exemptions of subsections (B)(2)(c), (e), and (f) of this section shall apply.



**PROTECTED AREA = DRIPLINE + 10 FEET**

b. Non-residential and residential projects on non-Type I and II lands shall set aside up to 20 percent of the protected areas for significant trees and tree clusters, plus any heritage trees. Therefore, in the event that the City Arborist determines that a significant tree cluster exists at a development site, then up to 20 percent of the non-Type I and II lands shall be devoted to the protection of those trees by limiting development in the protected areas. The exact percentage is determined by establishing the driplines of the trees or tree clusters that are to be protected. In order to protect the roots which typically extend further, an additional 10-foot measurement beyond the dripline shall be added. The square footage of the area inside this “dripline plus 10 feet” measurement shall be the basis for calculating the percentage (see figure below). The City Arborist will identify which tree(s) are to be protected. Development of non-Type I and II lands shall also require the careful layout of streets, driveways, building pads, lots, and utilities to avoid significant trees, tree clusters, heritage trees, and other natural resources pursuant to this code. Exemptions of subsections (B)(2)(c), (e), and (f) of this section shall apply. Please note that in the event that more than 20 percent of the non-Type I and II lands comprise significant trees or tree clusters, the developer shall not be required to save the excess trees, but is encouraged to do so.



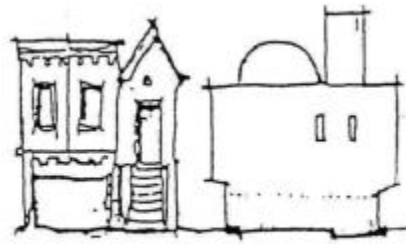
**E.G., DRIPLINE + 10 FT. AREA = 2,500 SQ. FT. OR 18% OF TOTAL NON-TYPE I AND II LAND DENSITY CALCULATIONS FOR THIS PARCEL WILL BE BASED ON REMAINING NET SQ. FOOTAGE OF SITE (EXCLUDING THE 2,500 SQ. FT.)**

- c. Where stubouts of streets occur on abutting properties, and the extension of those streets will mean the loss of significant trees, tree clusters, or heritage trees, it is understood that tree loss may be inevitable. In these cases, the objective shall be to minimize tree loss. These provisions shall also apply in those cases where access, per construction code standards, to a lot or parcel is blocked by a row or screen of significant trees or tree clusters.
  - d. For both non-residential and residential development, the layout shall achieve at least 70 percent of maximum density for the developable net area. The developable net area excludes all Type I and II lands and up to 20 percent of the remainder of the site for the purpose of protection of stands or clusters of trees as defined in subsection (B)(2) of this section.
  - e. For arterial and collector street projects, including Oregon Department of Transportation street improvements, the roads and graded areas shall avoid tree clusters where possible. Significant trees, tree clusters, and heritage tree loss may occur, however, but shall be minimized.
  - f. If the protection of significant tree(s) or tree clusters is to occur in an area of grading that is necessary for the development of street grades, per City construction codes, which will result in an adjustment in the grade of over or under two feet, which will then threaten the health of the tree(s), the applicant will submit evidence to the Planning Director that all reasonable alternative grading plans have been considered and cannot work. The applicant will then submit a mitigation plan to the City Arborist to compensate for the removal of the tree(s) on an “inch by inch” basis (e.g., a 48-inch Douglas fir could be replaced by 12 trees, each four-inch). The mix of tree sizes and types shall be approved by the City Arborist.
3. The topography and natural drainage shall be preserved to the greatest degree possible.

4. The structures shall not be located in areas subject to slumping and sliding. The Comprehensive Plan Background Report's Hazard Map, or updated material as available and as deemed acceptable by the Planning Director, shall be the basis for preliminary determination.
5. There shall be adequate distance between on-site buildings and on-site and off-site buildings on adjoining properties to provide for adequate light and air circulation and for fire protection.
6. Architecture.
  - a. The proposed structure(s) scale shall be compatible with the existing structure(s) on site and on adjoining sites. Contextual design is required. Contextual design means respecting and incorporating prominent architectural styles, building lines, roof forms, rhythm of windows, building scale and massing of surrounding buildings in the proposed structure. The materials and colors shall be complementary to the surrounding buildings.

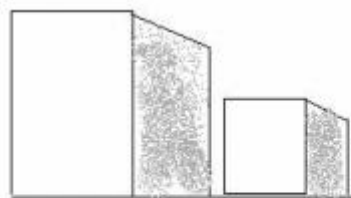


*contextual design*

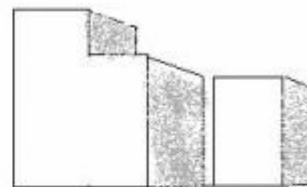


*contrasting design*

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



*mass/bulk overwhelms  
smaller building*



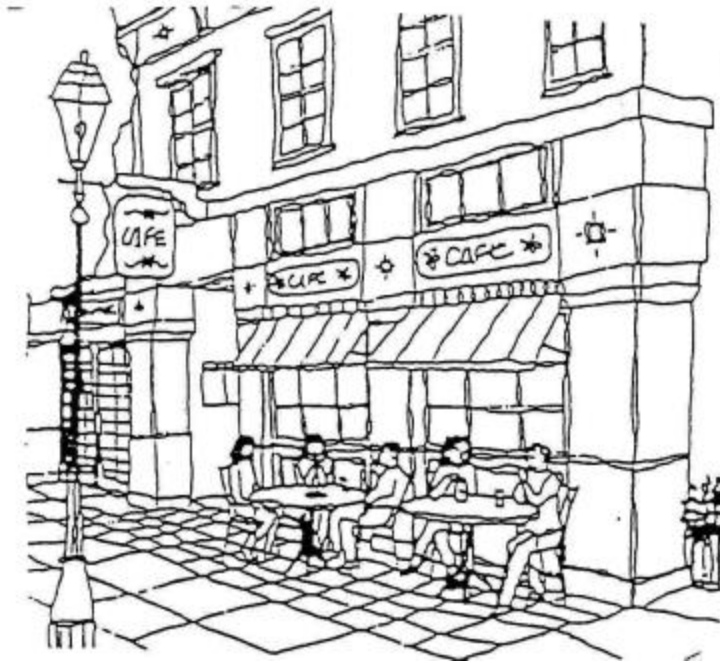
*mass/bulk effectively  
transitions*



c. Contrasting architecture shall only be permitted when the design is manifestly superior to adjacent architecture in terms of creativity, design, and workmanship, and/or it is adequately separated from other buildings by distance, screening, grade variations, or is part of a development site that is large enough to set its own style of architecture.

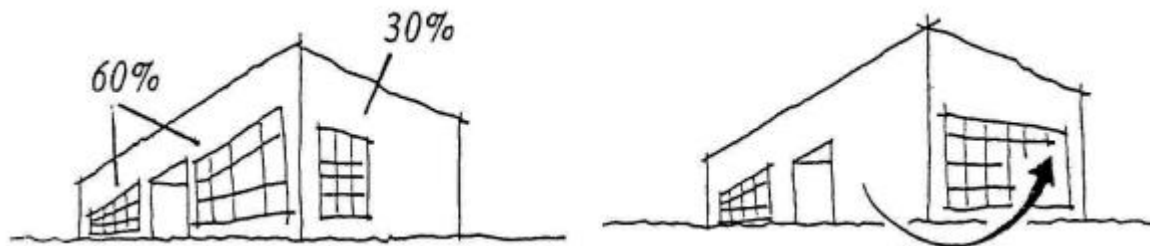
d. Human scale is a term that seeks to accommodate the users of the building and the notion that buildings should be designed around the human scale (i.e., their size and the average range of their perception). Human scale shall be accommodated in all designs by, for example, multi-light windows that are broken up into numerous panes, intimately scaled entryways, and visual breaks (exaggerated eaves, indentations, ledges, parapets, awnings, engaged columns, etc.) in the facades of buildings, both vertically and horizontally.

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

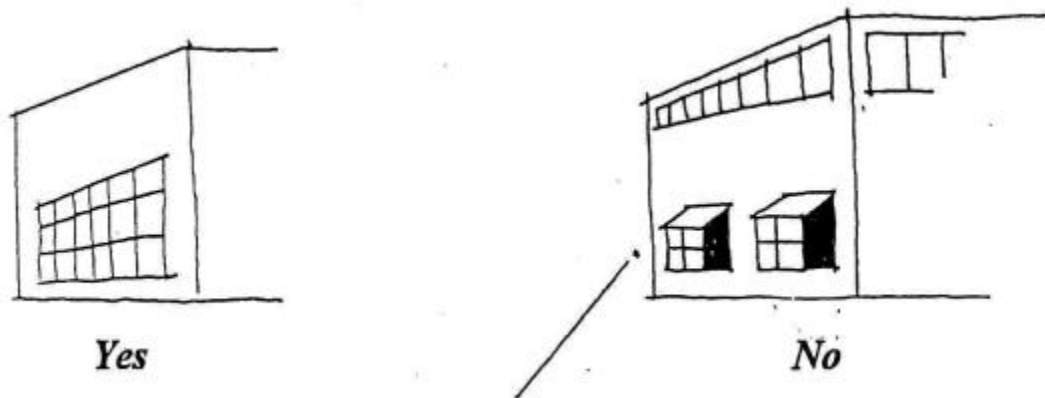


*human scale is captured in this example*

e. The main front elevation of commercial and office buildings shall provide at least 60 percent windows or transparency at the pedestrian level to create more interesting streetscape and window shopping opportunities. One side elevation shall provide at least 30 percent transparency. Any additional side or rear elevation, which is visible from a collector road or greater classification, shall also have at least 30 percent transparency. Transparency on other elevations is optional. The transparency is measured in lineal fashion. For example, a 100-foot-long building elevation shall have at least 60 feet (60 percent of 100 feet) in length of windows. The window height shall be, at minimum, three feet tall. The exception to transparency would be cases where demonstrated functional constraints or topography restrict that elevation from being used. When this exemption is applied to the main front elevation, the square footage of transparency that would ordinarily be required by the above formula shall be installed on the remaining elevations at pedestrian level in addition to any transparency required by a side elevation, and vice versa. The rear of the building is not required to include transparency. The transparency must be flush with the building elevation.



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



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

- f. Variations in depth and roof line are encouraged for all elevations.

To vary the otherwise blank wall of most rear elevations, continuous flat elevations of over 100 feet in length should be avoided by indents or variations in the wall. The use of decorative brick, masonry, or stone insets and/or designs is encouraged. Another way to vary or soften this elevation is through terrain variations such as an undulating grass area with trees to provide vertical relief.

- g. Consideration of the micro-climate (e.g., sensitivity to wind, sun angles, shade, etc.) shall be made for building users, pedestrians, and transit users, including features like awnings.

- h. The vision statement identified a strong commitment to developing safe and attractive pedestrian environments with broad sidewalks, canopied with trees and awnings.



*trees, awnings, and building orientation enhance micro-climate*

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

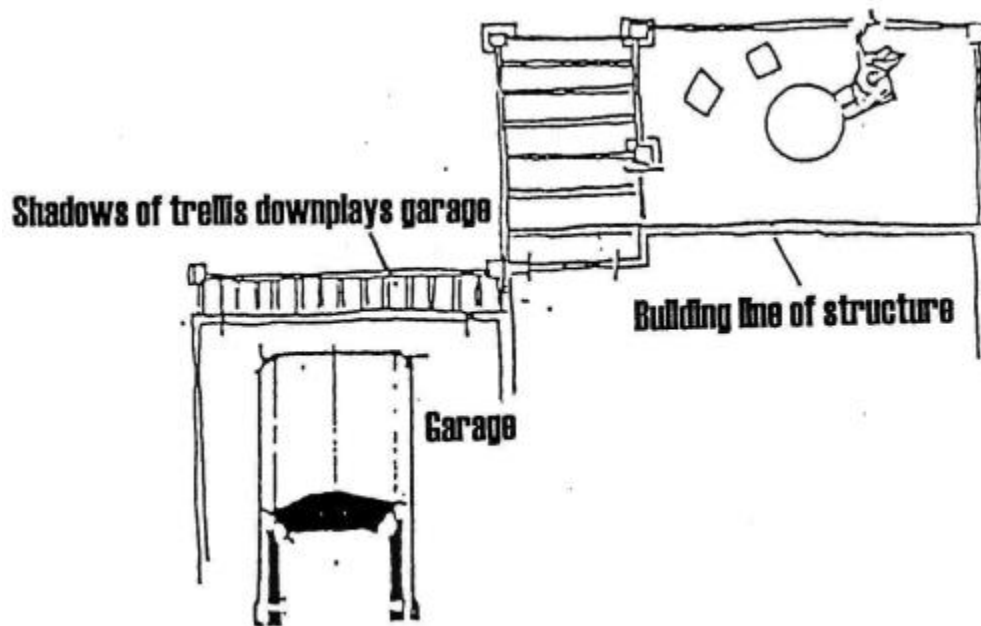


7. **Transportation.** The automobile shall be shifted from a dominant role, relative to other modes of transportation, by the following means:

a. Commercial and office development shall be oriented to the street. At least one public entrance shall be located facing an arterial street; or, if the project does not front on an arterial, facing a collector street; or, if the project does not front on a collector, facing the local street with highest traffic levels. Parking lots shall be placed behind or to the side of commercial and office development. When a large and/or multi-building development is occurring on a large undeveloped tract (three plus acres), it is acceptable to focus internally; however, at least 20 percent of the main adjacent right-of-way shall have buildings contiguous to it unless waived per subsection (B)(7)(c) of this section. These buildings shall be oriented to the adjacent street and include pedestrian-oriented transparencies on those elevations.

For individual buildings on smaller individual lots, at least 30 lineal feet or 50 percent of the building must be adjacent to the right-of-way unless waived per subsection (B)(7)(c) of this section. The elevations oriented to the right-of-way must incorporate pedestrian-oriented transparency.

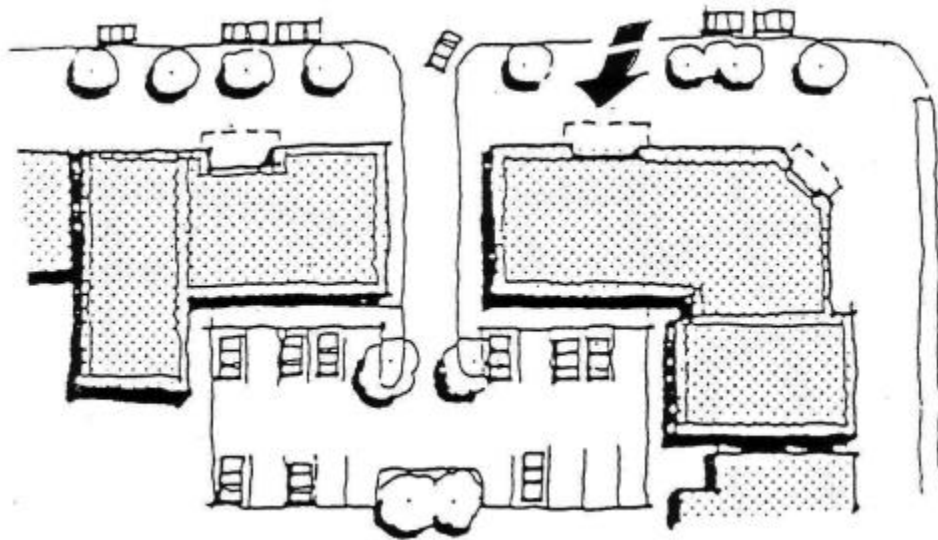
b. Multi-family projects shall be required to keep the parking at the side or rear of the buildings or behind the building line of the structure as it would appear from the right-of-way inside the multi-family project. For any garage which is located behind the building line of the structure, but still facing the front of the structure, architectural features such as patios, patio walls, trellis, porch roofs, overhangs, pergolas, etc., shall be used to downplay the visual impact of the garage, and to emphasize the rest of the house and front entry.



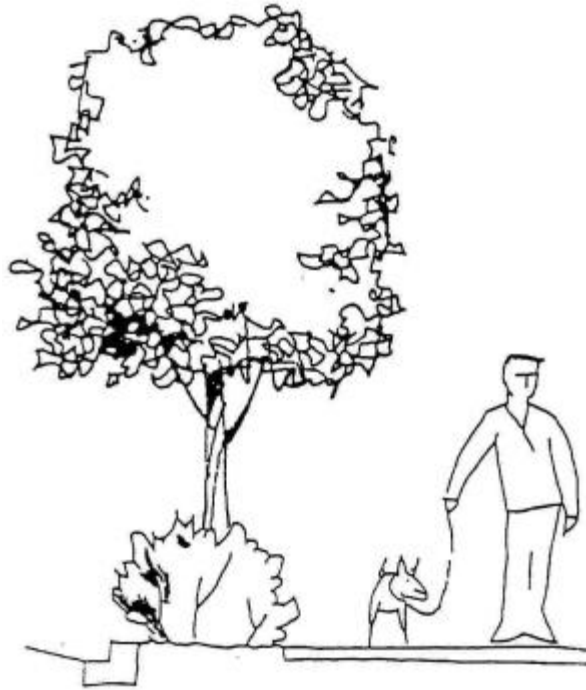
The parking may be positioned inside small courtyard areas around which the units are built. These courtyard spaces encourage socialization, defensible space, and can provide a central location for landscaping, particularly trees, which can provide an effective canopy and softening effect on the courtyard in only a few years. Vehicular access and driveways through these courtyard areas is permitted.

c. Commercial, office, and multi-family projects shall be built as close to the adjacent main right-of-way as practical to facilitate safe pedestrian and transit access. Reduced frontages by buildings on public rights-of-way may be allowed due to extreme topographic (e.g., slope, creek, wetlands, etc.) conditions or compelling functional limitations, not just inconveniences or design challenges.

*entrance from right-of-way*

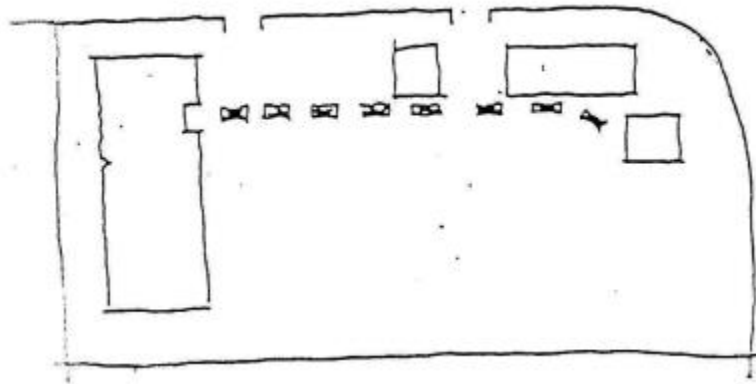


- d. Accessways, parking lots, and internal driveways shall accommodate pedestrian circulation and access by specially textured, colored, or clearly defined footpaths at least six feet wide. Paths shall be eight feet wide when abutting parking areas or travel lanes. Paths shall be separated from parking or travel lanes by either landscaping, planters, curbs, bollards, or raised surfaces. Sidewalks in front of storefronts on the arterials and main store entrances on the arterials identified in CDC 85.200(A)(3) shall be 12 feet wide to accommodate pedestrians, sidewalk sales, sidewalk cafes, etc. Sidewalks in front of storefronts and main store entrances in commercial/OBC zone development on local streets and collectors shall be eight feet wide.



*landscaping*

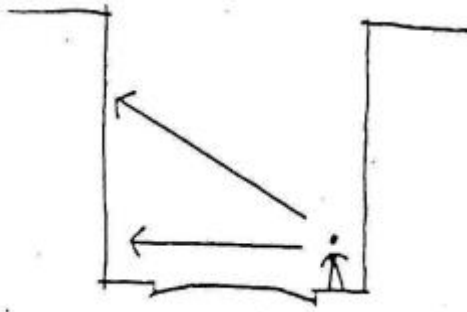
- e. Paths shall provide direct routes that pedestrians will use between buildings, adjacent rights-of-way, and adjacent commercial developments. They shall be clearly identified. They shall be laid out to attract use and to discourage people from cutting through parking lots and impacting environmentally sensitive areas.



*direct pedestrian route required (- -)*

- f. At least one entrance to the building shall be on the main street, or as close as possible to the main street. The entrance shall be designed to identify itself as a main point of ingress/egress.
- g. Where transit service exists, or is expected to exist, there shall be a main entrance within a safe and reasonable distance of the transit stop. A pathway shall be provided to facilitate a direct connection.

- h. Projects shall bring at least part of the project adjacent to or near the main street right-of-way in order to enhance the height-to-width ratio along that particular street. (The “height-to-width ratio” is an architectural term that emphasizes height or vertical dimension of buildings adjacent to streets. The higher and closer the building is, and the narrower the width of the street, the more attractive and intimate the streetscape becomes.) For every one foot in street width, the adjacent building ideally should be one to two feet higher. This ratio is considered ideal in framing and defining the streetscape.



*1:1 height to width ratio is ideal*

**(example only)**

- i. These architectural standards shall apply to public facilities such as reservoirs, water towers, treatment plants, fire stations, pump stations, power transmission facilities, etc. It is recognized that many of these facilities, due to their functional requirements, cannot readily be configured to meet these architectural standards. However, attempts shall be made to make the design sympathetic to surrounding properties by landscaping, setbacks, buffers, and all reasonable architectural means.
- j. Parking spaces at trailheads shall be located so as to preserve the view of, and access to, the trailhead entrance from the roadway. The entrance apron to the trailhead shall be marked: “No Parking,” and include design features to foster trail recognition.

C. Compatibility between adjoining uses, buffering, and screening.

1. In addition to the compatibility requirements contained in Chapter 24 CDC, buffering shall be provided between different types of land uses; for example, buffering between single-family homes and apartment blocks. However, no buffering is required between single-family homes and duplexes or single-family attached units. The following factors shall be considered in determining the adequacy of the type and extent of the buffer:
  - a. The purpose of the buffer, for example to decrease noise levels, absorb air pollution, filter dust, or to provide a visual barrier.
  - b. The size of the buffer required to achieve the purpose in terms of width and height.
  - c. The direction(s) from which buffering is needed.
  - d. The required density of the buffering.
  - e. Whether the viewer is stationary or mobile.
2. On-site screening from view from adjoining properties of such things as service areas, storage areas, and parking lots shall be provided and the following factors will be considered in determining the adequacy of the type and extent of the screening:

- a. What needs to be screened?
  - b. The direction from which it is needed.
  - c. How dense the screen needs to be.
  - d. Whether the viewer is stationary or mobile.
  - e. Whether the screening needs to be year-round.
3. Rooftop air cooling and heating systems and other mechanical equipment shall be screened from view from adjoining properties.

D. Privacy and noise.

1. Structures which include residential dwelling units shall provide private outdoor areas for each ground floor unit which is screened from view from adjoining units.
2. Residential dwelling units shall be placed on the site in areas having minimal noise exposure to the extent possible. Natural-appearing sound barriers shall be used to lessen noise impacts where noise levels exceed the noise standards contained in West Linn Municipal Code Section 5.487.
3. Structures or on-site activity areas which generate noise, lights, or glare shall be buffered from adjoining residential uses in accordance with the standards in subsection C of this section where applicable.
4. Businesses or activities that can reasonably be expected to generate noise in excess of the noise standards contained in West Linn Municipal Code Section 5.487 shall undertake and submit appropriate noise studies and mitigate as necessary to comply with the code. (See CDC 55.110(B)(11) and 55.120(M).)

If the decision-making authority reasonably believes a proposed use may generate noise exceeding the standards specified in the municipal code, then the authority may require the applicant to supply professional noise studies from time to time during the user's first year of operation to monitor compliance with City standards and permit requirements.

E. Private outdoor area. This section only applies to multi-family projects.

1. In addition to the requirements of residential living, unit shall have an outdoor private area (patio, terrace, porch) of not less than 48 square feet in area;
2. The outdoor space shall be oriented towards the sun where possible; and
3. The area shall be screened or designed to provide privacy for the users of the space.
4. Where balconies are added to units, the balconies shall not be less than 48 square feet, if they are intended to be counted as private outdoor areas.

F. Shared outdoor recreation areas. This section only applies to multi-family projects and projects with 10 or more duplexes or single-family attached dwellings on lots under 4,000 square feet. In those cases, shared outdoor recreation areas are calculated on the duplexes or single-family attached dwellings only. It also applies to qualifying PUDs under the provisions of CDC 24.170.

1. In addition to the requirements of subsection E of this section, usable outdoor recreation space shall be provided in residential developments for the shared or common use of all the residents in the following amounts:
  - a. Studio up to and including two-bedroom units: 200 square feet per unit.
  - b. Three or more bedroom units: 300 square feet per unit.

2. The required recreation space may be provided as follows:
  - a. It may be all outdoor space; or
  - b. It may be part outdoor space and part indoor space; for example, an outdoor tennis court and indoor recreation room; and
  - c. Where some or all of the required recreation area is indoor, such as an indoor recreation room, then these indoor areas must be readily accessible to all residents of the development subject to clearly posted restrictions as to hours of operation and such regulations necessary for the safety of minors.
  - d. In considering the requirements of this subsection F, the emphasis shall be on usable recreation space. No single area of outdoor recreational space shall encompass an area of less than 250 square feet. All common outdoor recreational space shall be clearly delineated and readily identifiable as such. Small, marginal, and incidental lots or parcels of land are not usable recreation spaces. The location of outdoor recreation space should be integral to the overall design concept of the site and be free of hazards or constraints that would interfere with active recreation.
3. The shared space shall be readily observable to facilitate crime prevention and safety.

G. Demarcation of public, semi-public, and private spaces. The structures and site improvements shall be designed so that public areas such as streets or public gathering places, semi-public areas, and private outdoor areas are clearly defined in order to establish persons having a right to be in the space, to provide for crime prevention, and to establish maintenance responsibility. These areas may be defined by:

1. A deck, patio, fence, low wall, hedge, or draping vine;
2. A trellis or arbor;
3. A change in level;
4. A change in the texture of the path material;
5. Sign; or
6. Landscaping.

Use of gates to demarcate the boundary between a public street and a private access driveway is prohibited.

H. Public transit.

1. Provisions for public transit may be required where the site abuts an existing or planned public transit route. The required facilities shall be based on the following:
  - a. The location of other transit facilities in the area.
  - b. The size and type of the proposed development.
  - c. The rough proportionality between the impacts from the development and the required facility.
2. The required facilities shall be limited to such facilities as the following:
  - a. A waiting shelter with a bench surrounded by a three-sided covered structure, with transparency to allow easy surveillance of approaching buses.
  - b. A turnout area for loading and unloading designed per regional transit agency standards.
  - c. Hard-surface paths connecting the development to the waiting and boarding areas.

d. Regional transit agency standards shall, however, prevail if they supersede these standards.

3. The transit stop shall be located as close as possible to the main entrance to the shopping center, public or office building, or multi-family project. The entrance shall not be more than 200 feet from the transit stop with a clearly identified pedestrian link.

4. All commercial business centers (over three acres) and multi-family projects (over 40 units) may be required to provide for the relocation of transit stops to the front of the site if the existing stop is within 200 to 400 yards of the site and the exaction is roughly proportional to the impact of the development. The commercial or multi-family project may be required to provide new facilities in those cases where the nearest stop is over 400 yards away. The transit stop shall be built per subsection (H)(2) of this section.

I. **Public facilities.** An application may only be approved if adequate public facilities, as defined in CDC 2.030, will be available to provide service to the property prior to occupancy.

1. In situations where the level-of-service or volume-to-capacity performance standard for an affected City or State roadway is currently failing or projected to fail to meet the standard, and an improvement project is not programmed, the development shall avoid further degradation of the affected transportation facility. Mitigation must be provided to bring the facility performance standard to existing conditions at the time of occupancy.

24. **Streets.** Sufficient right-of-way and slope easement shall be dedicated to accommodate all abutting streets to be improved to the City's Improvement Standards and Specifications. The City Engineer shall determine the appropriate level of street and traffic control improvements to be required, including any off-site street and traffic control improvements, based upon the transportation analysis submitted. The City Engineer's determination of developer obligation, the extent of road improvement and City's share, if any, of improvements and the timing of improvements shall be made based upon the City's systems development charge ordinance and capital improvement program, and the rough proportionality between the impact of the development and the street improvements.

In determining the appropriate sizing of the street in commercial, office, multi-family, and public settings, the street should be the minimum necessary to accommodate anticipated traffic load and needs and should provide substantial accommodations for pedestrians and bicyclists. Road and driveway alignment should consider and mitigate impacts on adjacent properties and in neighborhoods in terms of increased traffic loads, noise, vibrations, and glare.

The realignment or redesign of roads shall consider how the proposal meets accepted engineering standards, enhances public safety, and favorably relates to adjacent lands and land uses. Consideration should also be given to selecting an alignment or design that minimizes or avoids hazard areas and loss of significant natural features (drainageways, wetlands, heavily forested areas, etc.) unless site mitigation can clearly produce a superior landscape in terms of shape, grades, and reforestation, and is fully consistent with applicable code restrictions regarding resource areas.

Streets shall be installed per Chapter 85 CDC standards. The City Engineer has the authority to require that street widths match adjacent street widths. Sidewalks shall be installed per CDC 85.200(A)(3) for commercial and office projects, and CDC 85.200(A)(16) and 92.010(H) for residential projects, and applicable provisions of this chapter. Where streets bisect or traverse water resource areas (WRAs) the street width shall be reduced to the appropriate "constrained" cross-section width indicated in the TSP or alternate configurations which are appropriate to site conditions, minimize WRA disturbance or are consistent with an adopted transportation system plan. The street design shall also be consistent with habitat friendly provisions of CDC 32.060(I).

Based upon the City Manager's or Manager's designee's determination, the applicant shall construct or cause to be constructed, or contribute a proportionate share of the costs, for all necessary off-site improvements identified by the transportation analysis commissioned to address CDC 55.125 that are required to mitigate impacts from the proposed development. Proportionate share of the costs shall be determined by the City Manager or Manager's designee, who shall assume that the proposed development provides improvements in rough proportion to identified impacts of the development.

~~32.~~ Storm detention and treatment and geologic hazards. Per the submittals required by CDC 55.130 and 92.010(E), all proposed storm detention and treatment facilities must comply with the standards for the improvement of public and private drainage systems located in the West Linn Public Works Design Standards, there will be no adverse off-site impacts caused by the development (including impacts from increased intensity of runoff downstream or constrictions causing ponding upstream), and the applicant must provide sufficient factual data to support the conclusions of the submitted plan.

Per the submittals required by CDC 55.130(E), the applicant must demonstrate that the proposed methods of rendering known or potential hazard sites safe for development, including proposed geotechnical remediation, are feasible and adequate to prevent landslides or other damage to property and safety. The review authority may impose conditions, including limits on type or intensity of land use, which it determines are necessary to mitigate known risks of landslides or property damage.

~~43.~~ Municipal water. A registered civil engineer shall prepare a plan for the provision of water which demonstrates to the City Engineer's satisfaction the availability of sufficient volume, capacity, and pressure to serve the proposed development's domestic, commercial, and industrial fire flows. All plans will then be reviewed by the City Engineer.

~~54.~~ Sanitary sewers. A registered civil engineer shall prepare a sewerage collection system plan which demonstrates sufficient on-site capacity to serve the proposed development. The City Engineer shall determine whether the existing City system has sufficient capacity to serve the development.

~~65.~~ Solid waste and recycling storage areas. Appropriately sized and located solid waste and recycling storage areas shall be provided. Metro standards shall be used.

J. Crime prevention and safety/defensible space.

1. Windows shall be located so that areas vulnerable to crime can be surveyed by the occupants.
2. Interior laundry and service areas shall be located in a way that they can be observed by others.
3. Mailboxes, recycling, and solid waste facilities shall be located in lighted areas having vehicular or pedestrian traffic.
4. The exterior lighting levels shall be selected and the angles shall be oriented towards areas vulnerable to crime.
5. Light fixtures shall be provided in areas having heavy pedestrian or vehicular traffic and in potentially dangerous areas such as parking lots, stairs, ramps, and abrupt grade changes.
6. Fixtures shall be placed at a height so that light patterns overlap at a height of seven feet which is sufficient to illuminate a person. All commercial, industrial, residential, and public facility projects undergoing design review shall use low or high pressure sodium bulbs and be able to demonstrate effective shielding so that the light is directed downwards rather than omni-directional. Omni-directional lights of an ornamental nature may be used in general commercial districts only.
7. Lines of sight shall be reasonably established so that the development site is visible to police and residents.
8. Security fences for utilities (e.g., power transformers, pump stations, pipeline control equipment, etc.) or wireless communication facilities may be up to eight feet tall in order to protect public safety. No variances are required regardless of location.

K. Provisions for persons with disabilities.

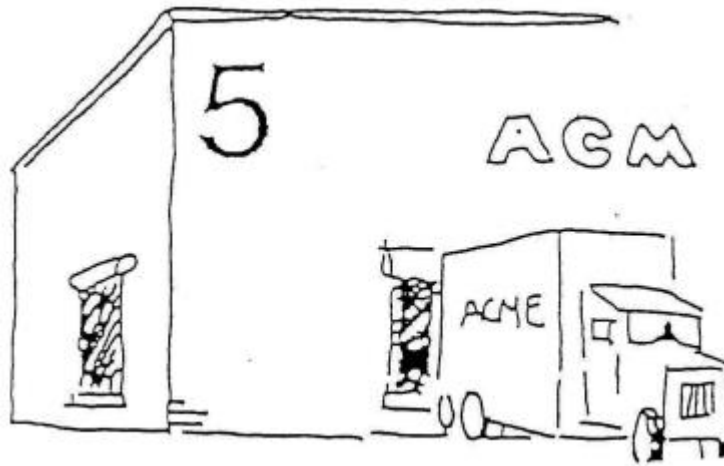
1. The needs of a person with a disability shall be provided for. Accessible routes shall be provided between all buildings and accessible site facilities. The accessible route shall be the most practical direct route between accessible building entries, accessible site facilities, and the accessible entry to the site. An accessible route



shall connect to the public right-of-way and to at least one on-site or adjacent transit stop (if the area is served by transit). All facilities shall conform to, or exceed, the Americans with Disabilities Act (ADA) standards, including those included in the Uniform Building Code.

L. Signs.

1. Based on considerations of crime prevention and the needs of emergency vehicles, a system of signs for identifying the location of each residential unit, store, or industry shall be established.



***buildings shall be numbered for emergency identification***

2. The signs, graphics, and letter styles shall be designed to be compatible with surrounding development, to contribute to a sense of project identity, or, when appropriate, to reflect a sense of the history of the area and the architectural style.
3. The sign graphics and letter styles shall announce, inform, and designate particular areas or uses as simply and clearly as possible.
4. The signs shall not obscure vehicle driver's sight distance.
5. Signs indicating future use shall be installed on land dedicated for public facilities (e.g., parks, water reservoir, fire halls, etc.).
6. Signs and appropriate traffic control devices and markings shall be installed or painted in the driveway and parking lot areas to identify bicycle and pedestrian routes.

M. Utilities. The developer shall make necessary arrangements with utility companies or other persons or corporations affected for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting, and cable television, shall be placed underground, as practical. The design standards of Tables 1 and 2 above, and of subsection 5.487 of the West Linn Municipal Code relative to existing high ambient noise levels shall apply to this section.

N. Wireless communication facilities (WCFs). (This section only applicable to WCFs.) WCFs as defined in Chapter 57 CDC may be required to go through Class I or Class II design review. The approval criteria for Class I design review is that the visual impact of the WCF shall be minimal to the extent allowed by Chapter 57 CDC. Stealth designs shall be sufficiently camouflaged so that they are not easily seen by passersby in the public right-of-way or from any adjoining residential unit. WCFs that are classified as Class II design review must respond to all of the approval criteria of this chapter.

O. Refuse and recycling standards.

1. All commercial, industrial and multi-family developments over five units requiring Class II design review shall comply with the standards set forth in these provisions. Modifications to these provisions may be permitted if the Planning Commission determines that the changes are consistent with the purpose of these provisions and the City receives written evidence from the local franchised solid waste and recycling firm that they are in agreement with the proposed modifications.

2. Compactors, containers, and drop boxes shall be located on a level Portland cement concrete pad, a minimum of four inches thick, at ground elevation or other location compatible with the local franchise collection firm's equipment at the time of construction. The pad shall be designed to discharge surface water runoff to avoid ponding.

3. Recycling and solid waste service areas.

a. Recycling receptacles shall be designed and located to serve the collection requirements for the specific type of material.

b. The recycling area shall be located in close proximity to the garbage container areas and be accessible to the local franchised collection firm's equipment.

c. Recycling receptacles or shelters located outside a structure shall have lids and be covered by a roof constructed of water and insect-resistive material. The maintenance of enclosures, receptacles and shelters is the responsibility of the property owner.

d. The location of the recycling area and method of storage shall be approved by the local fire marshal.

e. Recycling and solid waste service areas shall be at ground level and/or otherwise accessible to the franchised solid waste and recycling collection firm.

f. Recycling and solid waste service areas shall be used only for purposes of storing solid waste and recyclable materials and shall not be a general storage area to store personal belongings of tenants, lessees, property management or owners of the development or premises.

g. Recyclable material service areas shall be maintained in a clean and safe condition.

4. Special wastes or recyclable materials.

a. Environmentally hazardous wastes defined in ORS 466.005 shall be located, prepared, stored, maintained, collected, transported, and disposed in a manner acceptable to the Oregon Department of Environmental Quality.

b. Containers used to store cooking oils, grease or animal renderings for recycling or disposal shall not be located in the principal recyclable materials or solid waste storage areas. These materials shall be stored in a separate storage area designed for such purpose.

5. Screening and buffering.

a. Enclosures shall include a curbed landscape area at least three feet in width on the sides and rear. Landscaping shall include, at a minimum, a continuous hedge maintained at a height of 36 inches.

b. Placement of enclosures adjacent to residentially zoned property and along street frontages is strongly discouraged. They shall be located so as to conceal them from public view to the maximum extent possible.

c. All dumpsters and other trash containers shall be completely screened on all four sides with an enclosure that is comprised of a durable material such as masonry with a finish that is architecturally compatible with the project. Chain link fencing, with or without slats, will not be allowed.

6. Litter receptacles.

- a. Location. Litter receptacles may not encroach upon the minimum required walkway widths.
- b. Litter receptacles may not be located within public rights-of-way except as permitted through an agreement with the City in a manner acceptable to the City Attorney or their designee.
- c. Number. The number and location of proposed litter receptacles shall be based on the type and size of the proposed uses. However, at a minimum, for non-residential uses, at least one external litter receptacle shall be provided for every 25 parking spaces for first 100 spaces, plus one receptacle for every additional 100 spaces. (Ord. 1547, 2007; Ord. 1604 § 52, 2011; Ord. 1613 § 12, 2013; amended during July 2014 supplement; Ord. 1623 § 6, 2014; Ord. 1635 § 26, 2014; Ord. 1636 § 37, 2014; Ord. 1647 § 6, 2016; Ord. 1650 § 1 (Exh. A), 2016; Ord. 1662 § 8, 2017; Ord. 1675 § 45, 2018)

**Commentary:**

The proposed Section 55.105, below, is a new section that would be added to the code. The amendments are shown in blue font, but also in underline/strikeout format so it is clear how the existing criteria in 55.100 would be modified to create the clear and objective path.

For the most part, these standards would apply only to multi-family development and the residential portion of mixed-use development. However, subsections A, B, C, and D would also apply to single-family detached, duplex, triplex, quadplex, and single-family attached dwellings in the Willamette Neighborhood Mixed Use Transitional Zone, because those standards are referenced in the Class I DR criteria.

All standards that would only apply to non-residential development are struck out.

**55.105 APPROVAL STANDARDS – CLASS II DESIGN REVIEW – RESIDENTIAL/CLEAR AND OBJECTIVE**

Applicability. Class II Design Review applications for the development of one or more new dwelling units, as applicable under CDC 55.020(B), are subject to the clear and objective approval standards in this section. Proposals where the applicant cannot or chooses not to meet the clear and objective approval standards in this section may apply under the discretionary Class II approval standards in CDC 55.100. 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 for residential development:

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 41 CDC, Building Height, Structures on Steep Lots, Exceptions.
4. Chapter 42 CDC, Clear Vision Areas.
5. Chapter 44 CDC, Fences.
6. Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas.
7. Chapter 48 CDC, Access, Egress and Circulation.
8. Chapter 52 CDC, Signs.
9. Chapter 54 CDC, Landscaping.

**Commentary:**

The standards below require preservation of heritage trees and “significant” trees and tree clusters. An important component in making the tree preservation standards in subsection (B)(1)-(2) clear and objective is to define the terms “significant tree” and “significant tree cluster.” Currently, it is up to the City Arborist to determine which trees and tree clusters are significant, but that is discretionary and not permitted in the clear and objective path. New definitions are proposed for significant tree and significant tree cluster, which include minimum trunk diameters. The term “heritage tree” is already defined in the Municipal Code.

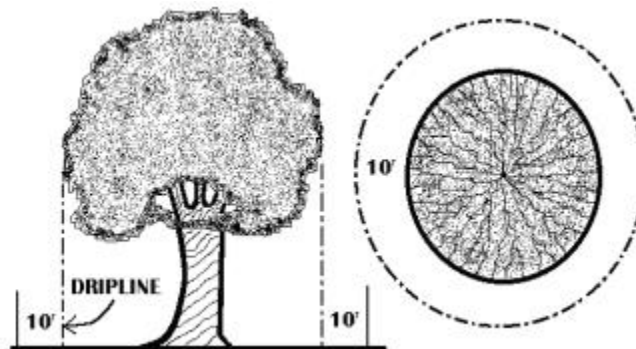
In addition, the current standards are rather wordy and confusing. In revising them to be clear and objective, the project team also clarified, simplified, and streamlined the regulations.

B. Relationship to the natural and physical environment.

1. The buildings and other site elements shall be designed and located so that all heritage trees, as defined in the municipal code, shall be saved. If requested by the applicant, diseased heritage trees, as determined by the City Arborist, may be removed at their direction.

2. The following shall be protected pursuant to the criteria of subsections (B)(2)(a) through (f) of this section: all heritage trees, as defined in the municipal code; and all significant trees and significant tree clusters, as defined in CDC 2.030, of trees (“cluster” is defined as three or more trees with overlapping driplines; however, native oaks need not have an overlapping dripline) that are considered significant by the City Arborist, either individually or in consultation with certified arborists or similarly qualified professionals, based on accepted arboricultural standards including consideration of their size, type, location, health, long-term survivability, and/or numbers, shall be protected pursuant to the criteria of subsections (B)(2)(a) through (f) of this section. In cases where there is a difference of opinion on the significance of a tree or tree cluster, the City Arborist’s findings shall prevail. It is important to acknowledge that all trees are not significant and, further, that this code section will not necessarily protect all trees deemed significant.

a. The protected area for heritage trees, significant trees, and significant tree clusters is defined as the area within the dripline of the tree(s), plus an additional 10-foot measurement beyond the dripline.



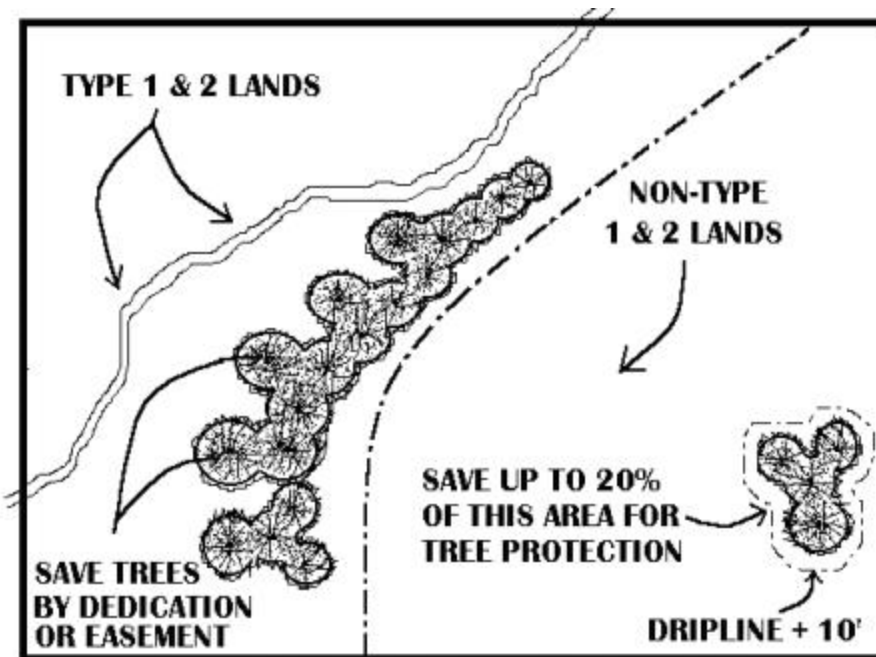
**PROTECTED AREA = DRIPLINE + 10 FEET**

b. Required protected areas include the following:

i. Non-residential and residential projects ~~On Type I and II lands, protected areas are required for~~ shall protect all heritage trees and all significant trees and significant tree clusters by limiting development in the protected area. The protected area(s) shall also be preserved within a dedication or easement. ~~The protected area includes the protected tree, its dripline, and an additional 10 feet beyond the dripline, as depicted in the figure below. Development of Type I and II lands shall require the careful layout of streets, driveways, building pads, lots, and utilities to avoid heritage trees and significant trees and tree clusters, and other natural resources pursuant to this code. The method for delineating the protected trees or tree clusters (“dripline plus 10 feet”) is explained in subsection (B)(2)(b) of this section. Exemptions of subsections (B)(2)(c), (e), and (f) of this section shall apply.~~

ii. ~~b. Non-residential and residential projects~~ On non-Type I and II lands, shall set aside up to 20 percent of the protected areas are required for all heritage trees, significant trees, and significant tree clusters, plus any heritage trees. However, in no case shall more than 20 percent of the non-Type I and II lands on the site be required to be set aside within protected areas. Where

the percentage of total protected area exceeds 20 percent of the non-Type I and II lands, and includes both heritage trees and significant trees or tree clusters, the priority shall be to first protect the heritage trees, followed by protecting the significant tree clusters, and significant trees. Therefore, in the event that the City Arborist determines that a significant tree cluster exists at a development site, then up to 20 percent of the non-Type I and II lands shall be devoted to the protection of those trees by limiting development in the protected areas. The exact percentage is determined by establishing the driplines of the trees or tree clusters that are to be protected. In order to protect the roots which typically extend further, an additional 10-foot measurement beyond the dripline shall be added. The square footage of the area inside this “dripline plus 10-foot” measurement shall be the basis for calculating the percentage (see figure below). The City Arborist will identify which tree(s) are to be protected. Development of non-Type I and II lands shall also require the careful layout of streets, driveways, building pads, lots, and utilities to avoid significant trees, tree clusters, heritage trees, and other natural resources pursuant to this code. Exemptions of subsections (B)(2)(ed), (e), and (f) of this section shall apply. Please note that in the event that more than 20 percent of the non-Type I and II lands comprise significant trees or tree clusters, the developer shall not be required to save the excess trees, but is encouraged to do so.



### METHOD OF PERCENTAGE CALCULATION

**E.G., DRIPLINE + 10 FT. AREA = 2,500 SQ. FT. OR 18% OF TOTAL NON-TYPE I AND II LAND.  
DENSITY CALCULATIONS FOR THIS PARCEL WILL BE BASED ON REMAINING NET SQ.  
FOOTAGE OF SITE (EXCLUDING THE 2,500 SQ. FT.).**

c. Development within required protected areas is prohibited except as specified in subsections (B)(2)(d), (e), and (f) of this section.

ed. The following are exempt from the requirements of subsections (B)(2)(a) through (c) of this section: significant trees, significant tree clusters, or heritage trees that would prevent the extension of stubbed streets from abutting properties; and where a row of significant trees or tree clusters would block Where stubouts of streets occur on abutting properties, and the extension of those streets will mean the loss of significant trees, tree clusters, or heritage trees, it is understood that tree loss may be inevitable. In these cases, the objective shall be to minimize tree loss. These provisions shall also apply in those cases

~~where access, per construction code standards, to a lot or parcel is blocked by a row or screen of significant trees or tree clusters.~~

~~de. For both non-residential and residential development, the site layout shall be allowed to achieve at least 70 percent of maximum density for the developable net area. The developable net area excludes all Type I and II lands and up to 20 percent of the remainder of the site for the purpose of protecting significant trees or significant tree clusters as specified in subsection (B)(2) of this section.~~

~~e. For arterial and collector street projects, including Oregon Department of Transportation street improvements, the roads and graded areas shall avoid tree clusters where possible. Significant trees, tree clusters, and heritage tree loss may occur, however, but shall be minimized.~~

~~f. Where an applicant proposes grading within the required protected area for the protection of significant tree(s) or significant tree clusters, is to occur in an area of grading that is necessary for the development of street grades, per City construction codes, which will result in an adjustment in the grade of over or under two feet, which will then threaten the health of the tree(s), the applicant may request an exception to the tree protection requirements of this section in order to remove the significant tree(s) or tree cluster(s). The applicant shall submit evidence to the Planning Director that the grading is necessary for the development of street grades, per City construction codes, and that all reasonable alternative grading plans have been considered and cannot work. The applicant will then submit a mitigation plan to the City Arborist to compensate for the removal of the tree(s) on an “inch by inch” basis (e.g., a 48-inch Douglas fir could be replaced by 12 trees, each four-inch). The mix of tree sizes and types shall be approved by the City Arborist.~~

~~3. The topography and natural drainage shall be preserved to the greatest degree possible.~~

4. The structures shall not be located in areas subject to slumping and sliding. The Comprehensive Plan Background Report’s Hazard Map, or updated material as available and as deemed acceptable by the Planning Director, shall be the basis for preliminary determination.

**Commentary:**

Subsection (5), below, is already covered by the Building Code standards for building/fire separation.

~~5. There shall be adequate distance between on-site buildings and on-site and off-site buildings on adjoining properties to provide for adequate light and air circulation and for fire protection.~~

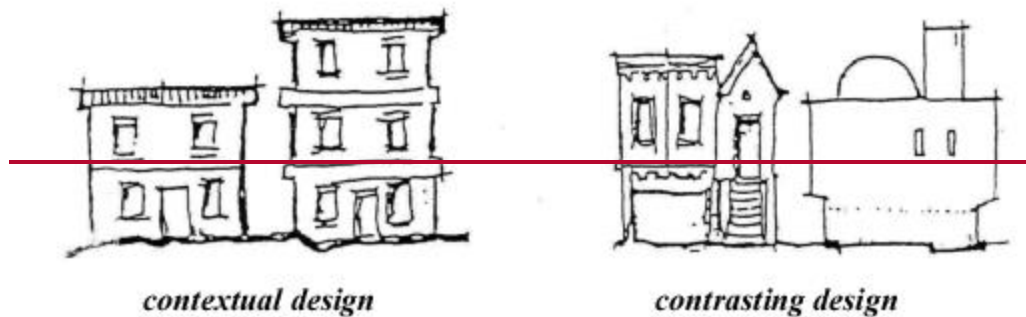
**Commentary:**

The architecture standards in subsection (B)(6) are mostly very discretionary. This subsection is proposed to be replaced by new subsections (C) Building Orientation and Entries and (D) Architecture.

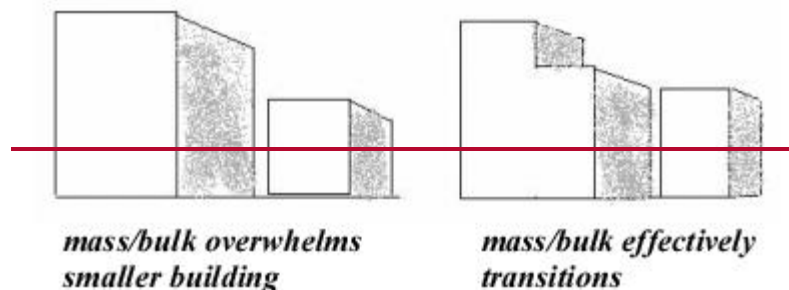
~~6. Architecture.~~

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





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



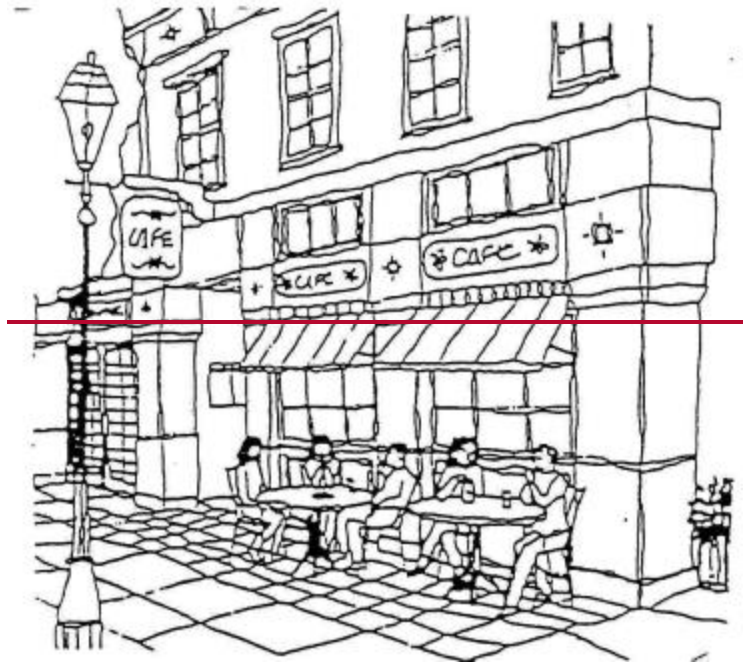
e. Contrasting architecture shall only be permitted when the design is manifestly superior to adjacent architecture in terms of creativity, design, and workmanship, and/or it is adequately separated from other buildings by distance, screening, grade variations, or is part of a development site that is large enough to set its own style of architecture.

d. Human scale is a term that seeks to accommodate the users of the building and the notion that buildings should be designed around the human scale (i.e., their size and the average range of their perception). Human scale shall be accommodated in all designs by, for example, multi-light windows that are broken up into numerous panes, intimately scaled entryways, and visual breaks (exaggerated eaves,



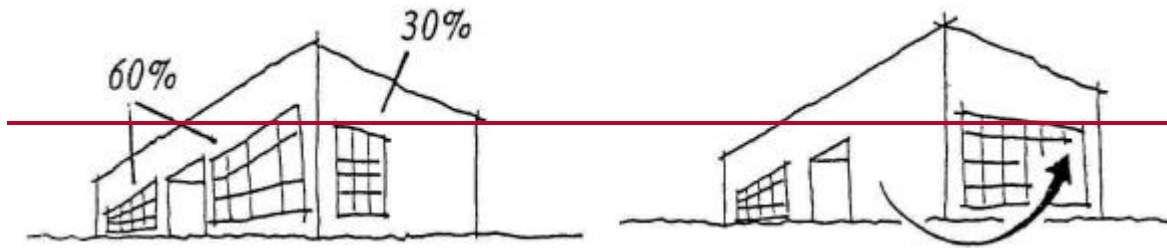
~~indentations, ledges, parapets, awnings, engaged columns, etc.) in the facades of buildings, both vertically and horizontally.~~

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

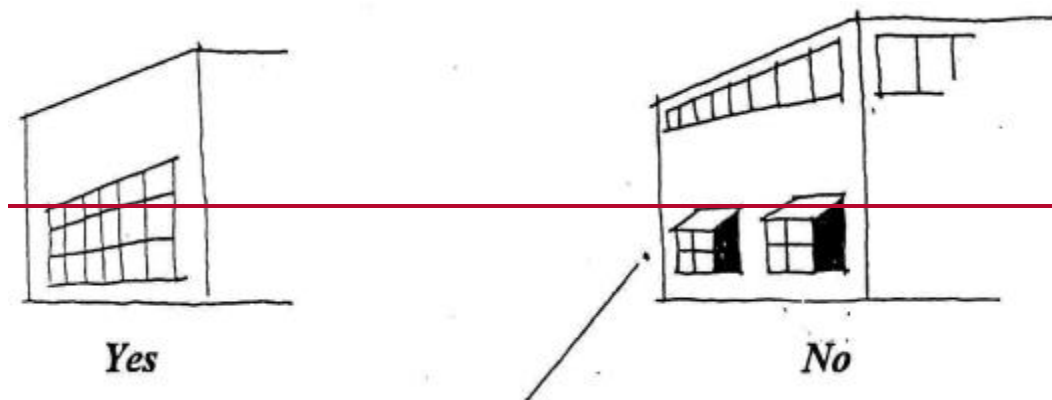


*human scale is captured in this example*

~~e. The main front elevation of commercial and office buildings shall provide at least 60 percent windows or transparency at the pedestrian level to create more interesting streetscape and window shopping opportunities. One side elevation shall provide at least 30 percent transparency. Any additional side or rear elevation, which is visible from a collector road or greater classification, shall also have at least 30 percent transparency. Transparency on other elevations is optional. The transparency is measured in lineal fashion. For example, a 100-foot long building elevation shall have at least 60 feet (60 percent of 100 feet) in length of windows. The window height shall be, at minimum, three feet tall. The exception to transparency would be cases where demonstrated functional constraints or topography restrict that elevation from being used. When this exemption is applied to the main front elevation, the square footage of transparency that would ordinarily be required by the above formula shall be installed on the remaining elevations at pedestrian level in addition to any transparency required by a side elevation, and vice versa. The rear of the building is not required to include transparency. The transparency must be flush with the building elevation.~~



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



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

f. Variations in depth and roof line are encouraged for all elevations.

To vary the otherwise blank wall of most rear elevations, continuous flat elevations of over 100 feet in length should be avoided by indents or variations in the wall. The use of decorative brick, masonry, or stone insets and/or designs is encouraged. Another way to vary or soften this elevation is through terrain variations such as an undulating grass area with trees to provide vertical relief.

g. Consideration of the micro-climate (e.g., sensitivity to wind, sun angles, shade, etc.) shall be made for building users, pedestrians, and transit users, including features like awnings.

h. The vision statement identified a strong commitment to developing safe and attractive pedestrian environments with broad sidewalks, canopied with trees and awnings.



*trees, awnings, and building orientation enhance micro-climate*

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

**Commentary:**

As noted above, subsections (C) Building Orientation and Entries and (D) Architecture would entirely replace current subsection (B)(6).

The Building Orientation and Entries standards are intended to address the human scale requirements in the current criteria by emphasizing visibility of main pedestrian entrances, which contributes to a pedestrian-scaled and pedestrian-friendly environment.

Because these standards could apply to single-family dwellings, plexes, and multi-family, they are intended to work for most housing types.

C. Building Orientation and Entries. The following standards are intended to create and maintain street frontages that are attractive, create an environment that is conducive to walking, and provide natural surveillance of public spaces.

1. Main Entrance. At least one main entrance for each residential structure shall meet both a. and b, below.
  - a. The entry shall be no further than eight feet behind the longest street facing-wall of the building; and
  - b. The entry shall either face the street, be at an angle of no more than 45 degrees from the street, or open to a porch. If the entry opens to a porch, the porch shall meet all of the following standards:
    - i. Have a minimum area of 25 square feet, with a minimum depth of five feet;
    - ii. Have at least one porch entry facing the street; and
    - iii. Have a roof that is a maximum of 12 feet above the floor of the porch; and that covers at least 30 percent of the porch area.

2. Alternative for multi-family structures. As an alternative to subsection (6)(a), an entrance to a multi-family structure may face a courtyard if the courtyard-facing entrance is located within 60 feet of a street and the courtyard meets the following standards:

- a. The courtyard must be at least 15 feet in width;
- b. The courtyard must abut a street; and
- c. The courtyard must be landscaped or hard-surfaced for use by pedestrians.

**Commentary:**

The proposed Architecture standards are intended to address the human scale, compatibility, transition, and articulation requirements in the current criteria. These standards apply measurable and objective standards for window coverage. They also use a menu-based approach for articulation and detailed design element standards, which offers flexibility to applicants by allowing them to select features from a list of clearly-defined options.

D. Architecture. The following standards are intended to promote building details in new residential construction that provide visual interest, contribute to a high-quality living environment for residents, give a sense of quality and permanence, and enhance compatibility with the surrounding community.

1. Windows. At least 15% of the area of each façade facing a street, and 20% of the ground floor facing a street, shall be glazing or entry doors with glazing insets.

- a. Transparent windows allowing views from the dwelling to the street meet this standard. Up to 25% of the required area may also be met by privacy (translucent) windows, glass blocks, or entry doors with translucent glass.
- b. Window area is considered the entire area within the outer window frame, including any interior window grid.
- c. All of the window area of the street-facing wall(s) of an attached garage, and half of the total window area in the door(s) of an attached garage may be counted toward this standard.
- d. Doors used to meet this standard contain glass and shall face the street or be at an angle of not more than 45 degrees from the street. Security viewing devices (“peepholes”) do not by themselves meet this standard.
- e. Door area is considered the portion of the door that moves. Door frames do not count toward this standard.

2. Articulation. All residential dwelling structures shall incorporate elements that break up all street-facing façades facing streets into smaller planes using four or more of the elements listed below. On corner or multi-frontage lots, four or more elements shall be provided on each street-facing façade. Architectural features that meet the standards in this Section include the following features:

- a. A covered porch with a minimum depth of five feet (measured horizontally from the face of the main façade) and a minimum length of six feet;
- b. A balcony at least four feet deep and eight feet wide, that is accessible from one interior room;
- c. A bay window at least six feet wide, bumped out by at least two feet; and extending from the top of the foundation to the top of the main façade wall;

- d. A recessed building entry at least two feet deep, as measured horizontally from the face of the main building façade, and at least five feet wide;
- e. A section of the façade, at least six feet in width, that is either recessed or bumped out by at least two feet deep from the front wall plane;
- f. An offset on the building face of at least 16 inches from one exterior wall to the other;
- g. A gabled dormer at least four feet wide and integrated into the roof form;
- h. Roof line offset of at least two feet from the top surface of one roof to the top surface of the other; or
- i. Other similar architectural features proposed by the applicant if approved by the Review Authority through discretionary review.

3. Detailed Design Elements. All residential dwelling structures shall provide at least nine of the following elements, on any street-facing façade. On all other façades, at least four of the following elements shall be provided:

- a. A recessed building entry at least two feet deep, as measured horizontally from the face of the main building façade, and at least five feet wide;
- b. Roof eaves on all elevations that project at least 12 inches from the intersection of the roof and the exterior walls;
- c. A minimum of three gable end brackets (either triangular knee braces or rake brackets), spaced a maximum of 15 feet on center;
- d. Roof line offset of at least two feet from the top surface of one roof to the top surface of the other;
- e. Hip or gambrel roof design with a minimum pitch of 6/12;
- f. Siding in gables which differs from the primary siding type (e.g., shingle siding in gable when primary siding is horizontal lap);
- g. Tile roofs;
- h. Fiber-cement horizontal lap siding between three and seven inches wide (the visible portion once installed);
- i. Exterior finish materials covering at least 40% of the façade from one or more of the following: brick, fiber-cement shingles, stone, or stucco;
- j. Window trim around all windows with a minimum width of three inches and a minimum thickness of 5/8 inches;
- k. On any façade not facing a street, minimum 15% of the area in glazing or entry doors, consistent with CDC 55.105(D)(1)(a) through (e);
- l. Recesses in all windows on a façade of at least three inches as measured horizontally from the face of the façade;
- m. Mullions or window grids in all windows on a façade;
- n. Attached garage width, as measured on the inside of the garage door frame, of 35% or less of the width of the street-facing façade;
- o. Horizontal band or barge boards;

p. Color palette including four colors. Colors may be paint or intrinsic to the material (e.g., wood, brick, or stone). One main color shall cover at least 40% of the street-facing façade and each of the other colors shall be used on a minimum of four square feet; and/or

q. Other similar architectural features proposed by the applicant if approved by the Review Authority through discretionary review.

**Commentary:**

The proposed Transition Stepback standards are intended to address the compatibility and transition requirements in current subsections (B)(6)(a) and (b). These standards would apply to multi-family development when it is adjacent to single-family zones or existing homes. The standards require a stepback—i.e., increased setback from the property line—for the portions of buildings above 30 ft in height. This would limit building bulk adjacent to smaller-scale development and would help promote compatibility of development.

8. Transition Stepbacks. The following standards apply to multi-family development and are intended to create transitions with nearby, lower-density or smaller-scale residential development, in order to enhance compatibility of scale and to reduce the impacts of multi-family development on lower-density development. This standard applies to multi-family buildings that exceed 30 feet, where an abutting lot meets criteria a. or b. below, or both. In such cases, the building on the subject site shall meet the standard in subsection c.

a. The abutting lot is in the R-40, R-20, R-15, R-10, R-7, R-5, R-4.5 zoning district.

b. The abutting lot has a pre-existing single-family detached home and is in a zoning district other than those listed in (a). For the purposes of this section a “pre-existing single-family detached home” is one constructed prior to [ordinance adoption date].

c. The subject building shall be designed to “stepback” the building height along the property line shared by the abutting lot that meets criteria a. or b. above. The required height stepback shall be at least one foot for every one foot increase in height above 30 feet.

For example, for a building with a total height of 40 feet, the height shall be limited to 30 feet at the setback line. The height may then increase by one foot for every foot behind the setback line, and reach the total height of 40 feet at a distance of at least 10 feet behind the setback line.

**Commentary:**

The remainder of the approval criteria apply only to Class II DR (not Class I); therefore, they will apply only to multi-family development and the residential portion of mixed-use.

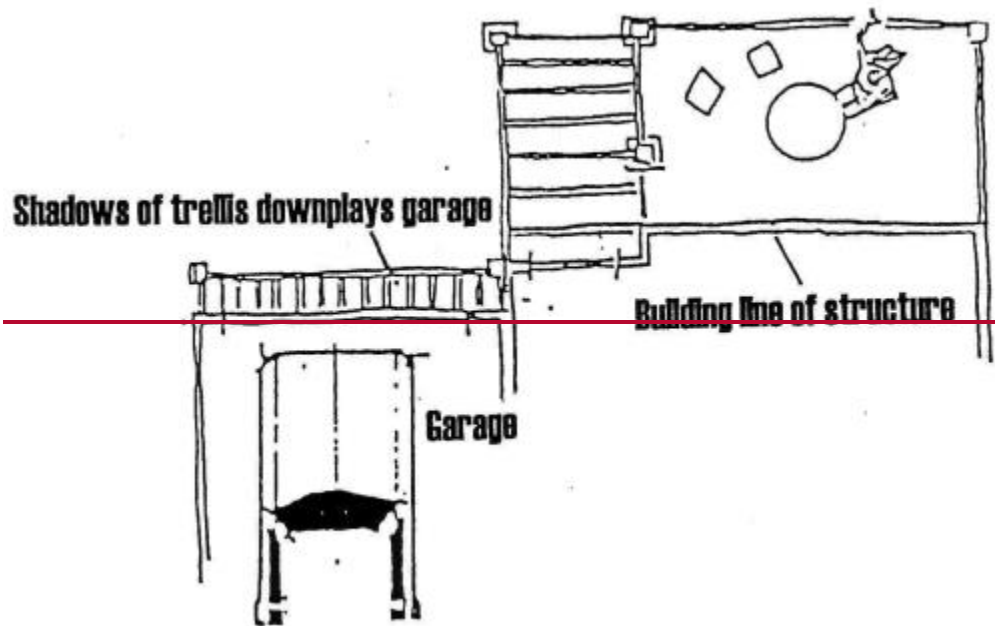
E.7- ~~Transportation~~Vehicle Parking. The automobile shall be shifted from a dominant role, relative to other modes of transportation, by the following means:

a. Commercial and office development shall be oriented to the street. At least one public entrance shall be located facing an arterial street; or, if the project does not front on an arterial, facing a collector street; or, if the project does not front on a collector, facing the local street with highest traffic levels. Parking lots shall be placed behind or to the side of commercial and office development. When a large and/or multi-building development is occurring on a large undeveloped tract (three plus acres), it is acceptable to focus internally; however, at least 20 percent of the main adjacent right of way shall have buildings contiguous to it unless waived per subsection (B)(7)(c) of this section. These buildings shall be oriented to the adjacent street and include pedestrian-oriented transparencies on those elevations.



~~For individual buildings on smaller individual lots, at least 30 lineal feet or 50 percent of the building must be adjacent to the right-of-way unless waived per subsection (B)(7)(c) of this section. The elevations-oriented to the right-of-way must incorporate pedestrian-oriented transparency.~~

~~b. Multi-family projects shall be required to keep the parking at the side or rear of the buildings or behind the building line of the structure as it would appear from the right of way inside the multi-family project. For any garage which is located behind the building line of the structure, but still facing the front of the structure, architectural features such as patios, patio walls, trellis, porch roofs, overhangs, pergolas, etc., shall be used to downplay the visual impact of the garage, and to emphasize the rest of the house and front entry.~~



~~The parking may be positioned inside small courtyard areas around which the units are built. These courtyard spaces encourage socialization, defensible space, and can provide a central location for landscaping, particularly trees, which can provide an effective canopy and softening effect on the courtyard in only a few years. Vehicular access and driveways through these courtyard areas is permitted.~~

**Commentary:**

The current standards for multi-family development in subsection (B)(7)(b) require parking to be to the side or rear of buildings and require garages to be “visually downplayed.” The proposed standards below define the parking location requirements in a clear and objective manner and also set a limit on the amount of site frontage that parking and vehicle use areas and garages can occupy (50%).

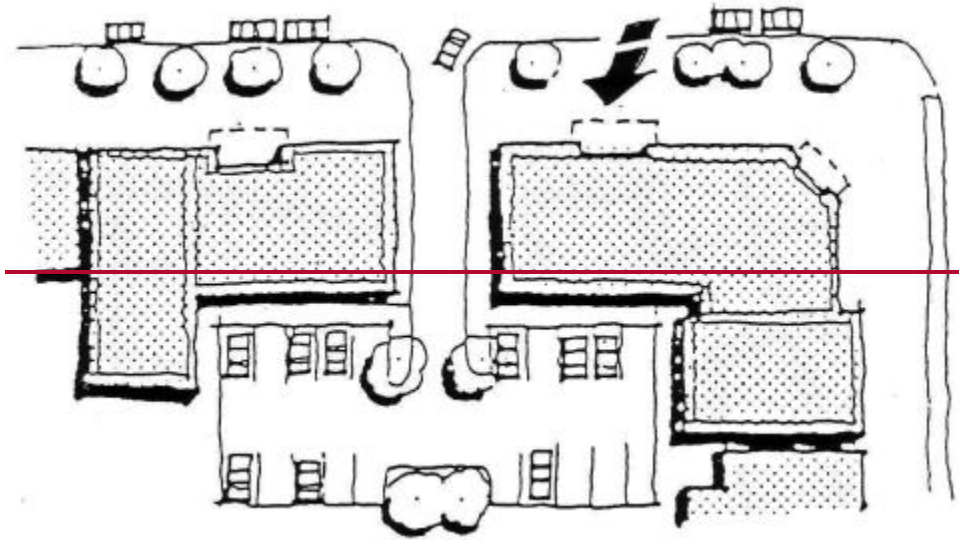
1. Limitation on Parking Frontage for Multi-Family Developments.

- a. Parking and vehicle use areas and garages adjacent to any public or private street frontage, except alleys, shall extend across no more than 50 percent of the street frontage.
- b. No parking spaces, with the exception of underground parking, shall be placed within any required front yard area.

c. Parking areas shall not be located between buildings and a public or private street, except alleys.

~~e. Commercial, office, and multi-family projects shall be built as close to the adjacent main right-of-way as practical to facilitate safe pedestrian and transit access. Reduced frontages by buildings on public rights-of-way may be allowed due to extreme topographic (e.g., slope, creek, wetlands, etc.) conditions or compelling functional limitations, not just inconveniences or design challenges.~~

*entrance from right-of-way*

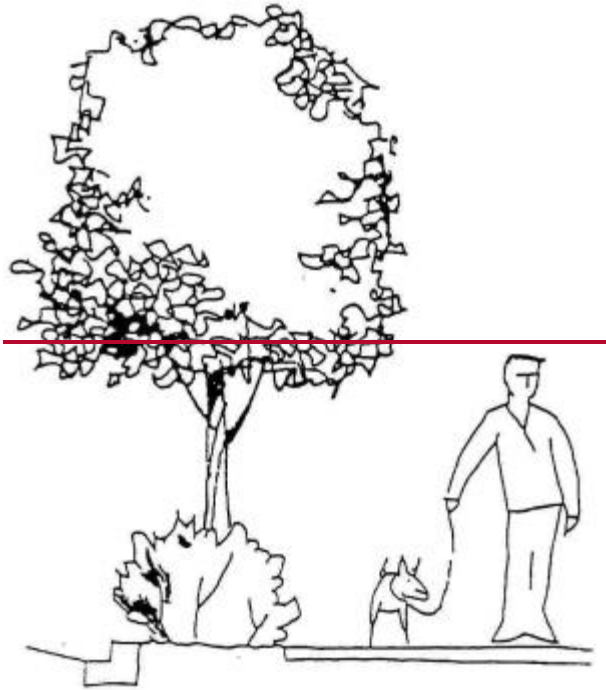


**Commentary:**

The current standards for pedestrian paths in subsection (B)(7)(d) and (e), below, require “direct routes” that are “clearly defined;” these terms are subjective. The proposed new Pedestrian Access and Circulation standards in subsection (F) would define specific standards to ensure pathways are clearly defined, safe, and accessible. The standards also point to CDC 48.080, which already requires 6-foot minimum pathways for multi-family development connecting specific areas on a site.

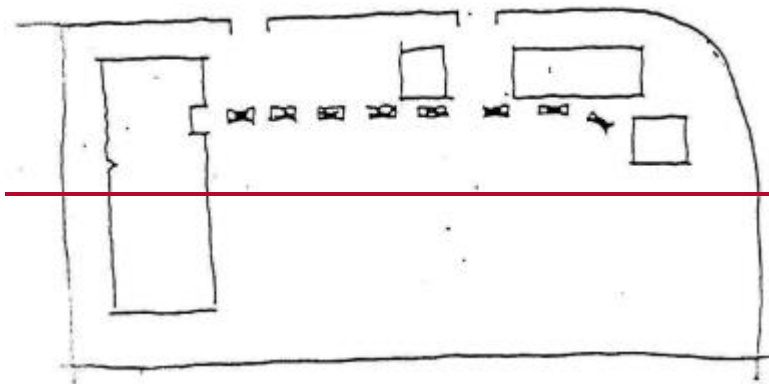
~~d. Accessways, parking lots, and internal driveways shall accommodate pedestrian circulation and access by specially textured, colored, or clearly defined footpaths at least six feet wide. Paths shall be eight feet wide when abutting parking areas or travel lanes. Paths shall be separated from parking or travel lanes by either landscaping, planters, curbs, bollards, or raised surfaces. Sidewalks in front of storefronts on the arterials and main store entrances on the arterials identified in CDC 85.200(A)(3) shall be 12 feet wide to accommodate pedestrians, sidewalk sales, sidewalk cafes, etc. Sidewalks in front of storefronts and main store entrances in commercial/OBC zone development on local streets and collectors shall be eight feet wide.~~





*landscaping*

~~e. Paths shall provide direct routes that pedestrians will use between buildings, adjacent rights of way, and adjacent commercial developments. They shall be clearly identified. They shall be laid out to attract use and to discourage people from cutting through parking lots and impacting environmentally sensitive areas.~~



*direct pedestrian route required (—)*

F. Pedestrian Access and Circulation. The following standards are intended to ensure that pedestrian circulation systems for multi-family development are designed to provide clear, identifiable, safe, and convenient connections within the development and to adjacent uses and public streets/sidewalks

1. Residential developments shall meet the pedestrian circulation standards in CDC 48.080(A).

2. Except as required for crosswalks, per subsection (F)(4), where a pedestrian pathway abuts a vehicle circulation area, it shall be physically separated by a curb that is raised at least six inches or by bollards.

3. All pedestrian pathways shall comply with the requirements of the Americans with Disabilities Act.

4. In order to provide safe crossings of streets, driveways, and parking areas, crossings shall be clearly marked with either contrasting paving materials (such as pavers, light-color concrete inlay between asphalt, or similar contrasting material) or reflective striping that emphasizes the crossing under low light and inclement weather conditions.

5. Pedestrian connections shall be provided between buildings and between the development and adjacent rights-of-way, transit stops, and commercial developments. At least one connection shall be made to each adjacent street and sidewalk for every 200 linear feet of street frontage. Sites with less than 200 linear feet of street frontage shall provide at least one connection to the street and/or sidewalk.

**Commentary:**

The building entrance requirements in subsection (B)(7)(f) are captured in the proposed Building Orientation and Entrance standards above—subsection (C).

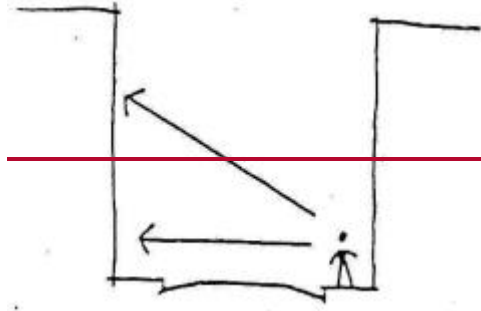
The transit connection requirement in subsection (B)(7)(g) is captured in the requirement for pedestrian connections to nearby transit stops above—subsection (F)(5).

The standard related to height to width ratio along streets is geared more toward commercial development; therefore, it has been struck out.

~~f. — At least one entrance to the building shall be on the main street, or as close as possible to the main street. The entrance shall be designed to identify itself as a main point of ingress/egress.~~

~~g. — Where transit service exists, or is expected to exist, there shall be a main entrance within a safe and reasonable distance of the transit stop. A pathway shall be provided to facilitate a direct connection.~~

~~h. — Projects shall bring at least part of the project adjacent to or near the main street right-of-way in order to enhance the height to width ratio along that particular street. (The “height to width ratio” is an architectural term that emphasizes height or vertical dimension of buildings adjacent to streets. The higher and closer the building is, and the narrower the width of the street, the more attractive and intimate the streetscape becomes.) For every one foot in street width, the adjacent building ideally should be one to two feet higher. This ratio is considered ideal in framing and defining the streetscape.~~



*1:1 height to width ratio is ideal*

*(example only)*

i. ~~These architectural standards shall apply to public facilities such as reservoirs, water towers, treatment plants, fire stations, pump stations, power transmission facilities, etc. It is recognized that many of these facilities, due to their functional requirements, cannot readily be configured to meet these architectural standards. However, attempts shall be made to make the design sympathetic to surrounding properties by landscaping, setbacks, buffers, and all reasonable architectural means.~~

j. ~~Parking spaces at trailheads shall be located so as to preserve the view of, and access to, the trailhead entrance from the roadway. The entrance apron to the trailhead shall be marked: "No Parking," and include design features to foster trail recognition.~~

**Commentary:**

The current compatibility/buffering/screening requirements below are highly discretionary. The proposed standards in subsection (G)(1) would define specific buffer standards where multi-family abuts lower-intensity development. The proposed screening standards in (G)(2) establish specific requirements for screening of parking, loading, and service areas.

GC. Compatibility between adjoining uses, buffering, and screening.

~~1. In addition to the compatibility requirements contained in Chapter 24 CDC, buffering shall be provided between different types of land uses; for example, buffering between single family homes and apartment blocks. However, no buffering is required between single family homes and duplexes or single family attached units. The following factors shall be considered in determining the adequacy of the type and extent of the buffer:~~

- ~~a. The purpose of the buffer, for example to decrease noise levels, absorb air pollution, filter dust, or to provide a visual barrier.~~
- ~~b. The size of the buffer required to achieve the purpose in terms of width and height.~~
- ~~c. The direction(s) from which buffering is needed.~~
- ~~d. The required density of the buffering.~~
- ~~e. Whether the viewer is stationary or mobile.~~

1. Buffering. Where a multi-family development abuts a non-residential use or a property zoned R-40, R-20, R-15, R-10, R-7, R-5, R-4.5, a landscape buffer shall be provided in accordance with the following standards:

- a. The buffer shall have a minimum depth of 10 feet and shall extend for the length of the property line of the abutting use or uses.
  - b. The buffer area may only be occupied by utilities, screening, sidewalks, bikeways, landscaping, and approved vegetated post-construction stormwater quality facilities. No buildings, vehicular access ways or parking areas are allowed in a buffer area.
  - c. The minimum improvements within a buffer area shall consist of the following:
    - i. At least one row of trees. These trees will be not less than 10 feet high at the time of planting for deciduous trees and spaced not more than 30 feet apart and five feet high at the time of planting for evergreen trees and spaced not more than 15 feet apart. This requirement may be waived by the Director when it can be demonstrated that such trees would conflict with other purposes of this Code (e.g., solar access).
    - ii. At least 5 five-gallon shrubs or 10 one-gallon shrubs for each 1,000 square feet of required buffer area.
    - iii. The remaining area treated with attractive ground cover (e.g., lawn, bark, rock, ivy, evergreen shrubs).
2. Screening. On-site screening from view from adjoining properties of such things as parking, loading, and service areas for multi-family development, storage areas, and parking lots shall be provided in accordance with the following standards; and the following factors will be considered in determining the adequacy of the type and extent of the screening:
  - a. A landscape buffer shall be provided that meets the standards in subsection (G)(1) of this section.
  - b. In addition, one of the following types of screening shall be provided:
    - i. One row of evergreen shrubs that will grow to form a continuous hedge at least four feet tall within two years of planting, or
    - ii. A fence or masonry wall at least five feet tall constructed to provide a uniform sight-obscuring screen, or
    - iii. An earth berm combined with evergreen plantings or a fence that forms a sight and noise buffer at least six feet tall within two years of installation.
  - a. What needs to be screened?
  - b. The direction from which it is needed.
  - e. How dense the screen needs to be.
  - d. Whether the viewer is stationary or mobile.
  - e. Whether the screening needs to be year round.
3. Rooftop air cooling and heating systems and other mechanical equipment shall be screened from view from adjoining properties.

**Commentary:**

The private outdoor area requirement under current subsection (D)(1) is redundant to subsection (E); therefore, it has been struck out.

The standards limiting noise exposure in (D)(2) has been reworked to be more clear and objective.

The other standards in subsection (D) are more applicable to non-residential uses and have been struck out.

HD. Privacy and Noise.

~~1. Structures which include residential dwelling units shall provide private outdoor areas for each ground-floor unit which is screened from view from adjoining units.~~

~~2. Residential dwelling units shall be placed on the site in areas having minimal noise exposure to the extent possible. Natural appearing sound barriers shall be used to lessen noise impacts w~~Where noise levels produced off-site exceed the noise standards contained in West Linn Municipal Code Section 5.487, residential dwelling units shall be placed on the site in areas having minimal noise exposure or sound barriers shall be used to lessen noise impacts.

~~3. Structures or on-site activity areas which generate noise, lights, or glare shall be buffered from adjoining residential uses in accordance with the standards in subsection C of this section where applicable.~~

~~4. Businesses or activities that can reasonably be expected to generate noise in excess of the noise standards contained in West Linn Municipal Code Section 5.487 shall undertake and submit appropriate noise studies and mitigate as necessary to comply with the code. (See CDC 55.110(B)(11) and 55.120(M).)~~

If the decision-making authority reasonably believes a proposed use may generate noise exceeding the standards specified in the municipal code, then the authority may require the applicant to supply professional noise studies from time to time during the user's first year of operation to monitor compliance with City standards and permit requirements.

**Commentary:**

The private outdoor area standards below have been reworked to be clear and objective and to remove discretionary language.

IE. Private outdoor area. This section only applies to multi-family projects.

~~1. In addition to the requirements of residential living, Each dwelling unit shall have an outdoor private area (e.g., patio, terrace, porch, or balcony) of not less than 48 square feet in area;~~

~~2. The outdoor space shall be oriented towards the sun where possible; and~~

~~3. The private outdoor area shall be screened from view from adjacent units or oriented to avoid direct lines of sight into adjacent units designed to provide privacy for the users of the space.~~

~~4. Except for front porches, private outdoor areas for at-grade dwellings shall be screened from view from public streets and shared outdoor areas.~~

~~4. Where balconies are added to units, the balconies shall not be less than 48 square feet, if they are intended to be counted as private outdoor areas.~~

**Commentary:**

The shared outdoor recreation area standards are mostly clear and objective. However, a definition of "shared outdoor recreation areas" is added; discretionary language in current subsection (F)(2)(d) has been removed; and the prohibition on "small, marginal, and incidental lots" is already captured by the minimum area and accessibility standards in (F)(2).

JF. Shared outdoor recreation areas. This section only applies to multi-family projects, ~~and projects with 10 or more duplexes or single family attached dwellings on lots under 4,000 square feet. In those cases, shared outdoor recreation areas are calculated on the duplexes or single family attached dwellings only. It also applies to qualifying PUDs under the provisions of CDC 24.170.~~

1. Shared outdoor recreation areas are open spaces that provide recreational and social opportunities, such as play fields, improved playgrounds, swimming pools, tennis courts, community gardens, plazas, picnic areas, paths, and passive seating areas. Such areas must be improved and maintained for their intended use.

21. In addition to the requirements of subsection E of this section, usable outdoor recreation space shall be provided in residential developments for the shared or common use of all the residents in the following amounts:

- a. Studio up to and including two-bedroom units: 200 square feet per unit.
- b. Three or more bedroom units: 300 square feet per unit.

32. The required recreation space may be provided as follows:

- a. It may be all outdoor space; or
- b. It may be part outdoor space and part indoor space; for example, an outdoor tennis court and indoor recreation room; and
- c. Where some or all of the required recreation area is indoor, such as an indoor recreation room, then these indoor areas must be readily accessible to all residents of the development subject to clearly posted restrictions as to hours of operation and such regulations necessary for the safety of minors.
- d. ~~In considering the requirements of this subsection F, the emphasis shall be on usable recreation space. No single area of outdoor recreational space shall encompass an area of less than 250 square feet. All common outdoor recreational space shall be clearly delineated and readily identifiable as such. Small, marginal, and incidental lots or parcels of land are not usable recreation spaces. The location of outdoor recreation space should be integral to the overall design concept of the site and be free of hazards or constraints that would interfere with active recreation.~~

43. AllThe shared outdoor recreational spaces shall be ~~readily observable visible from the windows of at least 20 percent of the dwelling units, or two dwelling units, whichever is greater,~~ to facilitate crime prevention and safety.

KG. Demarcation of public, semi-public, and private spaces. The structures and site improvements shall be designed so that public areas such as streets or public gathering places, semi-public areas, and private outdoor areas are clearly defined in order to establish persons having a right to be in the space, to provide for crime prevention, and to establish maintenance responsibility. These areas ~~may~~ shall be defined by one or more of the following:

1. A deck, patio, fence, low wall, hedge, or draping vine;
2. A trellis or arbor;
3. A change in level;
4. A change in the texture of the path material;
5. Sign; or
6. Landscaping.

Use of gates to demarcate the boundary between a public street and a private access driveway is prohibited.

**LH.** Public transit.

1. Provisions for public transit may be required where the site abuts an existing ~~or planned~~ public transit route. The required facilities shall be based on the following:
  - a. The location of other transit facilities in the area.
  - b. The size and type of the proposed development.
  - c. The rough proportionality between the impacts from the development and the required facility.
2. The required facilities shall be limited to such facilities as the following:
  - a. A waiting shelter with a bench surrounded by a three-sided covered structure, with transparency to allow easy surveillance of approaching buses.
  - b. A turnout area for loading and unloading designed per regional transit agency standards.
  - c. Hard-surface paths connecting the development to the waiting and boarding areas.
  - d. Regional transit agency standards shall, however, prevail if they supersede these standards.
3. ~~The transit stop shall be located as close as possible to the main entrance to the shopping center, public or office building, or multi-family project.~~ The primary building entrance shall not be more than 200 feet from the transit stop with a ~~clearly identified~~ pedestrian link in compliance with subsection (F) of this section.
4. ~~All commercial business centers (over three acres) and m~~Multi-family projects (over 40 units) may be required to provide for the relocation of transit stops to the front of the site if the existing stop is within 200 to 400 yards of the site and the exaction is roughly proportional to the impact of the development. The ~~commercial or~~ multi-family project may be required to provide new facilities in those cases where the nearest stop is over 400 yards away. If a new or relocated transit stop is to be required, this information shall be provided to the applicant at the pre-application conference, or before the application is deemed complete. The transit stop shall be built per subsection (~~HL~~)(2) of this section.

**Commentary:**

The requirements for Streets, below, are highly discretionary. Many of these provisions can be removed and replaced by references to the Public Works Design Standards, the TSP, and to the Traffic Impact Analysis (TIA) requirements in Chapter 85. The existing TIA requirements are also discretionary, but the team is currently working on an updated clear and objective path for those as well. We will review Chapter 85 with the Working Group at a subsequent meeting.

**MF.** Public facilities. An application may only be approved if adequate public facilities, as defined in CDC 2.030, will be available to provide service to the property prior to occupancy.

1. Streets.

a. Sufficient right-of-way and slope easement shall be dedicated to accommodate all abutting streets to be improved to ~~the City's Improvement S standards and Specifications, in accordance with the West Linn~~ Public Works Design Standards.

~~The City Engineer shall determine the appropriate level of street and traffic control improvements to be required, including any off site street and traffic control improvements, based upon the transportation analysis submitted. The City Engineer's determination of developer obligation, the extent of road~~



~~improvement and City's share, if any, of improvements and the timing of improvements shall be made based upon the City's systems development charge ordinance and capital improvement program, and the rough proportionality between the impact of the development and the street improvements.~~

~~In determining the appropriate sizing of the street in commercial, office, multi-family, and public settings, the street should be the minimum necessary to accommodate anticipated traffic load and needs and should provide substantial accommodations for pedestrians and bicyclists. Road and driveway alignment should consider and mitigate impacts on adjacent properties and in neighborhoods in terms of increased traffic loads, noise, vibrations, and glare.~~

b. ~~The realignment or redesign of roads shall be consistent with West Linn Public Works Design Standards consider how the proposal meets accepted engineering standards, enhances public safety, and favorably relates to adjacent lands and land uses. Consideration should also be given to selecting an alignment or design that minimizes or avoids hazard areas and loss of significant natural features (drainageways, wetlands, heavily forested areas, etc.) unless site mitigation can clearly produce a superior landscape in terms of shape, grades, and reforestation, and is fully and shall be consistent with applicable code restrictions regarding resource areas, pursuant to CDC Chapter 27 Flood Management Areas, Chapter 28 Willamette and Tualatin River Protection, and Chapter 32 Water Resource Area Protection.~~

c. ~~Streets shall be installed per the standards in Chapter 85-CDC 85.200(A) standards. The City Engineer has the authority to require that street widths match adjacent street widths. Sidewalks shall be installed per CDC 85.200(A)(3) for commercial and office projects, and CDC 85.200(A)(16) and 92.010(H) for residential projects, and applicable provisions of this chapter.~~

d. ~~Where streets bisect or traverse water resource areas (WRAs) the street width shall be reduced to the appropriate "constrained" cross-section width indicated in the TSP for the applicable street type, or alternate configurations which are appropriate to site conditions, minimize WRA disturbance or are consistent with an adopted transportation system plan. The street design shall also be consistent with habitat friendly provisions of CDC 32.060(I).~~

e. ~~Based upon the City Manager's or Manager's designee's determination, If a Traffic Impact Analysis is required by CDC 85.170(B)(2)(d), the applicant shall construct or cause to be constructed, or contribute a proportionate share of the costs, for all any necessary off-site improvements identified in the Transportation System Plan that are necessary to mitigate the impacts from the proposed development as identified by the transportation analysis commissioned to address CDC 55.125 that are required to mitigate impacts from the proposed development. In no case shall an applicant be required to contribute more than their proportionate share of the costs. Proportionate share of the costs is established by the proportionality analysis required as part of the Traffic Impact Analysis shall be determined by the City Manager or Manager's designee, who shall assume that the proposed development provides improvements in rough proportion to identified impacts of the development.~~

2. Storm detention and treatment and geologic hazards. Per the submittals required by CDC 55.130 and 92.010(E), all proposed storm detention and treatment facilities must comply with the standards for the improvement of public and private drainage systems located in the West Linn Public Works Design Standards, ~~there will be no adverse off-site impacts caused by the development (including impacts from increased intensity of runoff downstream or constrictions causing ponding upstream),~~ and the applicant must provide sufficient factual data to support the conclusions of the submitted plan.

Per the submittals required by CDC 55.130(E), the applicant must demonstrate that the proposed methods of rendering known or potential hazard sites safe for development, including proposed geotechnical remediation, are feasible and adequate to prevent landslides or other damage to property and safety. The review authority may impose conditions, including limits on type or intensity of land use, which it determines are necessary to mitigate known risks of landslides or property damage.

3. Municipal water. A registered civil engineer shall prepare a plan for the provision of water which demonstrates to the City Engineer's satisfaction the availability of sufficient volume, capacity, and pressure to



serve the proposed development's domestic, commercial, and industrial fire flows. All plans will then be reviewed by the City Engineer.

4. Sanitary sewers. A registered civil engineer shall prepare a sewerage collection system plan which demonstrates sufficient on-site capacity to serve the proposed development. The City Engineer shall determine whether the existing City system has sufficient capacity to serve the development.
5. Solid waste and recycling storage areas. Appropriately sized and located ~~s~~Solid waste and recycling storage areas shall be provided that are sized and located in accordance with West Linn Municipal Code Section 4.500 and must provide adequate capacity to accommodate the minimum service volumes identified in-  
Metro Code Section 5.15 - 2040 standards shall be used.

**Commentary:**

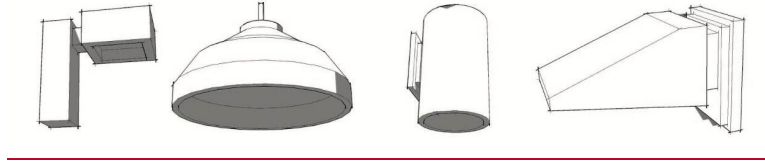
The proposed revisions to the crime prevention and safety standards include the following:

- Define which areas of the site must be visible from dwelling units, and from how many units.
- Establish minimum lighting using measurable standards (foot-candles).
- Establish clear and objective requirements for shielding and light trespass to prevent glare onto adjacent properties.

NJ. Crime prevention and safety/defensible space.

1. Windows shall be located so that all shared or common use areas, including vehicle parking areas, bicycle parking, shared outdoor areas, and pedestrian paths, are visible from at least 20 percent of the dwelling units, or two dwelling units, whichever is greater-vulnerable to crime can be surveyed by the occupants.
2. ~~Interior laundry and service areas shall be located in a way that they can be observed by others.~~
3. Mailboxes, recycling, and solid waste facilities shall be located in lighted areas having vehicular or pedestrian traffic.
4. ~~The exterior lighting levels shall be selected and the angles shall be oriented towards areas vulnerable to crime.~~Shared or common use areas, including building entries, vehicle parking areas, bicycle parking, shared outdoor areas, and pedestrian paths, shall be lighted to the following minimum levels of foot-candles to enhance safety and allow use at night:
  - a. Building entries: minimum 3 foot-candles.
  - a. Pedestrian paths: minimum 2 foot-candles.
  - b. Required bicycle parking: minimum 3 foot-candles.
  - c. Vehicle parking: minimum 2 foot-candles.
5. Light fixtures shall also be provided in ~~areas having heavy pedestrian or vehicular traffic and in-~~ potentially dangerous areas such as parking lots, stairs, ramps, and abrupt grade changes.
6. Fixtures shall be placed at a height so that light patterns overlap at a height of seven feet which is sufficient to illuminate a person. All ~~commercial, industrial, residential, and public facility~~ projects undergoing design review shall ~~use low or high pressure sodium bulbs and be able to demonstrate effective shielding so-~~  
~~that the light is directed downwards rather than omni-directional. Omni-directional lights of an ornamental-~~  
~~nature may be used in general commercial districts only.~~meet the following shielding and light trespass standards:

a. Shielding. Any light source or lamp that emits more than 900 lumens (15 watt fluorescent/LED or 60 watt incandescent) shall be concealed or shielded with an Illumination Engineering Society of North America (IESNA) full cut-off style fixture with an angle not exceeding 90 degrees to minimize the potential for glare and unnecessary diffusion on adjacent property. Examples of shielded light fixtures are shown below.



*Examples of shielded light fixtures*

b. Light Trespass. Maximum lighting levels at property lines shall not increase lighting levels more than 1.75 footcandles 10 feet beyond the property line.

~~7. Lines of sight shall be reasonably established so that the development site is visible to police and residents.~~

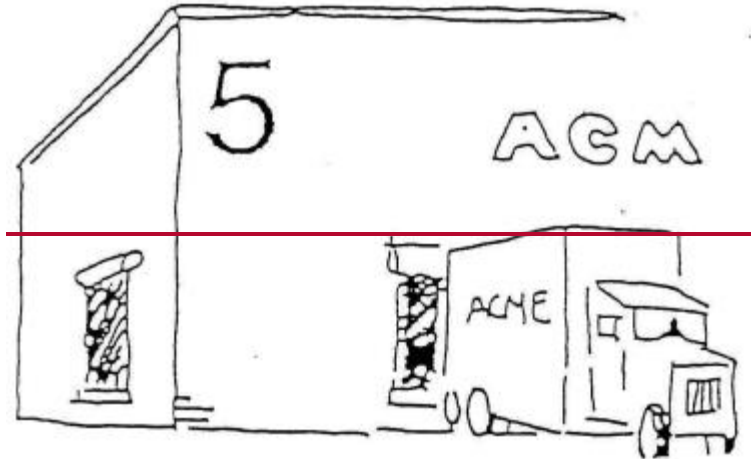
~~8. Security fences for utilities (e.g., power transformers, pump stations, pipeline control equipment, etc.) or wireless communication facilities may be up to eight feet tall in order to protect public safety. No variances are required regardless of location.~~

OK.    Provisions for persons with disabilities.

1. The needs of a person with a disability shall be provided for. Accessible routes shall be provided between all buildings and accessible site facilities. The accessible route shall be the most practical direct route between accessible building entries, accessible site facilities, and the accessible entry to the site. An accessible route shall connect to the public right-of-way and to at least one on-site or adjacent transit stop (if the area is served by transit). All facilities shall conform to, or exceed, the Americans with Disabilities Act (ADA) standards, including those included in the Uniform Building Code.

PL.    Signs.

1. Based on considerations of crime prevention and the needs of emergency vehicles, a system of signs for identifying the location of each residential unit, ~~store, or industry~~ shall be established.



***buildings shall be numbered for emergency identification***

~~2. The signs, graphics, and letter styles shall be designed to be compatible with surrounding development, to contribute to a sense of project identity, or, when appropriate, to reflect a sense of the history of the area and the architectural style.~~

~~3. The sign graphics and letter styles shall announce, inform, and designate particular areas or uses as simply and clearly as possible.~~

~~24. The signs shall not obscure vehicle driver's sight distance.~~

~~5. Signs indicating future use shall be installed on land dedicated for public facilities (e.g., parks, water reservoir, fire halls, etc.).~~

~~36. Signs and appropriate traffic control devices and markings shall be installed or painted in the driveway and parking lot areas to identify bicycle and pedestrian routes.~~

**QM. Utilities.** The developer shall make necessary arrangements with utility companies or other persons or corporations affected for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting, and cable television, shall be placed underground, except as provided in subsection (1) as practical. The design standards ~~of Tables 1 and 2 above, and of subsection 5.487 of the West Linn Municipal Code~~ relative to existing high ambient noise levels shall apply to this section.

1. Exceptions to the underground utilities requirement shall be permitted in those cases where adjacent properties have above-ground utilities and where the development site's frontage is under 200 feet and the site is less than one acre. High voltage transmission lines, as classified by Portland General Electric or electric service provider, are also exempted. Where adjacent future development is planned or proposed, conduits may be required at the direction of the City Engineer. All services shall be underground with the exception of standard above-grade equipment such as some meters, etc.

~~N. Wireless communication facilities (WCFs). (This section only applicable to WCFs.) WCFs as defined in Chapter 57 CDC may be required to go through Class I or Class II design review. The approval criteria for Class I design review is that the visual impact of the WCF shall be minimal to the extent allowed by Chapter 57 CDC. Stealth designs shall be sufficiently camouflaged so that they are not easily seen by passersby in the public right-of-way or from any adjoining residential unit. WCFs that are classified as Class II design review must respond to all of the approval criteria of this chapter.~~

**Commentary:**

The refuse and recycling standards have been modified to remove discretionary language and, if applicable, replace it with clear and objective standards.

~~RE.~~ Refuse and recycling standards.

1. All ~~commercial, industrial and~~ multi-family developments over five units requiring Class II design review shall comply with the standards set forth in these provisions. Modifications to these provisions may be permitted only if the applicant elects to use the discretionary review criteria in CDC 55.100. Refer to the criteria in CDC 55.100(O)(1). Planning Commission determines that the changes are consistent with the purpose of these provisions and the City receives written evidence from the local franchised solid waste and recycling firm that they are in agreement with the proposed modifications.

2. Compactors, containers, and drop boxes shall be located on a level Portland cement concrete pad, a minimum of four inches thick, at ground elevation or other location compatible with the local franchise collection firm's equipment at the time of construction. The pad shall be designed to discharge surface water runoff to avoid ponding.

3. Recycling and solid waste service areas.

a. Recycling receptacles shall be designed and located to serve the collection requirements for the specific type of material.

b. The recycling area shall be co-located ~~in close proximity to with~~ the garbage container areas and be accessible to the local franchised collection firm's equipment.

c. Recycling receptacles or shelters located outside a structure shall have lids and be covered by a roof constructed of water and insect-resistive material. The maintenance of enclosures, receptacles and shelters is the responsibility of the property owner.

d. The location of the recycling area and method of storage shall be approved by the local fire marshal.

e. Recycling and solid waste service areas shall be at ground level and/or otherwise accessible to the franchised solid waste and recycling collection firm.

f. Recycling and solid waste service areas shall be used only for purposes of storing solid waste and recyclable materials and shall not be a general storage area to store personal belongings of tenants, lessees, property management or owners of the development or premises.

~~g. Recyclable material service areas shall be maintained in a clean and safe condition.~~

4. Special wastes or recyclable materials.

a. Environmentally hazardous wastes defined in ORS 466.005 shall be located, prepared, stored, maintained, collected, transported, and disposed in a manner acceptable to the Oregon Department of Environmental Quality.

b. Containers used to store cooking oils, grease or animal renderings for recycling or disposal shall not be located in the principal recyclable materials or solid waste storage areas. These materials shall be stored in a separate storage area designed for such purpose.

5. Screening and buffering.

a. Enclosures shall include a curbed landscape area at least three feet in width on the sides and rear. Landscaping shall include, at a minimum, a continuous hedge maintained at a height of 36 inches.

- b. Placement of enclosures adjacent to residentially zoned property and along street frontages is strongly discouraged. ~~They shall be~~ enclosures are not located so as to conceal them from public view ~~to the maximum extent possible, the landscape hedge required under subsection (O)(5)(a) of this section shall be at least 6 feet tall.~~
  - c. All dumpsters and other trash containers shall be completely screened on all four sides with an enclosure that is comprised of a durable material such as masonry that is used in at least one building on the site ~~with a finish that is architecturally compatible with the project.~~ Chain link fencing, with or without slats, will not be allowed.
6. Litter receptacles.
- a. Location. Litter receptacles may not encroach upon the minimum required walkway widths.
  - b. Litter receptacles may not be located within public rights-of-way except as permitted through an agreement with the City in a manner acceptable to the City Attorney or their designee.
  - c. Number. The number and location of proposed litter receptacles shall be based on the type and size of the proposed uses. ~~However, at a minimum, for non-residential uses, at least one external litter receptacle shall be provided for every 25 parking spaces for first 100 spaces, plus one receptacle for every additional 100 spaces.~~ (Ord. 1547, 2007; Ord. 1604 § 52, 2011; Ord. 1613 § 12, 2013; amended during July 2014 supplement; Ord. 1623 § 6, 2014; Ord. 1635 § 26, 2014; Ord. 1636 § 37, 2014; Ord. 1647 § 6, 2016; Ord. 1650 § 1 (Exh. A), 2016; Ord. 1662 § 8, 2017; Ord. 1675 § 45, 2018)

### 55.110 SITE ANALYSIS

The site analysis shall include:

- A. A vicinity map showing the location of the property in relation to adjacent properties, roads, pedestrian and bike ways, transit stops and utility access.
- B. A site analysis on a drawing at a suitable scale (in order of preference, one inch equals 10 feet to one inch equals 30 feet) which shows:
  - 1. The property boundaries, dimensions, and gross area.
  - 2. Contour lines at the following minimum intervals:
    - a. Two-foot intervals for slopes from zero to 25 percent; and
    - b. Five- or 10-foot intervals for slopes in excess of 25 percent.
  - 3. Tables and maps identifying acreage, location and type of development constraints due to site characteristics such as slope, drainage and geologic hazards, including a slope analysis which identifies portions of the site according to the land types (I, II, III and IV) defined in Chapter 02 CDC.
  - 4. The location and width of adjoining streets.
  - 5. The drainage patterns and drainage courses on the site and on adjacent lands.
  - 6. Potential natural hazard areas including:
    - a. Floodplain areas pursuant to the site's applicable FEMA Flood Map panel;
    - b. Water resource areas as defined by Chapter 32 CDC;
    - c. Landslide areas designated by the Natural Hazard Mitigation Plan, Map 16; and
    - d. Landslide vulnerable analysis areas, designated by the Natural Hazard Mitigation Plan, Map 17.
  - 7. Resource areas including:
    - a. Wetlands;
    - b. Riparian corridors;
    - c. Streams, including intermittent and ephemeral streams;
    - d. Habitat conservation areas; and
    - e. Large rock outcroppings.
  - 8. Potential historic landmarks and registered archaeological sites. The existence of such sites on the property shall be verified from records maintained by the Community Development Department and other recognized sources.
  - 9. Identification information including the name and address of the owner, developer, project designer, lineal scale and north arrow.
  - 10. Identify Type I and II lands in map form. Provide a table which identifies square footage of Type I and II lands also as percentage of total site square footage. (Ord. 1408, 1998; Ord. 1425, 1998; Ord. 1442, 1999;

Ord. 1463, 2000; Ord. 1526, 2005; Ord. 1544, 2007; Ord. 1565, 2008; Ord. 1590 § 1, 2009; Ord. 1613 § 13, 2013; Ord. 1621 § 25, 2014; Ord. 1635 § 27, 2014; Ord. 1636 § 38, 2014; Ord. 1662 § 9, 2017)

### **55.120 SITE PLAN**

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

- A. The applicant's entire property and the surrounding property to a distance sufficient to determine the relationship between the applicant's property and proposed development and adjacent property and development.
- B. Boundary lines and dimensions for the perimeter of the property and the dimensions for all proposed lot or parcel lines.
- C. Streams and stream corridors.
- D. Identification information, including the name and address of the owner, developer, project designer, lineal scale and north arrow.
- E. The location, dimensions, and names of all existing and proposed streets, public pathways, easements on adjacent properties and on the site, and all associated rights-of-way.
- F. The location, dimensions and setback distances of all:
  - 1. Existing and proposed structures, improvements, and utility facilities on site; and
  - 2. Existing structures and driveways on adjoining properties.
- G. The location and dimensions of:
  - 1. The entrances and exits to the site;
  - 2. The parking and circulation areas;
  - 3. Areas for waste disposal, recycling, loading, and delivery;
  - 4. Pedestrian and bicycle routes, including designated routes, through parking lots and to adjacent rights-of-way;
  - 5. On-site outdoor recreation spaces and common areas;
  - 6. All utilities, including stormwater detention and treatment; and
  - 7. Sign locations.
- H. The location of areas to be landscaped. (Ord. 1442, 1999; Ord. 1613 § 14, 2013; Ord. 1622 § 28, 2014; Ord. 1636 § 39, 2014)



### **55.125 TRANSPORTATION ANALYSIS**

Certain development proposals required that a Traffic Impact Analysis (TIA) be provided which may result in modifications to the site plan or conditions of approval to address or minimize any adverse impacts created by the proposal. The purpose, applicability and standards of this analysis are found in CDC 85.170(B)(2). (Ord. 1584, 2008)

### 55.130 GRADING AND DRAINAGE PLANS

The following requirements apply to For Type I, II and III lands (refer to definitions in Chapter 02 CDC), ~~and a~~ A registered civil engineer must prepare a grading plan and a storm detention and treatment plan pursuant to CDC 92.010(E), at a scale sufficient to evaluate all aspects of the proposal, and a statement that demonstrates:

- A. The location and extent to which grading will take place indicating general contour lines consistent with CDC 55.110(B)(2), slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed.
- B. All proposed storm detention and treatment facilities comply with the standards for the improvement of public and private drainage systems located in the West Linn Public Works Design Standards.
- C. There is sufficient factual data to support the conclusions of the plan.
- D. Per CDC 99.035, the Planning Director may require the information in subsections A, B and C of this section for Type IV lands if the information is needed to properly evaluate the proposed site plan.
- E. For Type I, II and III lands (refer to definitions in Chapter 02 CDC), the applicant must provide a geologic report, with text, figures and attachments as needed to meet the industry standard of practice, prepared by a certified engineering geologist and/or a geotechnical professional engineer, that includes:
  - 1. Site characteristics, geologic descriptions and a summary of the site investigation conducted;
  - 2. Assessment of engineering geological conditions and factors;
  - 3. Review of the City of West Linn's Natural Hazard Mitigation Plan and applicability to the site; and
  - 4. Conclusions and recommendations focused on geologic constraints for the proposed land use or development activity, limitations and potential risks of development, recommendations for mitigation approaches and additional work needed at future development stages including further testing and monitoring.
- F. Identification information, including the name and address of the owner, developer, project designer, and the project engineer. (Ord. 1463, 2000; Ord. 1613 § 15, 2013; Ord. 1622 § 28, 2014; Ord. 1662 § 10, 2017)

### **55.140 ARCHITECTURAL DRAWINGS**

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

Architectural drawings shall be submitted showing:

- A. Building elevations and sections tied to curb elevation;
- B. Building materials: color and type; and
- C. The name of the architect or designer. (Ord. 1408, 1998; Ord. 1613 § 16, 2013)

### 55.150 LANDSCAPE PLAN

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

- A. The landscape plan shall be prepared and shall show the following:
  - 1. Preliminary underground irrigation system, if proposed;
  - 2. The location and height of fences and other buffering of screening materials, if proposed;
  - 3. The location of terraces, decks, patios, shelters, and play areas, if proposed;
  - 4. The location, size, and species of the existing and proposed plant materials, if proposed; and
  - 5. Building and pavement outlines.
- B. The landscape plan shall be accompanied by:
  - 1. The erosion controls that will be used, if necessary;
  - 2. Planting list; and
  - 3. Supplemental information as required by the Planning Director or City Arborist. (Ord. 1408, 1998; Ord. 1613 § 17, 2013)

**55.170 EXCEPTIONS TO UNDERLYING ZONE, YARD, PARKING, SIGN PROVISIONS, AND**

**LANDSCAPING PROVISIONS**

**Commentary:**

Except for numeric standards, the criteria for the exceptions below are not clear and objective. Therefore, they can only be permitted for residential development if the applicant elects to use the discretionary review path.

A. ~~Applicability.~~ The following exceptions are not available to applicants using the Residential/Clear and Objective Class I or II design review criteria in CDC 55.095 or 55.105. They are only available to applicants for residential development if electing to use the discretionary criteria contained in CDC 55.090 or 55.100.

BA. The Planning Director may grant an exception to the dimensional building setback or yard requirements in the applicable zone based on findings that the approval will satisfy the following criteria:

1. A minor exception that is not greater than 20 percent of the required setback dimension.
2. A more efficient use of the site.
3. The preservation of natural features that have been incorporated into the overall design of the project.
4. No adverse affect to adjoining properties in terms of light, air circulation, noise levels, privacy, and fire hazard.
5. Safe vehicular and pedestrian access to the site and safe on-site vehicular and pedestrian circulation.

CB. The Planning Director may grant an exception to the off-street parking dimensional and minimum number of space requirements in the applicable zone so long as the following criteria are met:

1. The minor exception is not greater than 10 percent of the required parking;
2. The application is for a use designed for a specific purpose which is intended to be permanent in nature (for example, a nursing home) and which has a low demand for off-street parking; or
3. There is an opportunity for sharing parking and there is written evidence that the property owners are willing to enter into a legal agreement; or
4. Public transportation is available to the site reducing the standards and will not adversely affect adjoining uses, and there is a community interest in the preservation of particular natural feature(s) of the site which make it in the public interest to grant an exception to parking standards.

DE. The Planning Director may grant an exception to the sign dimensional requirements in the applicable zone when the following criteria are met:

1. The minor exception is not greater than 10 percent of the required applicable dimensional standard for signs;
2. The exception is necessary for adequate identification of the use on the property; and
3. The sign will be compatible with the overall site plan, the structural improvements, and with the structures and uses on adjoining properties.

**ED.** The Planning Director may grant an exception to the landscaping requirements in the applicable zone based on findings that the following criteria will be met:

1. A minor exception that is not greater than 10 percent of the required landscaped area.
2. A more efficient use of the site.
3. The preservation of natural features that have been incorporated into the overall design of the project.
4. No adverse effect to adjoining property.

### **55.180 MAINTENANCE**

All on-site improvements shall be the ongoing responsibility of the property owner or occupant.

**Commentary:**

The Shared Open Space provisions below require either public dedication of open space or granting the development rights to the City. This section would be very challenging to implement, and staff does not recall it being used in recent memory. Therefore, it is proposed to be removed.

**~~55.190 SHARED OPEN SPACE~~**

~~Where the open space is designated on the plan as common open space, the following shall apply:~~

~~A. The open space area shall be shown on the final plan and recorded with the Planning Director.~~

~~B. The open space shall be conveyed in accordance with one of the following methods:~~

~~1. By dedication to the City as publicly owned and maintained as open space. Open space proposed for dedication to the City must be acceptable to it with regard to the size, shape, location, improvement, and budgetary and maintenance limitations.~~

~~2. By leasing or conveying title (including beneficial ownership) to a corporation, home association, or other legal entity with the City retaining the development rights to the property. The terms of such lease or other instrument of conveyance must include provisions suitable to the City Attorney for guaranteeing the following:~~

~~a. The continued use of such land for intended purposes.~~

~~b. Continuity of property maintenance.~~

~~c. When appropriate, the availability of funds required for such maintenance.~~

~~d. Adequate insurance protection.~~

~~e. Recovery for loss sustained by casualty and condemnation, or otherwise.~~

~~3. By any method that achieves the objectives set forth in subsection (B)(2) of this section.~~



### **55.195 ANNEXATION AND STREET LIGHTS**

As a condition of approval for design review for any project that is being annexed to the City, the developer and/or homeowners association shall pay for all expenses related to street light energy and maintenance costs until annexed into the City. The approval for any property annexed must state: “This approval is contingent on voter approval of annexation of the subject property.” This means that no permit, final plat, or certificate of occupancy may be issued or approved until annexation is complete. (Ord. 1442, 1999; Ord. 1604 § 53, 2011)

**Commentary:**

See the commentary box in Section 58.080 *STANDARDS*.

**Chapter 58**

**WILLAMETTE FALLS DRIVE COMMERCIAL DESIGN DISTRICT**

Sections:

- 58.010 PURPOSE
- 58.020 IMPLEMENTATION
- 58.030 APPLICABILITY
- 58.040 EXEMPTIONS
- 58.050 PERMITTED USES
- 58.060 *REPEALED*
- 58.065 *REPEALED*
- 58.070 APPLICATION AND SUBMITTAL REQUIREMENTS
- 58.080 STANDARDS
- 58.090 DESIGN EXCEPTION PROCEDURES
- 58.100 EXPIRATION OR EXTENSION OF APPROVAL

### **58.010 PURPOSE**

- A. Implement the goals and policies of the economic element of the Comprehensive Plan relating to the rehabilitation and revitalization of the Willamette Commercial District.
- B. Enhance the historic and aesthetic quality of the Commercial District.
- C. Increase the attractiveness of the commercial areas to tourists, customers, tenants, business owners, and City residents.
- D. Reinforce the commitment to existing commercial buildings of the 1880 – 1915 period and complement the adjacent residential historic district.
- E. Encourage a sense of historic identity for the Willamette area and West Linn as a whole. (Ord. 1735 § 4 (Exh. C), 2022)

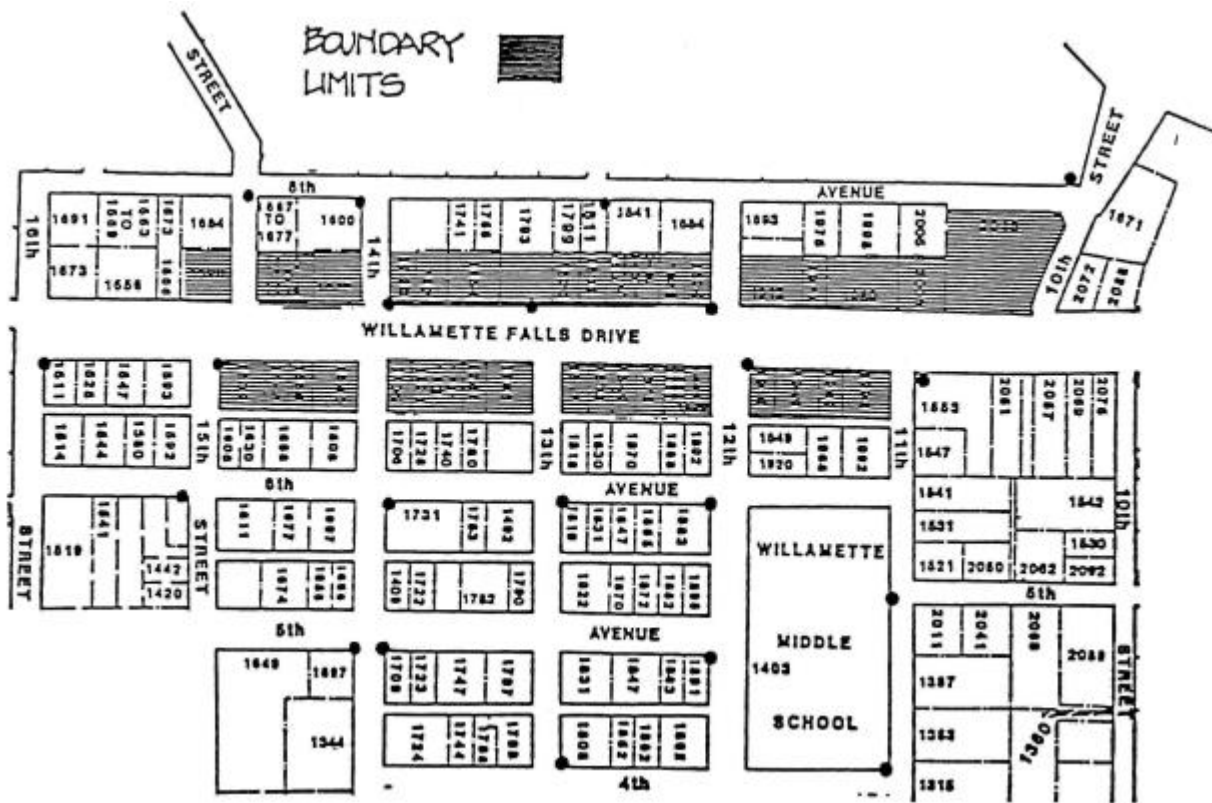
### **58.020 IMPLEMENTATION**

The intent and purpose of this chapter shall be carried out by establishing architectural standards of the 1880 – 1915 period which shall be used in new commercial construction and remodels. The provisions of this chapter shall supersede any conflicting standards found in Chapter 55 CDC. (Ord. 1735 § 4 (Exh. C), 2022)

### 58.030 APPLICABILITY

- A. The provisions of this chapter shall apply to all new commercial construction, alterations, and remodels on Willamette Falls Drive between 10th and 15th Streets. Properties that are historic resources shall comply with the provisions of Chapter 25 CDC, as applicable. Failure to obtain a permit shall constitute a Class A violation pursuant to CDC 106.050.
- B. The type of design review application required is defined in Chapter 25 CDC for properties identified on the West Linn Historic Resource Map and defined in Chapter 55 CDC for all other properties.
- C. Boundary limits. The affected area shall be as delineated in Figure 1. Generally, the area is along Willamette Falls Drive between 10th Street and 15th Street.

Figure 1



(Ord. 1350, 1993; Ord. 1614 § 10, 2013; Ord. 1621 § 25, 2014; Ord. 1735 § 4 (Exh. C), 2022)

### **58.040 EXEMPTIONS**

Ordinary maintenance or repair that replaces in kind and does not alter the architectural details or style of the structure is exempt from review. Remodels to exclusive single-family residential homes are exempt from the provisions of this chapter. Single-family homes that are used for businesses or home occupations are not exempt. Repainting any structure requires review and is not exempt, but does not require any notice. All exemptions must be approved by the Planning Director. (Ord. 1735 § 4 (Exh. C), 2022)

### **58.050 PERMITTED USES**

All uses permitted by the underlying General Commercial zone shall be allowed pursuant to CDC 19.030, 19.040, 19.050, and 19.060 and shall require the application of the standards of this chapter. Residential use of the second floor and the rear portion only of the ground floor, with no access onto Willamette Falls Drive, is permitted by application through this chapter. Residential use may only comprise 50 percent or less of the total square footage of the building combined. Commercial uses shall dominate the first floor. (Ord. 1401, 1997; Ord. 1735 § 4 (Exh. C), 2022)

**58.060 REVIEW BODY**

*Repealed by Ord. 1597.*



**58.065 APPEALS OF HISTORIC REVIEW BOARD**

*Repealed by Ord. 1597. (Ord. 1474, 2001)*

**58.070 APPLICATION AND SUBMITTAL REQUIREMENTS**

- A. Applicants shall attend a pre-application conference if required by CDC 99.030(B).
- B. The Director shall determine the appropriateness of the proposal and the completeness of the materials to be submitted. The Director may consult with members of the Historic Review Board in this process.
- C. The application is made with appropriate fees. A written narrative may be required explaining how the proposal meets the approval criteria.
- D. All applications for remodels and new construction shall require scaled elevation plans, site plans, and material and color board. (Ord. 1599 § 5, 2011; Ord. 1735 § 4 (Exh. C), 2022)

## 58.080 STANDARDS

### **Commentary:**

Subsection (A), below, states that the design standards in this chapter are clear and objective; however, many of the standards do allow discretion or interpretation. Residential uses are only permitted in the Willamette Falls Drive Commercial Design District on the upper floors of commercial buildings, or to the rear of a ground floor (i.e., not facing the street). Most of the standards in this chapter are geared toward regulating the ground floor facing the street, where residential uses are not permitted. Therefore, it may not be necessary to convert all the discretionary standards into truly clear and objective standards, since the standards will mostly apply to commercial development. Also, it is not the intent of the Clear and Objective Code Compliance Project to modify regulations that would apply to non-residential development, and updating the standards in this chapter would do that.

Therefore, our proposed approach to this chapter is to generally leave the existing standards as-is. A few standards that are the most likely to affect the residential portion of a mixed-use building (e.g., setbacks and windows), and which can be made clear and objective without changing the intended design outcomes, are proposed to be updated.

If more extensive updates to this chapter are desired, we suggest the City take that on as a separate project, in consultation with the Historic Review Board.

### A. Purpose.

1. Standards are needed to provide a clear and objective list of design elements that are needed to bring new construction and remodels into conformance with 1880 – 1915 architecture. Buildings of the period saw relatively few deviations in design. Consequently, the Historic Review Board will require conformance with the standards. Deviations or deletions from the standards are addressed in the design exception procedure of this chapter.

2.B. The use of neo-designs or simply contextual designs which only attempt to capture the basic or generalized elements such as building line, massing and form, etc., is not acceptable.



CONTEXTUAL DESIGN,  
AT RIGHT, IS NOT PERMITTED.  
IT INCORPORATES ONLY A  
FEW OF THE REQUIRED FEATURES.

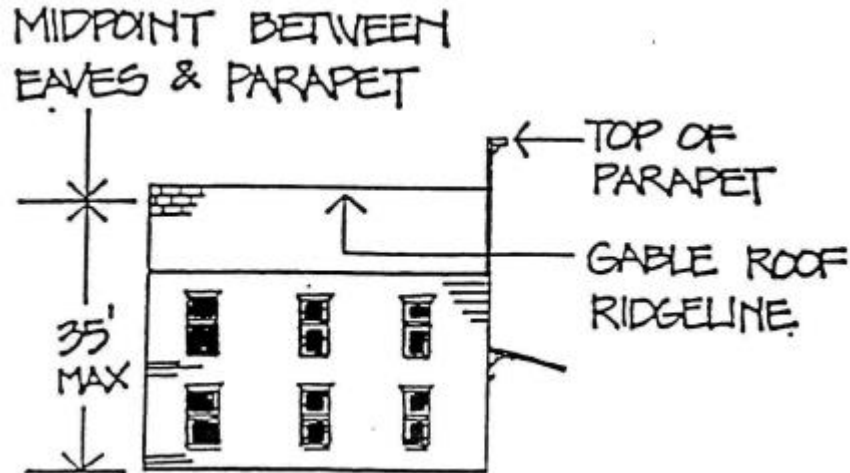
**BE.** The following standards shall apply to new construction and remodels.

1. Dimensional standards.

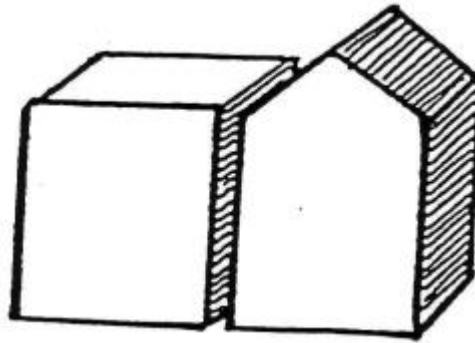
- a. Front: zero-foot setback. Building may not be set back from the property line unless it is consistent with predominant building line.
- b. Side and side street: zero-foot setback. Building may not be set back from the side property line except for side passageway, accessway, or stairway unless fire codes dictate otherwise. The setback shall not exceed six feet.
- c. Rear: 20-foot setback. Setbacks between zero and 20 feet are permitted only if requested by the applicant as part of a discretionary review, and only if the applicant can demonstrate that they can successfully mitigate any impacts associated with the building in current and future uses as they would relate to abutting residential and other properties.
- d. Lot coverage: up to 100 percent of lot may be developed, if the criteria in subsection (B)(1)(c) are met ~~depending upon ability to mitigate impacts upon abutting residential and other uses.~~

2. Minimum landscaping required. Sites in this district are exempt from landscaping requirements as identified in Chapter 54 CDC, Landscaping, with the exception of parking areas.

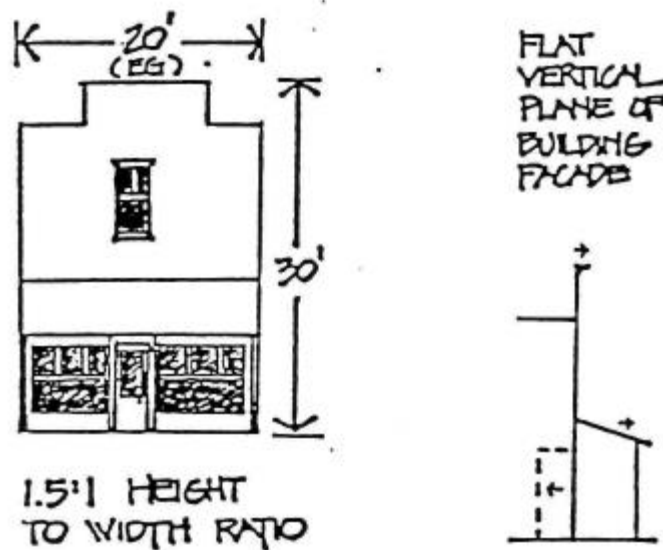
3. Building height limitations. Maximum building height shall be 35 feet (as measured by this code), and two stories. A false front shall be considered as the peak of the building if it exceeds the gable roof ridgeline.



4. External ground level or first story minimum height. Ten feet to allow transoms.
5. Roof form. Flat or pitched roofs. Pitched roof ridgeline shall run from the front of the building to the back.

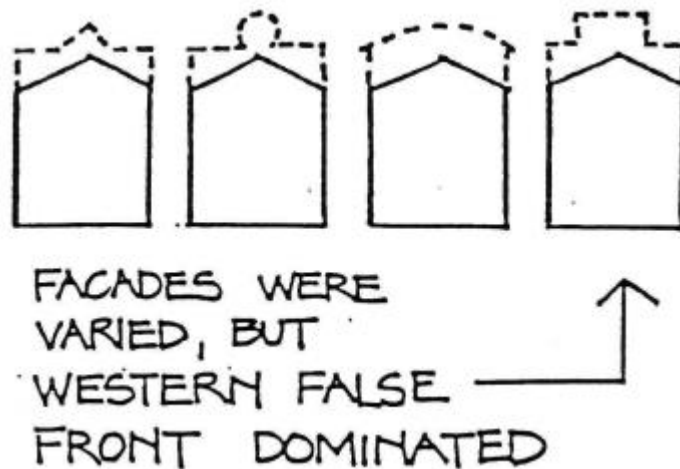


6. Building form, scale and depth. Building shall emphasize the vertical through narrow, tall windows (especially on second floor), vertical awning supports, engaged columns, and exaggerated facades creating a height-to-width ratio of 1.5:1.

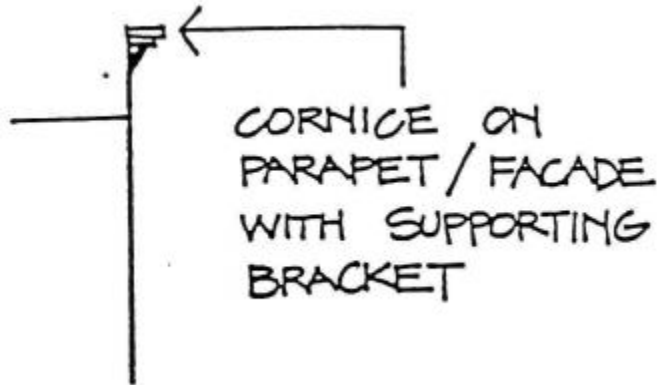


Building depth shall be flat, only relieved by awning and cornice projections and the indented doorway.

7. Visual building breaks. Strong vertical breaks or lines should be regularly spaced every 25 to 50 feet.
8. Facades. No gables, hipped, or pitched roofs shall be exposed to the street at the front. The “Western false front” shall be the preferred style although variations shall be allowed through a design exception.



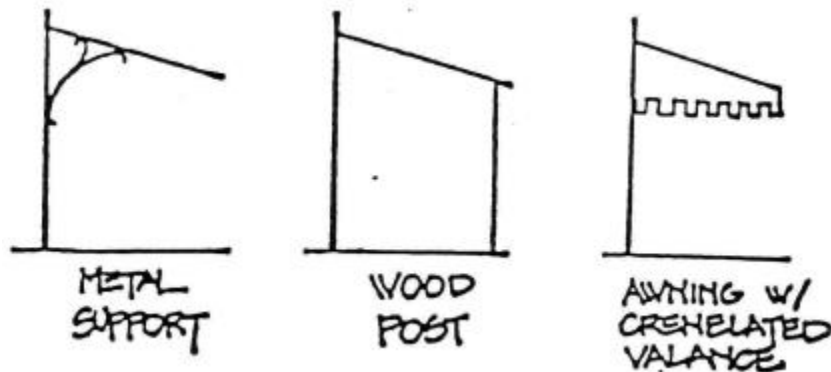
9. Cornice. Cornices shall be broad and may include regularly spaced supporting brackets. A cornice is not required, but preferred.



10. Building materials and orientation. Horizontal wood siding in one-inch by eight-inch dimensions shall be used, unless brick or other materials are permitted by a design exception obtained only under CDC 58.090.

11. Awnings. All buildings shall have awnings extending out from building face. Awnings are preferred for micro-climate benefits. Ideally, the building will have both transom and awnings, although transoms are not required.

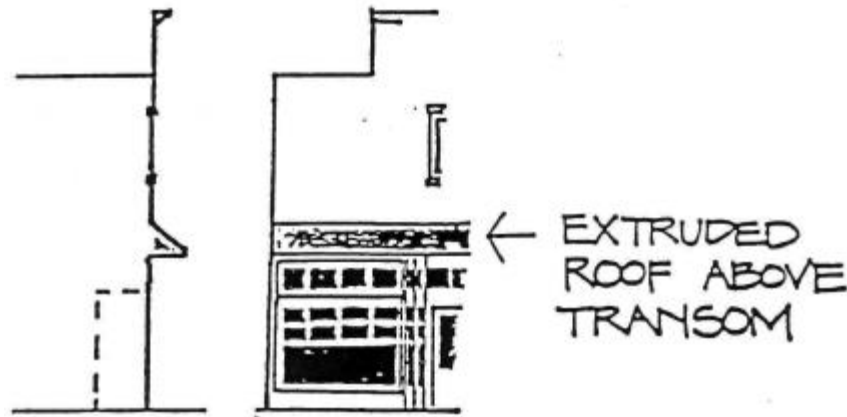
Awnings shall be either canvas or vinyl, or similar approved material, supported by an internal metal framework or metal or wood supported by a curved metal support attached to the building.



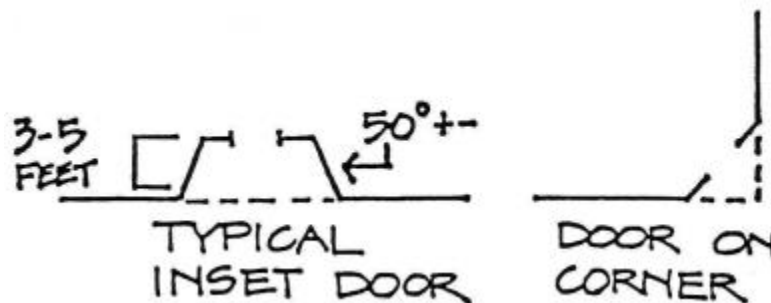
Awnings shall extend a minimum of five feet from the facade and along a minimum of 80 percent of a street facing facade to provide appropriate pedestrian coverage and shall meet ADA requirements. The pitch of the awning shall be 10 to 40 degrees. No “bubble-type” awnings are permitted. No backlit awnings are permitted. Canvas or matte-finish vinyl, or similar approved material awnings, may be one color or striped and shall have a free-hanging plain or crenelated valance. Canvas or matte-finish vinyl, or similar approved material awnings, should not be shared between two structures. Each structure should have its own awning.

12. Extruded roofs. As a substitute for an awning, extruded roofs have a 10- to 40-degree pitch and extend one to two feet from the building face just above the transom windows where the first and second stories meet. The roof runs along the entire building frontage.

Standard roofing materials are used. Transoms are required with extruded roofs.



13. Doors and entryways. The entryway shall be centered in the middle of the building at grade. The buildings on street corners may position their doors on the corner at an angle as depicted in the illustration. The doors may be single or double doors. The doors shall be recessed three to five feet back from the building line. Doors shall have glazing in the upper two-thirds to half of the door. Panels should decorate the lower portions. The entryway shall have windows all the way around at the same level as the other display windows. Wood doors are preferable although alternatives with a dark matte finish may be acceptable.



14. Glazing. Clear glass only. No mirrored or tinted glass. No films applied to glass. Lettering on glass is permitted.

15. Display or pedestrian-level windows. Shall extend across at least 80 percent of building front. The windows shall start one and one-half to two and one-half feet above grade to a height of seven to eight feet, and shall be level with the top of the height of the adjacent entryway area, excluding transom. A single sheet of glass is not permitted. The window shall be broken up into numerous sections, also known as lights. From 1880 onwards, the number of lights was generally no more than six in a pedestrian-level window. The frames may be wood or vinyl-clad wood, or other materials so long as a matte finish is possible.





MULTI-PANED  
PEDESTRIAN  
LEVEL WINDOWS

16. Second floor and other windows.

a. Standard for residential development. Windows shall be double- or single-hung and shall be evenly spaced across the horizontal width of the façade. Windows shall either have a 3:1 height to width ratio for the glass area or shall be square. Square windows shall have minimum dimensions of one and one-half feet per side and maximum dimensions of two feet per side. There shall be a minimum of two lights in each window; options include “one over one” of equal size, “two over one,” or “four over one,” as illustrated below.

b. Standard for non-residential development. Double- and single-hung windows proportionately spaced and centered should be used. Smaller square shaped windows may be permitted (one and one-half feet to two feet per side). A typical window should have a 3:1 height to width ratio for the glass area. There should be a minimum of two lights: “one over one” of equal size. “Two over one” or “four over one” is appropriate.



17. Wainscotting. Wainscotting shall be consistent with primary material of the building, typically wood.

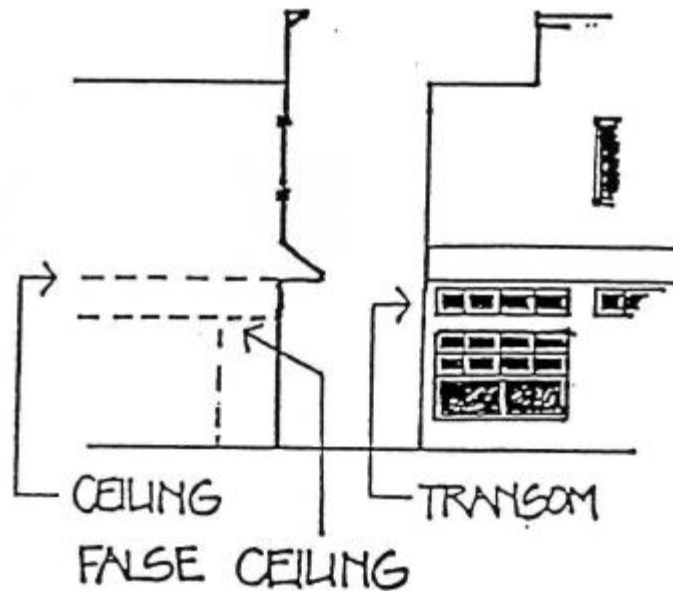
18. Shutters. Shutters are not allowed.

19. Balconies. No balconies are permitted except on rear of building.

20. Exterior stairs. Simple stairs are permitted on the rear or side of the building only.

21. Roof-mounted mechanical equipment. Equipment shall be screened from view on all sides by normal and consistent architectural features of the building. CDC 55.100(D), Privacy and noise, shall apply.

22. Air conditioning. No window types on avenue or street side are permitted. Window-mounted air conditioners are not allowed at rear where abutting residential.
23. Exterior lighting fixtures. Any lighting fixtures that can be traced to 1880 – 1915 period are permitted. Simple modern fixtures that are screened and/or do not attract attention are acceptable. Overly ornate fixtures of the Victorian era are to be discouraged.
24. Transoms. Transom windows are required with extruded roofs and optional with awnings. Transom windows shall cover the front of the building above, but not beyond, the main display windows, and the entryway area. Transoms should be broken up into sections every six inches to three feet in a consistent and equal pattern. Height should not exceed three feet. Transoms may or may not open. False ceilings are allowed behind the transoms.

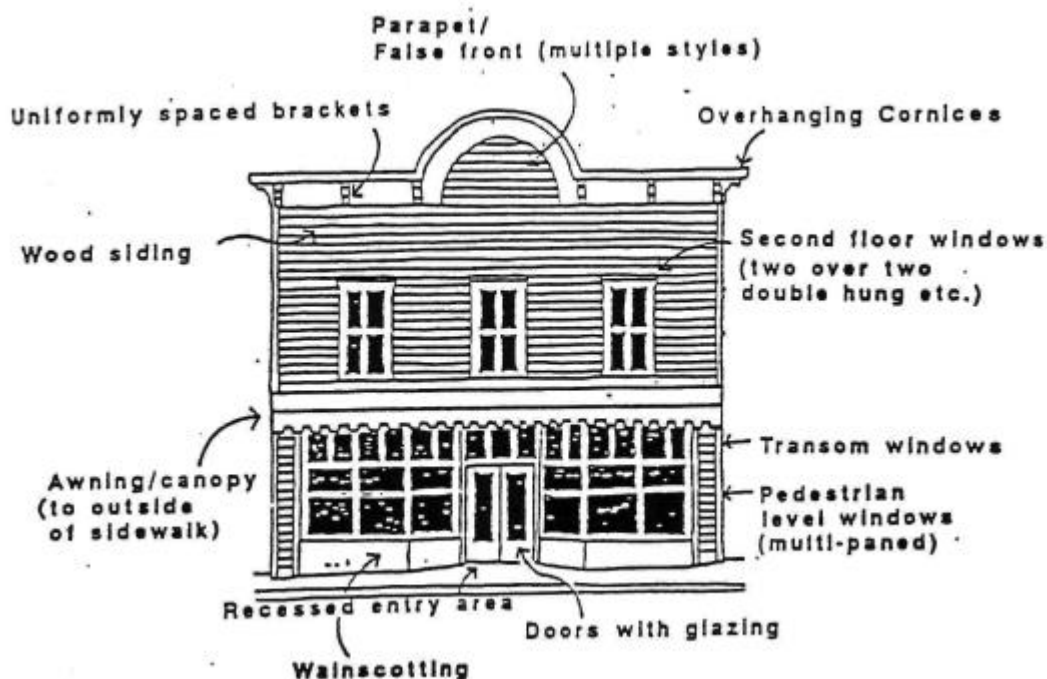


25. Paint colors. Body color typically included white, cream, or a light, warm color of low intensity. Accents, trims, windows, etc., should be dark-colored. A palette or color wheel, submitted by the applicant, of acceptable 1880 – 1915 period colors shall be the basis for color selection. Colors shall be similar to or consistent with existing buildings within the Willamette Commercial District to establish streetscape continuity. (Ord. 1391, 1996; Ord. 1401, 1997; Ord. 1604 § 59, 2011; Ord. 1613 § 18, 2013; Ord. 1621 § 25, 2014; Ord. 1675 § 47, 2018; Ord. 1735 § 4 (Exh. C), 2022. Formerly 58.090)

### 58.090 DESIGN EXCEPTION PROCEDURES

In those circumstances where a design proposal cannot meet the standards, or proposes an alternative to the standard, the Historic Review Board may grant a design exception in those cases where one of the following criteria is met:

- A. The applicant can demonstrate by review of historical records or photographs that the alternative is correct and appropriate to architecture in the region, and especially West Linn, in 1880 – 1915.
- B. The applicant is incorporating exceptional 1880 – 1915 architecture into the building which overcompensates for an omission, deviation, or use of non-period materials. The emphasis is upon superior design, detail, or workmanship.



- C. The application is for the restoration or alteration of an existing, out-of-period structure where it can be demonstrated that applicant cannot reasonably comply with the standard due to existing building setbacks, orientation, roof forms, materials, architectural style, functional design, or other existing conditions; and where the exception would further the purpose of this chapter as set forth in CDC 58.010. This exception does not apply when the structure is demolished. (Ord. 1735 § 4 (Exh. C), 2022. Formerly 58.100)

### **58.100 EXPIRATION OR EXTENSION OF APPROVAL**

If substantial construction has not occurred within three years from the date of approval of the development plan, the approved proposal will be void, unless an extension is granted per CDC 99.325. (Ord. 1589 § 1 (Exh. A), 2010; Ord. 1735 § 4 (Exh. C), 2022. Formerly 58.110)

**Commentary:**

Proposed amendments to this chapter include the following:

- Section 59.020 – Added a reference to Design Review. Refer to the commentary box at the beginning of Chapter 08 for explanation.
- Section 59.030 – Added manufactured homes to the list of permitted uses. Per state law, in zones where single-family detached dwellings are permitted, manufactured homes must also be allowed (ORS 197.314).
- Section 59.070(B) – Clarified which housing types are subject to Design Review. Pursuant to House Bill 2001, the same review procedure must apply to middle housing as applies to single-family detached dwellings. Also revised the design standards to be clear and objective and to more applicable to all development types. The standards apply to all development in the Willamette Neighborhood zone, but they are written as though they only apply to single-family development.
- Section 59.080 – Clarified that the limitation on operating hours (6 AM to 10 PM) only applies to commercial and other non-residential uses.

**Chapter 59**

**WILLAMETTE NEIGHBORHOOD MIXED USE TRANSITIONAL ZONE**

Sections:

- 59.010 PURPOSE
- 59.020 PROCEDURES AND APPROVAL PROCESS
- 59.030 PERMITTED USES
- 59.040 ACCESSORY USES
- 59.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS
- 59.060 CONDITIONAL USES
- 59.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS
- 59.080 ADDITIONAL USE REQUIREMENTS
- 59.090 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES
- 59.100 OTHER APPLICABLE DEVELOPMENT STANDARDS

### **59.010 PURPOSE**

The purpose of the mixed use/transitional zone is to provide for a transitional area between commercial and residential zones with a desirable mix of residential land uses with limited commercial land uses. The limited commercial uses allowed in this district are selected for their compatibility with residential uses and their ability to meet the needs of the neighborhood. Uses in this district are intended to be compatible with the design and aesthetic qualities of the adjacent neighborhood. This zone is intended to implement the Willamette neighborhood plan as authorized by the policies set forth in the Comprehensive Plan. (Ord. 1515, 2005; Ord. 1547, 2007)

### 59.020 PROCEDURES AND APPROVAL PROCESS

- A. A use permitted outright, CDC 59.030, is a use that requires no approval under the provisions of this code, except that all uses require design review pursuant to CDC 59.100(13). 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 59.050, 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 59.060) 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. 1515, 2005; Ord. 1547, 2007)

## 59.030 PERMITTED USES

The following are uses permitted outright in this zone:

1. Single-family attached or detached dwelling;
  - a. Duplex residential units;
  - b. Triplex residential units;
  - c. Quadplex residential units;

2. Manufactured home:

32. Multifamily dwelling;
43. Townhouse;
54. Cottage cluster;
65. Common-wall single-family dwellings above a permitted use;
76. Residential use of the second floor or a portion of the ground floor of a permitted use;
87. Residential home;
98. Family day care;
109. Bed and breakfast lodging;
1140. Animal sales and services, grooming;
1244. Business support services;
1342. Cultural exhibits and library services;
1443. General retail services;
1544. Medical and dental services;
1645. Personal service facilities;
1746. Professional and administrative services;
1847. Transportation facilities (Type I);
1948. Utility, minor. (Ord. 1515, 2005; Ord. 1547, 2007; Ord. 1604 § 60, 2011; Ord. 1686 § 3, 2018; Ord. 1736 § 1 (Exh. A), 2022)



### **59.040 ACCESSORY USES**

1. Accessory uses are allowed in this zone as provided by Chapter 34 CDC.
2. Manufacture or repackaging of goods for on-site sale. (Ord. 1515, 2005; Ord. 1547, 2007; Ord. 1686 § 4, 2018)

**59.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS**

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

1. Signs, subject to the following provisions:
  - a. Wall signs. Shall not exceed 10 percent of the square footage of the front elevation. The calculation of allowable signage is explained in CDC 52.300. The sign(s) shall be proportionate to buildings and signs on adjacent buildings. The 10 percent shall be broken up into multiple signs. The sign(s) shall be mounted or painted on the second floor, on the valance of the awning, on the windows at pedestrian level, or on four-by-four awning posts.
  - b. Ground-mounted signs. One ground-mounted sign is permitted in the front yard with a maximum size of 16 square feet, a maximum height of four feet, and a minimum setback of five feet from the right-of-way.
  - c. No signs shall be the internally lit “can” type. No backlit signs are permitted. Illumination by spotlight is permitted for either sign type. Neon signs are permitted only inside the windows. No flashing signs are allowed. By temporary sign permit only, neon colored lettering or designs painted on windows or on paper or banners in the windows are allowed, but discouraged. Small signs or plaques that describe the building in a historical sense are exempt from the allowable square footage restrictions. Signs cannot project from the building face.
  - d. Temporary signs. Temporary sandwich board signs are permitted without the temporal restrictions of Chapter 52 CDC.
  - e. All other provisions of Chapter 52 CDC. Signs are applicable unless they conflict with the provisions of this chapter.
2. Temporary use, subject to the provisions of Chapter 35 CDC.
3. Home occupations, subject to the provisions of Chapter 37 CDC.
4. Consumer repair services, as prescribed with no exterior storage.
5. Animal sales and services: veterinary (small animals), as prescribed with no exterior runs or storage.
6. Financial and insurance, as prescribed with no drive-through service.
7. Building maintenance services, as prescribed with no exterior storage.
8. Wireless communication facilities, subject to the provisions of Chapter 57 CDC. (Ord. 1515, 2005; Ord. 1547, 2007; Ord. 1686 § 5, 2018)

### **59.060 CONDITIONAL USES**

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

1. Certified child care center.
2. Community building.
3. Religious institution.
4. Senior center.
5. Public support and public safety facilities, including public parking lots.
6. Nursery.
7. Parks and open space.
8. Eating and drinking establishments.
9. Food and beverage retail sales.
10. Hotel/motel.
11. Construction sales and services.
12. Parking facilities. (Ord. 1515, 2005; Ord. 1547, 2007; Ord. 1655 § 6, 2016; Ord. 1675 § 48, 2018; Ord. 1686 § 6, 2018)

**59.070 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:

STANDARD		REQUIREMENT	ADDITIONAL NOTES
Minimum lot size		4,500 sf	Unless defined as an existing lot of record
Maximum lot size		10,000 sf	
Average minimum lot or parcel size for a townhouse project		1,500 sf	
Minimum front lot line Minimum lot width at front lot line		35 ft	Does not apply to townhouses or cottage clusters
Average minimum lot width		50 ft	Does not apply to townhouses or cottage clusters
Average minimum lot depth		90 ft	Does not apply to townhouses or cottage clusters
Minimum yard dimensions or minimum building setbacks			Front, rear, and side yard setbacks for a cottage cluster project are 10 ft. There are no additional setbacks for individual structures on individual lots, but minimum distance between structures shall follow applicable building code requirements.
	Front yard	12 ft	A porch, patio, or pedestrian amenity may be six feet from the front property line.
	Maximum	20 ft	
	Interior side yard	7.5 ft	Townhouse common walls that are attached may have a 0-ft side setback.
	Street side yard	12 ft	
	Rear yard	20 ft	Where the use abuts a residential district, the setback distance required in the residential district shall apply, and within the setback area a buffer of at least 10 feet of landscaping in addition to a fence is required.
Maximum building height		35 ft or 2 stories above grade, whichever is less	
Maximum building size		6,000 sf	For all floors above grade excluding porches
Maximum floor area ratio		0.40	Maximum FAR does not apply to cottage clusters. 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. 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.
Minimum floor area ratio		0.30	The minimum 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.

B. Design standards. All uses in the mixed-use zone shall comply with the provisions of Chapter 55 CDC, except for CDC 55.100(B)(7)(a), (b), (c), (h), (i), and (j); or CDC 55.105(E)(1), as applicable. Further, single-family

residential uses, townhouses, manufactured homes, and cottage clusters shall also comply with the Class I design review standards. In addition, the design standards described below apply to all uses.

1. ~~Residential-style~~ Each building ~~with~~ shall include a single story porch on the front, and on the side where it abuts a street. The porch shall have a minimum area of 25 square feet, with a minimum depth of five feet.
2. New sidewalk construction shall be allowed to match the historical sidewalk standards in this zone.
3. Off-street parking shall not be located between the building and a public or private street, except alleys; parking areas shall be located behind, under, or on the side of the building.
4. Garages shall not extend any closer to the street than the street-facing facade of the buildinghouse.
5. There shall be no illuminated outdoor advertising on accessory buildings, equipment, or vending machines
6. These design standards, subsections (B)(1) through (5) of this section, shall not apply to public facilities such as reservoirs, water towers, treatment plants, fire stations, pump stations, power transmission facilities, etc. It is recognized that many of these facilities, due to their functional requirements, cannot readily be configured to meet these design standards. However, attempts shall be made to make the design sympathetic to surrounding properties through compatible architecture, enhanced landscaping, setbacks, buffers, and other reasonable means. (Ord. 1515, 2005; Ord. 1547, 2007; Ord. 1565, 2008; Ord. 1675 § 50, 2018; Ord. 1736 § 1 (Exh. A), 2022)

### **59.080 ADDITIONAL USE REQUIREMENTS**

In addition to all other provisions of this section, the following additional requirements may apply:

- A. Permitted commercial and other non-residential uses may only be open from 6:00 a.m. to 10:00 p.m. and are subject to the noise provisions of Chapter 55 CDC.
- B. Exterior business activity shall not take place beyond the rear wall of the building when the subject property abuts a residential district, except for parking and refuse storage. Refuse storage must be buffered or enclosed and may not abut a property line that adjoins a residential zone. (Ord. 1515, 2005; Ord. 1547, 2007; Ord. 1614 § 11, 2013)

**59.090 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES**

Except as may otherwise be established by this code, the appropriate lot or parcel 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). (Ord. 1515, 2005; Ord. 1547, 2007; Ord. 1636 § 42, 2014)

### **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 41 CDC, Building Height, Structures on Steep Lots, Exceptions.
9. Chapter 42 CDC, Clear Vision Areas.
10. Chapter 44 CDC, Fences.
11. Chapter 48 CDC, Access, Egress and Circulation.
12. Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas, except for the provisions of CDC 46.140, apply to all uses.
13. Chapter 55 CDC, Design Review.
14. Chapter 54 CDC, Landscaping.
15. Chapter 53 CDC, Sidewalk Use. (Ord. 1547, 2007; Ord. 1614 § 12, 2013; Ord. 1675 § 49, 2018)