



CITY OF
West Linn
22500 Salamo Road #600
West Linn Oregon 97068


STAFF REPORT FOR THE PLANNING COMMISSION

FILE NUMBER: CDC-09-05

HEARING DATE: August 3, 2011

REQUEST: City initiated housekeeping and minor amendments to various sections of the Community Development Code ("CDC")

**APPROVAL
CRITERIA:** Community Development Code Section 98.100

**STAFF REPORT
PREPARED BY:** Chris Kerr, Senior Planner 

EXECUTIVE SUMMARY

The purpose of these amendments is to correct errors, eliminate ambiguities, and clarify text to reflect existing code interpretations in order to improve the facilitation of the CDC. The City regularly processes updates to the CDC to address these issues as part of a comprehensive 'regulatory improvement package'. This process is part of the City's on-going effort to make the regulations more understandable and user friendly for developers, residents, and staff. The proposed amendments are minor in nature and do not involve major policy issues. Amendments that involve substantive decisions related to City policy would be addressed as individual projects.

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GENERAL INFORMATION

APPLICANT: City of West Linn
22500 Salamo Road
West Linn, OR 97068

REPRESENTATIVE: Chris Kerr
Senior Planner

SITE LOCATION: City-wide

LEGAL

DESCRIPTION: N/A

SITE SIZE: N/A

ZONING: N/A

COMP PLAN

DESIGNATION: N/A

120-DAY PERIOD: Not applicable for legislative items

PUBLIC NOTICE: Notice was provided to the State Department of Land Conservation and Development and other effected agencies on May 13, 2011. Public notice was published in the West Linn Tidings on July 21, 2011 and sent to all neighborhood associations and interested parties on July 13, 2011. All notice requirements have been satisfied.

BACKGROUND

The proposed amendments are a compilation of those identified by Staff, Planning Commissioners, the City attorney and the public since the last CDC regulatory improvement package was approved in 2009. The specific amendments, provided in Exhibit PC-2, have been prepared in a strikeout/underline format so that the full extent of the proposed changes can be easily determined. Additionally, within that document, wherever additional clarity or comment is necessary for an individual amendment, Staff has included a notation explaining the rationale for the proposed amendment. The majority of the amendments involve correcting scrivener's errors and obvious internal inconsistencies within the code. However, others are deserving of close scrutiny. To assist the Planning Commission and public with their review of these amendments, please find below a listing of the relatively significant or consequential amendments proposed in this package:

1. Chapter 2: Definitions. A reformatting change will relocate all defined terms with the CDC into one single location (Chapter 2: Definitions). This reformatting will alleviate confusion, make defined terms easier to locate and correct errors related to the fact that the code includes multiple definitions for certain terms. Also, definitions of the following terms are being refined to provide greater clarity to their understanding:
 - "Accessory structure" – to be amended to provide clarity and specific examples.
 - "Lodge, fraternal and civic assembly" – to be amended to provide clarity and to add indoor community recreation as an example.
 - "Structure" – to be amended to provide clarity and specific examples.
 - "Utilities" – to be amended to provide clarity and specific examples.
 - "Yard" – to be amended to provide clarity and specific examples.
2. Chapter 19: General Commercial. To be amended to include 'lodge, fraternal community center, and civic assembly' as a potential Conditional Use.
3. Chapter 37: Home Occupations. Modification to the way trips are measured for home occupations. Please see the 'staff note' following the proposed amendment for a more detailed discussion.
4. Chapter 55: Design review. Clarification regarding the permitted replacement of building materials. Also, to remove specific noise criteria which no longer apply.
5. Chapter 99: Procedures for Decision Making: Quasi judicial: Clarifies procedures for when all members of a hearing body abstain or are disqualified.

ANALYSIS

Uncertainty and ambiguity in the Code frustrates citizens, property owners and Staff. These amendments will benefit all users of the Code and minimize potential future legal issues due to errors and a lack of clarity in the Code. It is also expected to improve Staff's ability to enforce the provisions of the Code.

RECOMMENDATION

Staff recommends that the Planning Commission recommend to the City Council that they adopt the proposed amendments to the CDC.

APPLICABLE REGULATIONS AND ASSOCIATED SUPPLEMENTAL FINDINGS

APPROVAL CRITERIA

CHAPTER 98, PROCEDURES FOR DECISION-MAKING: LEGISLATIVE

98.100 STANDARDS FOR DECISION

- A. *The recommendation of the Planning Commission and the decision by the City Council shall be based on consideration of the following factors:*
- 1. The Statewide planning goals and rules adopted under Chapter 197 ORS and other applicable State statutes;*
 - 2. Any federal or State statutes or rules found applicable; and*
 - 3. Applicable plans and rules adopted by the Metropolitan Service District.*
 - 4. The applicable Comprehensive Plan policies and map; and*
 - 5. The applicable provisions of the implementing ordinances.*
- B. *Consideration may also be given to:*
- 1. A mistake or inconsistency in the Comprehensive Plan or implementing ordinance as it relates to the property which is the subject of the proposal; and*
 - 2. Factual oral testimony or written statements from the parties, other persons and other governmental agencies relevant to the existing conditions or factors in subsection A or (B)(1) of this section. (Ord. 1226, 1988; Ord. 1474, 2001)*

Applicable standards from CDC Section 98.100 are addressed in the four findings that follow.

FINDING NO. 1

Statewide Goal 1 Citizen Involvement. The City's acknowledged Comprehensive Plan and CDC provide for or exceed all requirements for a citizen involvement program which defines the procedures by which the general public will be notified in the on-going land use planning process. All required notification measures and opportunities for input as specified in these documents were provided during this process. Additionally, many of the proposed amendments were drafted in response to comments by citizens. A clear purpose of these amendments is to allow for greater ease of use for the citizens of the community, which will broaden and improve public understanding and awareness and of the land use process.

Statewide Goal 2 Land Use Planning. This Report responds to all applicable approval standards provided for in the CDC, as required under this Goal.

FINDING NO. 2

These amendments are minor in nature and do not represent any major changes in policy; however, the proposed amendments that modify the manner in which vehicular trips are measured for home occupation uses is intended to promote home occupations in the City with a recognition of the potential adverse impacts that can be created. This is consistent with and furthers the following components of the City's Comprehensive Plan:

Goal 6: Air, Water, and Land Resources Quality- Policy 5: "The City also recognizes the importance of home occupations in reducing commuting and helping limit the need for additional public infrastructure."

Goal 9: Economic Development - Policy 1: "Promote home occupations by developing and implementing supportive zoning and building codes and services and other regulations; require compatibility with surrounding neighborhoods."

FINDING NO. 3

These amendments are minor in nature and do not represent any major changes in policy and there are no applicable State or Federal statues, or and Metropolitan Service District rules or other applicable ordinances beyond those being addressed in the Statewide Planning Goals that apply to these amendments.

CITY OF WEST LINN
PLANNING AND DEVELOPMENT

EXHIBIT PC-1
PROPOSED CDC AMENDMENTS

FILE NO.: CDC-09-05

REQUEST: Housekeeping and minor amendments to the CDC

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PROPOSED AMENDMENTS PERTAINING TO

**Housekeeping and minor substantive amendments to the
Community Development Code (CDC 09-05)**

PLANNING COMMISSION PUBLIC HEARING DRAFT

AUGUST 3, 2011

<u>Notes:</u>	
Plain text =	existing regulation
Strike through =	proposed deletion to existing regulations
<u>Underline</u> =	proposed addition
<u>Double underline</u> =	proposed addition to be underlined
<i>Italic</i> =	staff note
Blue font =	text relocated from another Chapter with no changes

Chapter 2: DEFINITIONS

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" 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.

02.030 SPECIFIC WORDS AND TERMS

1 *Staff note: There are two types of modifications proposed by Staff related to the*
2 *relocation of terms in the CDC. The first type modifies the specific text to a definitions*
3 *(shown in typical strikeout/underline format) in order to correct errors and provide greater*
4 *clarity to terms. The second type of modification is an organizational change such that*
5 *defined terms will be found in a single location, Chapter 2: Definitions of the CDC.*
6 *Currently, definitions to terms are provided in several locations throughout the CDC,*
7 *including Chapter 3 which defines types of uses; Chapter 52, relating to signs; Chap*
8 *regulating flood management areas; and Chapter 28 which includes river protections.*
9 *Having terms defined in multiple locations in the Code is unnecessarily confusing for the*
10 *public and Staff. Additionally, in some situations, the same term is defined different*
11 *different Sections of the Code.*

12 *ease of use in this report, wherever a definition is proposed to be relocated, but*
13 *otherwise unchanged, s it is not underlined, it is shown in blue font.) For example, the term*
14 *house" is proposed to be relocated from Chapter 28 to Chapter 2, but no changes are*
15 *proposed to the text language so it is shown in blue font.*

16 *Staff note that, for this section, the defined terms are underlined in the current code, only*
17 *double-underlined words are a new term which was not previously defined in the CDC; e.g.*
18

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

23 A. Greenhouse or hothouse;

24 B. Swimming pools;

25 C. Children's playhouses and structures;

26 D. Sheds;

27 E. Barns;

28 F. Gazebos;

29 G. Solar and wind energy systems;

30 H. Garages;

31 I. Dog houses for up to four dogs, bird feeders, or other pet shelters;

1 J. Appurtenances such as mailboxes and heat pumps; and

2 K. Similar structures as determined by the Planning Director.

3 *(Staff note: Providing examples of accessory structures provides greater clarity for Staff*
4 *and the public. This is a common practice in other zoning codes.)*

5 ~~Administrative action. A quasi-judicial action, including the following: through 106 in~~
6 ~~which the legal rights, duties or privileges of specific parties are determined, and any appeal~~
7 ~~or review therefrom.~~

8 *(Staff note: This definition does not make sense grammatically and is not the correct*
9 *definition of an administrative action on quasi-judicial matters. It is likely a remnant from an*
10 *older version of the Code. In any case, there is no need to define "administrative action" in*
11 *the CDC, since the quasi-judicial procedures are outlined in chapter 99 of the Code. This*
12 *term is only used in one other location, under the title for 99.170, and it is proposed for*
13 *deletion from that location as well.)*

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

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

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

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

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

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

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

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

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

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

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

15 Authorized area. The area within the preference rights area, as determined by DSL, where
16 the applicant may place their water-dependent structure (e.g., dock) is called the authorized
17 area. (Also Ssee "Preference rights" definition) ~~and Figures 28.1 and 28.2.)~~

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

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

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

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

30 Automotive and equipment; repairs, light equipment. Repair of automobiles and the sale,
31 installation, and servicing of automobile equipment and parts but excluding body repairs

1 and painting. Typical uses include muffler shops, auto or motorcycle repair garages, or auto
2 glass shops.

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

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

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

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

17 ~~Building height. The vertical distance above a reference datum measured to the highest
18 point of a flat roof or to the deck line of a mansard roof or to the highest gable, ridgeline or
19 peak of a pitched or hipped roof, not including cupolas, towers, etc., are not used as the
20 high point per Chapter 40 CDC. The reference datum shall be selected by either of the
21 following, whichever yields a greater height of building.~~

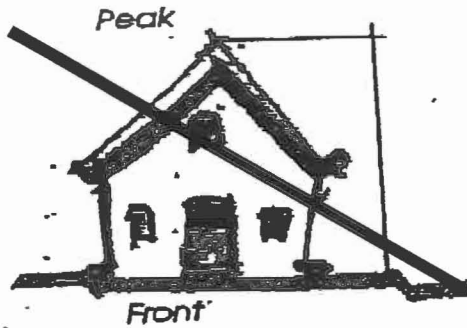
22 ~~1.—For relatively flat sites where there is less than a 10-foot difference in grade
23 between the front and rear of the house, the height of the house shall be measured from
24 grade five feet out from the exterior wall at the front of the house; or~~

25 ~~2.—For steeper lots where there is more than a 10-foot difference in grade between
26 the front and rear of the house, the height of the house is measured from grade at a point
27 five feet out from the exterior wall on the lowest side (front or rear) of the house. One then
28 measures vertically to the peak or ridgeline of the roof to determine the height.~~

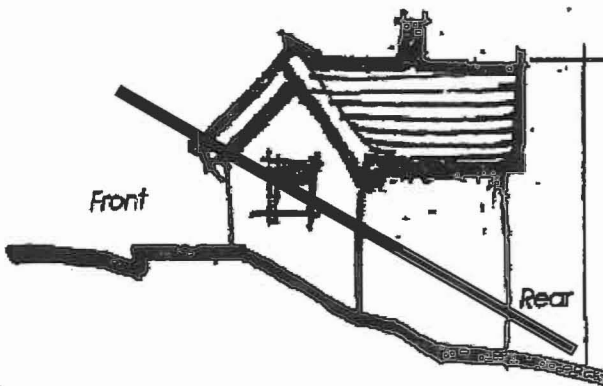
29 ~~3.—Homes on cross slopes or side slopes are measured at either the front or rear of
30 the house using methods described in subsections 1 and 2 of this definition only.~~

31 ~~Even if the cross slope creates a tall elevation on the side, the method of determining
32 height is not modified.~~

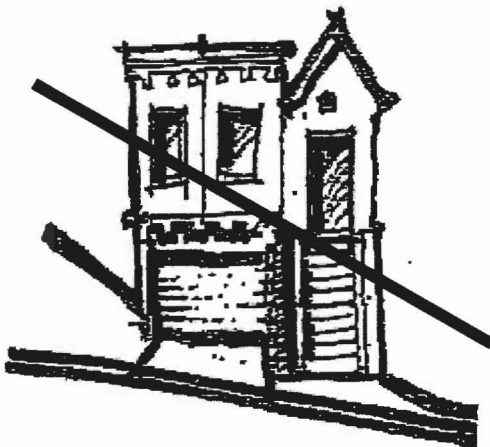
1 Also see CDC 41.020, Height Exceptions.



Height of home on relatively flat lot is measured from grade at front of house to peak of roof.



Height of home on steep lots where there is more than a 10-foot difference in elevation between the front and rear of the home is measured from grade at a point five feet out from the front or rear exterior wall on the lowest side of the house to the peak of the home.



Height of home with a cross-slope is still measured at either the front or rear by methods described in subsection (1) or (2) of this definition.

2 (Staff note: Staff is relocating the method for measuring building height to Chapter 41. This
3 will make it easier for users of the Code to understand how building heights are measured in
4 the City but will not alter the way in which building height is measured in the City.)

1 [Building maintenance services](#). Establishments primarily engaged in the provision of
2 maintenance and custodial services. Typical uses include janitorial, landscape maintenance,
3 or window cleaning services.

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

9 [Business support services](#). Establishments primarily engaged in the provision of service of
10 a clerical, employment, protective, or minor processing nature to firms rather than
11 individuals and where the storage of goods other than samples is prohibited. Typical uses
12 include: secretarial services, telephone answering services, or blueprint services.

13 [Children's day care](#). Services or facilities authorized, certified, or licensed by the State for
14 children's day care of six or more children, for a period not to exceed 12 hours per day.
15 Children's day care facilities with less than six children are a home occupation. See Chapter
16 [37 CDC](#).

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

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

24 [Community recreation](#). Recreational, social, or multi-purpose uses typically associated
25 with parks, play fields, or golf courses.

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

31 [Consumer repair services](#). Establishments primarily engaged in the provision of repair
32 services to individuals and households rather than firms, but excluding "automotive and

1 equipment" use types. Typical uses include: appliance repair shops, apparel repair firms,
2 musical instrument repair firms and small repair shops.

3 Convenience sales and personal services. Small neighborhood-oriented retail businesses
4 (retail commercial and personal services) which provide for the daily needs of nearby
5 residents. It includes uses such as grocery stores, drug stores, laundromats, dry cleaners,
6 barber shops and beauty salons.

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

10 Development. Any manmade change defined as the construction of buildings or other
11 structures, mining, dredging, paving, filling, grading or site clearing, and grubbing in
12 amounts greater than 10 cubic yards on any lot or excavation. Within the flood management
13 area, this term shall also include storage of equipment or materials. Within the Willamette
14 and Tualatin River Protection areas, this term shall also include any change of use or
15 intensification of the use of land or water, including construction of structures (such as
16 houses, structures, docks and associated pilings or piers), significant grading, or removal or
17 addition of vegetation and groundcover unless specifically exempted per CDC 28.040.

18 *(Staff note: As is the case with the flood management areas, Chapter 28 (river protection areas)*
19 *provides a lower threshold for "development". The additional language proposed to be included*
20 *in the definition for development is taken nearly verbatim from Chapter 28. It does not represent*
21 *a change in the way 'development' is defined in the CDC).*

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

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

27 DSL. Department of State Lands.

28 Duplex residential units. Two dwelling units placed so that some structural parts are in
29 common and are located on a single lot or development site.

30 Eating and drinking establishments. Establishments or places of business primarily
31 engaged in the sale of prepared food and beverages for on-premises consumption. Typical
32 uses include: fast order food establishments with and without drive-up facilities and sit-
33 down eating establishments, taverns, bars and lounges.

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

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

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

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

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

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

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

24 *(Staff note: This is a new term proposed for the Definition Section. The term is used in*
25 *relation to illuminated signs.)*

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

31 Habitat conservation areas (HCAs). ~~Land Metro~~ classified as sensitive riparian areas as
32 ~~habitat conservation areas or HCAs~~ because of a combination of factors including vegetation,

1 wildlife and fisheries habitat potential, slopes, forested overstory, wetlands, streams, etc.
2 These areas ~~have been~~ are identified on ~~mapped by Metro~~ Metro's "Habitat Protection Map".
3 (~~see http://www.metro-region.org/index.cfm/go/by.web/id=8385~~) and

4 (Staff note: This amendment will clarify the definition of HCA and references the correct
5 map.)

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

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

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

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

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

16 Intentional: ~~means To acting~~ with a conscious objective to cause the result achieved or to
17 engage in the conduct.

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

22 Knowing: ~~means To acting~~ with an awareness of the action committed.

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

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

1 *(Staff note: Staff believes that 'indoor community recreation' is appropriately grouped in this*
2 *category; it is akin to 'community center'. This is in contrast to current definition for*
3 *community recreation which is based on outdoor recreational uses such a "Recreational,*
4 *social, or multi-purpose uses typically associated with parks, play fields, or golf courses").*

5 Lowest floor. The lowest floor of the lowest enclosed area (including basement). An
6 unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access
7 or storage, in an area other than a basement area is not considered a building's lowest floor;
8 provided that such enclosure is not built so as to render the structure in violation of the
9 applicable non-elevation design requirements of Chapter 27 CDC.

10 *(Staff note: This corrects a grammatical mistake. The proposed language is taken directly*
11 *from the definition recommended by Federal Emergency Management Agency ("FEMA") which*
12 *was the origin of the definition.)*

13 Manufactured home. A structure, transportable in one or more sections, which is built on a
14 permanent chassis and is designed for use with or without a permanent foundation when
15 connected to the required utilities. For floodplain management purposes, the term
16 "manufactured home" also includes park trailers, travel trailers, and other similar vehicles
17 placed on a site for greater than 180 consecutive days. For insurance purposes, the term
18 "manufactured home" does not include park trailers, travel trailers, and other similar
19 vehicles.

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

22 Manufacturing of finished products (Heavy Industrial). Manufacturing, processing, or
23 assembling of semi-finished or finished products from raw materials.

24 Manufacturing of finished products (Light Industrial). The manufacturing of finished
25 products from previously prepared material (excluding raw materials).

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

1 Metro's Habitat Protection Map. Map that is used to identify the City's HCA's. The map
2 provides the City with the means to delineate areas that contain no constraints, "Not Affected
3 by Recommendations" or "Allow Development," and where there are constraints (HCAs)
4 ranging from low, medium to high. ~~An extensive review of the scientific literature, mapping
5 and field work helped Metro identify the location of fish and wildlife habitat: one for
6 waterside, or riparian, habitat and one for drier upland wildlife habitat. In 2001, Metro
7 mapped the specific landscape features associated with these criteria, such as the location of
8 trees, shrubs, wetlands, flood areas and steep slopes. Habitat areas were then ranked based
9 on their relative health and importance for providing benefits to fish and wildlife. The
10 resulting maps provide West Linn The maps are available at Metro's website at
11 <http://www.metro-region.org/index.cfm/go/by.web/id=8385>.~~

12 ~~Metro's Habitat Protection Map is incorporated by reference as part of this chapter. Lands
13 that are designated as an HCA only due to a forested overstory shall be exempted under CDC
14 28.040, Exemptions, since trees are already protected in the municipal code and Chapters 55
15 and 85 CDC. Similar exemptions will apply to lands that exhibit no constraints.~~

16 *(Staff Note: The Map should be simply defined. Also, the exemption language for HCA's is
17 already provided for in the definition of HCA and is not necessary here).*

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

22 Multiple family residential units. A structure containing three or more attached dwelling
23 units in any vertical or horizontal arrangement.

24 Noise Definitions.

25 Statistical noise. A composite noise level obtained through statistical analysis of noise levels
26 over a selected time period. The standard time period for such analysis as set by the Oregon
27 Department of Environmental Quality is one hour.

28 Impulse sound. Also known as impact noise, an instantaneous rapid noise event which is
29 very short in duration. Examples include a hammer blow on hard material, a quick
30 compressed air discharge, an automobile horn blow, or an engine backfire.

31 Unweighted sound level. A measurement of the level of sound without using statistical
32 analysis to weight the results over time.

1 ~~Center frequency.~~ The mid-point of each of nine octave-band frequencies set by the Oregon
2 Department of Environmental Quality which are used to measure noise impacts of sounds at
3 different frequencies or pitches.

4 *(Staff note: The definitions above are no longer applicable in the CDC. Noise regulations are*
5 *now provided in the Municipal Code, not the CDC.)*

6 ~~Non-conforming docks.~~ Docks that do not meet the criteria of this chapter.

7 *(Staff note: This definition is not accurate and in any case is not necessary since a non-*
8 *conforming dock is a non-conforming structure.)*

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

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

24 ODFW. Oregon Department of Fish and Wildlife.

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

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

29 ~~Ordinary mean high water line.~~ As defined in OAR 141-82-005, the line on the bank or
30 shore to which water ordinarily rises in season; synonymous with mean high water (ORS
31 274.005).

1 ~~Ordinary mean low water line. As defined in OAR 141-82-005, the line on the bank or~~
2 ~~shore to which water ordinarily recedes in season; synonymous with mean low water (ORS~~
3 ~~274.005).~~

4 *(Staff note: The definitions for ordinary high and low water can be consolidated for clarity.)*

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

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

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

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

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

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

22 Personal service facilities. Establishments primarily engaged in the provision of
23 informational, instructional, personal improvement, and similar services of a non-
24 professional nature. Typical uses include: photography studios, driving schools and trade
25 schools, or reducing salons.

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

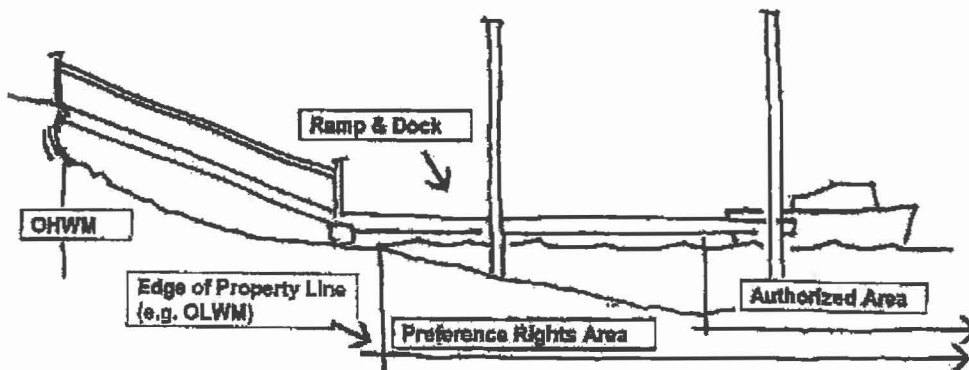
28 Postal services. Mailing services and processing as traditionally operated or leased by the
29 United States Postal Service, United Parcel Service and other postal services.

30 ~~Pre-existing docks.~~ Docks that are in existence prior to the date of adoption of this code.

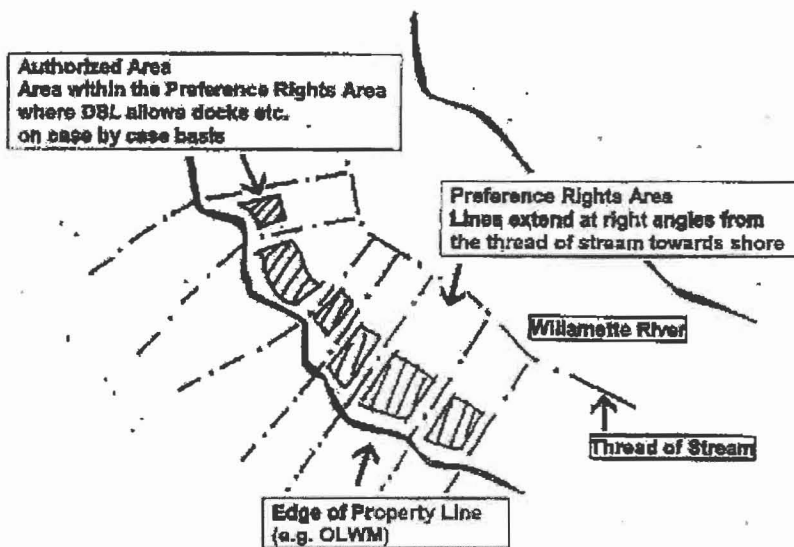
1 (Staff note: A pre-existing dock is a non-conforming structure. This definition is
2 currently found in Chapter 28, however, the term 'pre-existing dock' never appears in the
3 Chapter and it should be deleted.)

4 Preference rights. The preference rights area represents the water surface that is allocated
5 to each riverfront property owner by the Department of State Lands (DSL). Starting with the
6 center thread of the river, DSL extends lines at right angles from that thread towards the
7 OHW mark of the respective properties along the shoreline. (Because the thread of the river
8 twists and turns, the line extending to shore can vary also in its angle.) The area within the
9 preference rights area that the applicant may place their water-dependent structure (e.g.,
10 dock) is called the authorized area. (Also see "Authorized area" definition and Figures 28.1
11 and 28.2.)

12 Figure 28.1



14 Figure 28.2



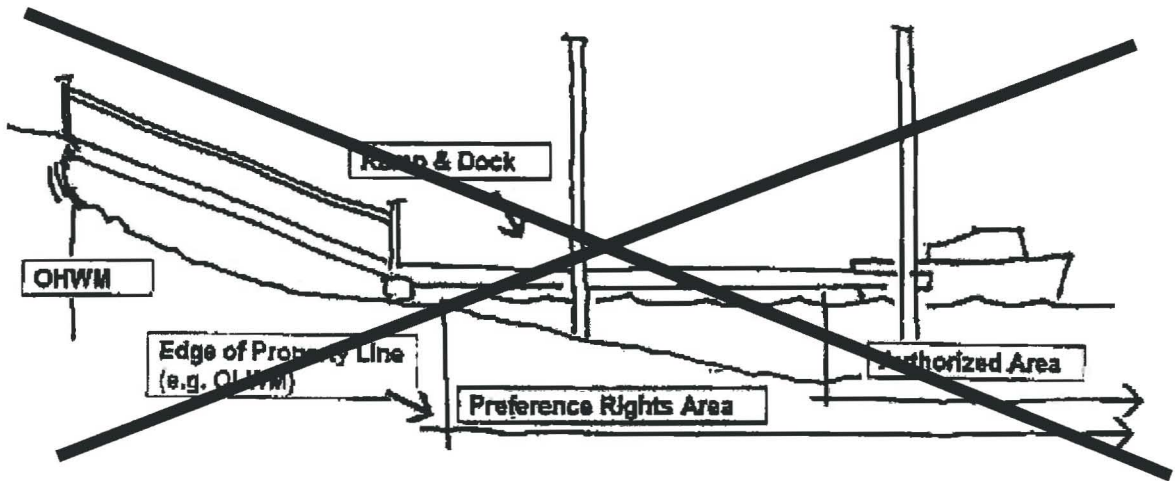
1 (Staff note: This figure is proposed to be relocated from the definition of "protected area"
2 to "preference rights area" since it is a more logical location.)

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

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

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

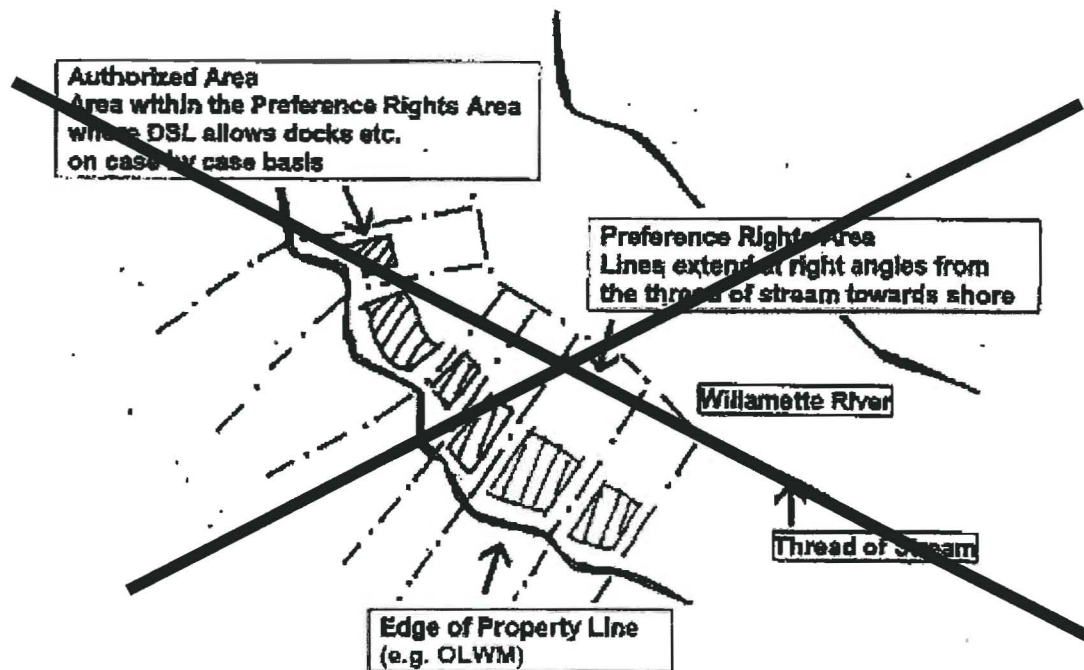
11 **Figure 28.1**



12

13

Figure 28.2



1

2 [Public safety facilities](#). Providing protection pursuant to fire, life, and safety code sections
 3 together with the incidental storage and maintenance of necessary vehicles. Typical uses
 4 include fire stations, police stations, and ambulance services.

5 [Public support facilities](#). Public services that deal directly with citizens, to include meeting
 6 and hearing rooms, together with incidental storage and maintenance of necessary vehicles,
 7 and exclude commercial use type "professional and administrative services." Typical use
 8 types are associated with governmental offices.

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

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

15 *(Staff note: These two very similar terms are currently located in Chapter 3, Definitions-*
 16 *Uses, the former is designated as a 'civic' use and the latter as a 'commercial' use.)*

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

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

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

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

19 Review. A request that a final decision by the initial approval authority be considered by a
20 higher authority ~~only on the basis of the record as set forth in CDC 99.020 Chapter 99 CDC.~~
21 ~~made before the initial hearing body.~~

22 ~~Riparian areas. Land and semi-submerged lands between the OHW and OLW.~~

23 *(Staff note: This definition comes from Chapter 28 and is inconsistent with the existing*
24 *definition for riparian already defined in the CDC: "Riparian. Those areas associated with*
25 *streams, lakes, and wetlands where vegetation communities are predominantly influenced by*
26 *their association with water." In any case, the term 'riparian area' is not used in Chapter 28*
27 *to in accordance with the definition that was provided. Therefore, this term should be*
28 *deleted.)*

29 Riparian vegetation. Plants native to the riparian areas.

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

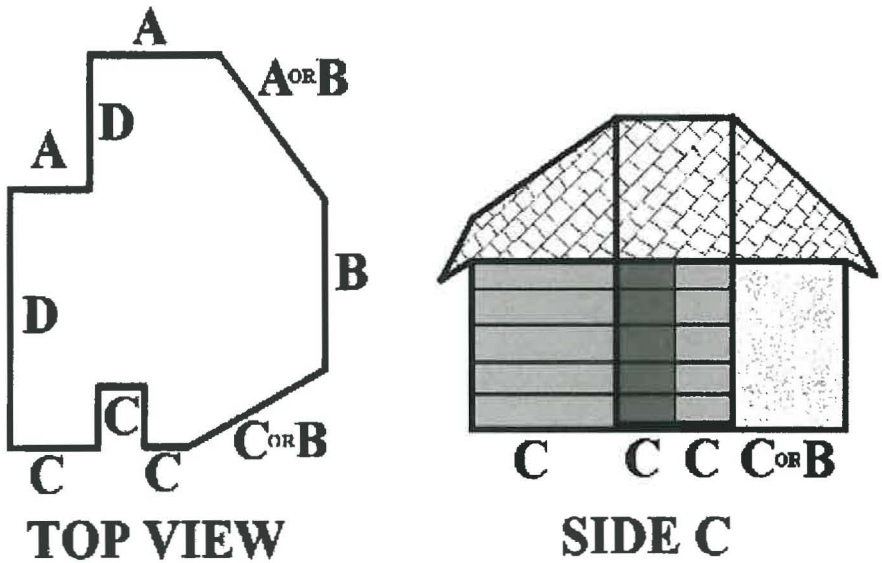
1 Scrap operations, salvage. Places of business primarily engaged in the storage, sale,
2 dismantling, or processing of used or waste materials which are not intended for reuse in
3 their original form. Typical uses include automotive wrecking yards, junk yards, or paper
4 salvage yards.

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

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

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

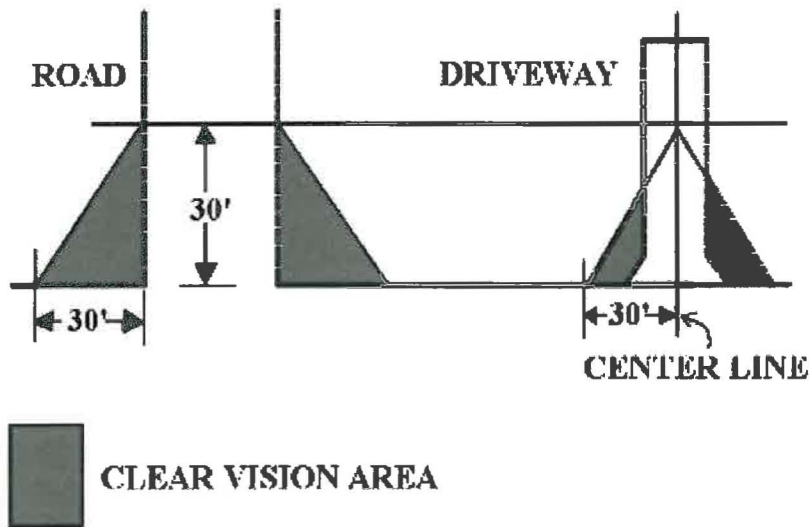
- 12 • Attached sign. A sign which is mounted to the walls of a building and may either
13 be flat against or projecting from the wall.
- 14 • Billboard sign. A freestanding sign in excess of the maximum size allowed for
15 freestanding signs.
- 16 • Building face. The area of a single side of a structure used for computing allowable
17 signage for that structure. More specifically, the building face is the height from
18 grade to the roof eaves multiplied by the width of all walls facing the same
19 direction on a single side of a structure. See illustration below.



20

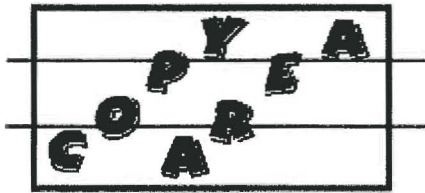
1 Note: For angled walls, walls cannot be double counted. In other words, to calculate the
2 building face of side "C," you would add C+C+(C or B), while side "B" would then consist of
3 B+(A or B) only.

- 4 • Business. A commercial, office, or industrial development of one or more buildings
5 on one or more tax lots in which there may be shared facilities such as parking,
6 pedestrian mall, or common ownership of real property upon which the
7 development is located.
- 8 • Business center. A commercial or industrial area planned and built as a unit
9 containing two or more commercial or industrial establishments on a fully
10 developed site of four acres or more in size, associated by common agreement or
11 under common ownership, which comprise a single commercial or industrial unit
12 with common parking, limited access, and a minimum frontage of 200 lineal feet.
13 A large independent store or business on a fully developed site greater than 10
14 acres in size may also be considered as a shopping center for the purpose of
15 outdoor advertising.
- 16 • City sign. Signs which are erected and maintained by the City. This shall include
17 temporary signs which are specifically approved by the City for placement in the
18 public right-of-way in accordance with a resolution adopted pursuant to CDC
19 [52.109\(D\)](#).
- 20 • Clear vision area. An area of unobstructed visibility which must be maintained for
21 corner lots and driveways as specified in CDC [42.050](#). See illustration below.

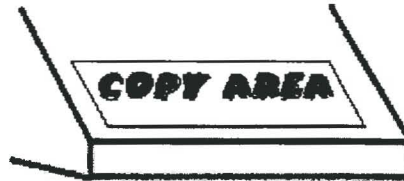


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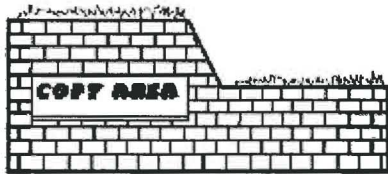
- 1 • Copy area. The smallest rectangular area which encompasses a business logogram
2 or message. This is used to compute the sign area for, among others, channelized
3 letter signs. The copy area for backlit awning signs shall consist of the area which
4 is illuminated. Depending on the emphasis of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



CHANNELIZED SIGN



ILLUMINATED
PORTION OF AWNING



SUBDIVISION MONUMENT

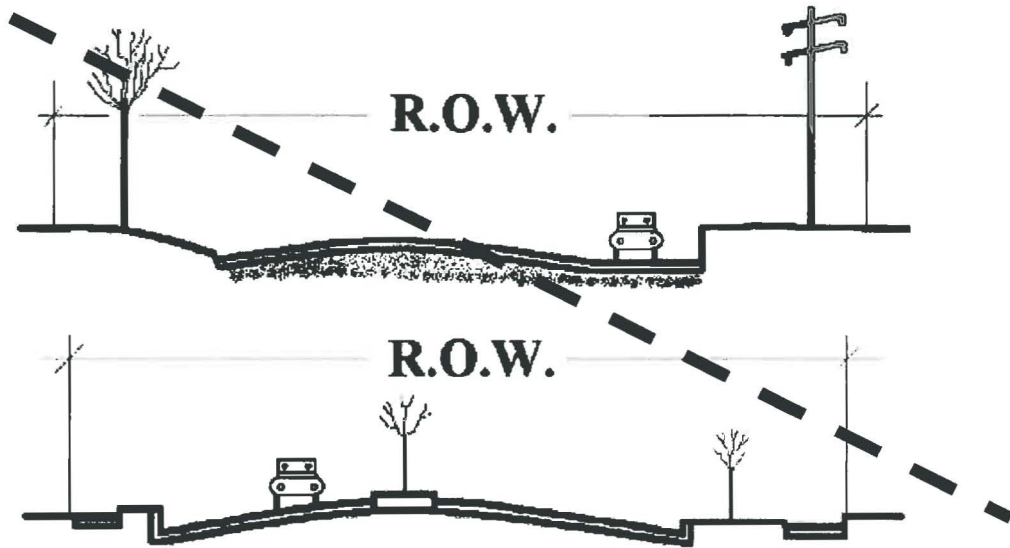


SUBDIVISION SIGN

- 7
- 8 • Double-faced signs. Signs which have only two sign surfaces back to back.
9 Allowable sign square footage applies to only one side of double-faced signs.
- 10 • Grade. For the purpose of establishing the height of freestanding signs, the
11 centerline of the nearest street shall be considered grade. The height of all signs
12 mounted on a building shall be measured from the same point considered to be
13 the grade of the building.
- 14 • Incombustible material. Flame-resistant material as defined in the Uniform
15 Building Code, Chapter 43, Fire-Resistive Standards.
- 16 • Maintain. To permit a sign, sign structure, or part thereof to continue; or to repair
17 or refurbish a sign, sign structure, or part thereof.
- 18 • ~~Non-conforming building. Any building lawfully constructed prior to the effective~~
19 ~~date of the Community Development Code, or any subsequent amendment~~
20 ~~thereto, but which does not conform to current setbacks, height, or structural~~
21 ~~restrictions of the code or is so designed that conforming uses cannot adequately~~
22 ~~use it.~~

1 • ~~Non-conforming use.~~ Any building lawfully constructed prior to the effective date
2 of the Community Development Code codified in this chapter or subsequent
3 amendment thereto, which does not conform to the regulations for the district in
4 which it is located.

5 • ~~Public right-of-way (ROW).~~ The dedicated area between lots where streets,
6 pedestrian ways, or bicycle paths are typically located. The right-of-way shall
7 include the areas such as the center median, the area between the street and the
8 sidewalk, parking strips, and unimproved areas adjacent to highways. See
9 illustration below.

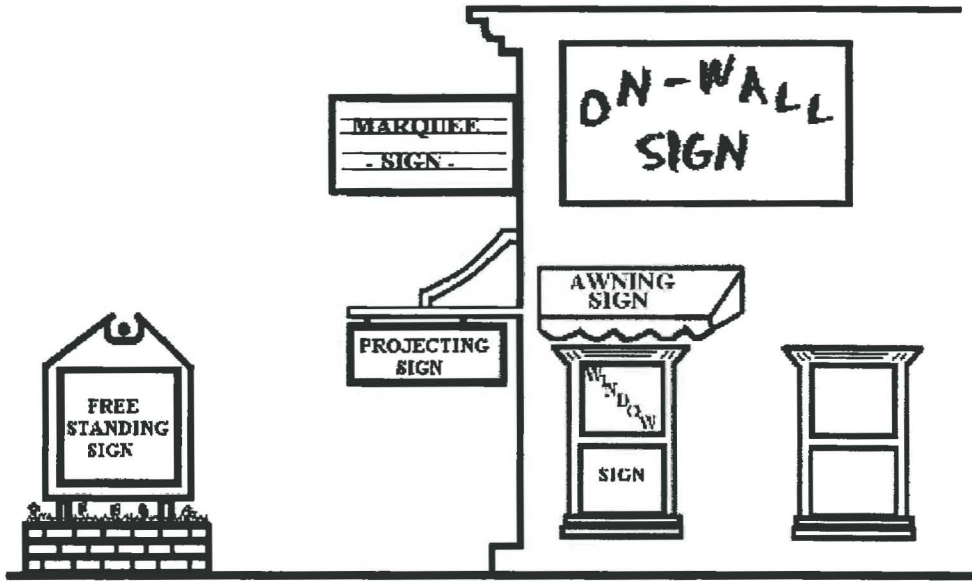


10

11 *(Staff note: The three above terms are found in Chapter 52, Signs but are proposed*
12 *for deletion because they are already correctly defined in Chapter 2, Definitions. In any*
13 *case, the above definitions are not factually accurate, and should be deleted.)*

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

20



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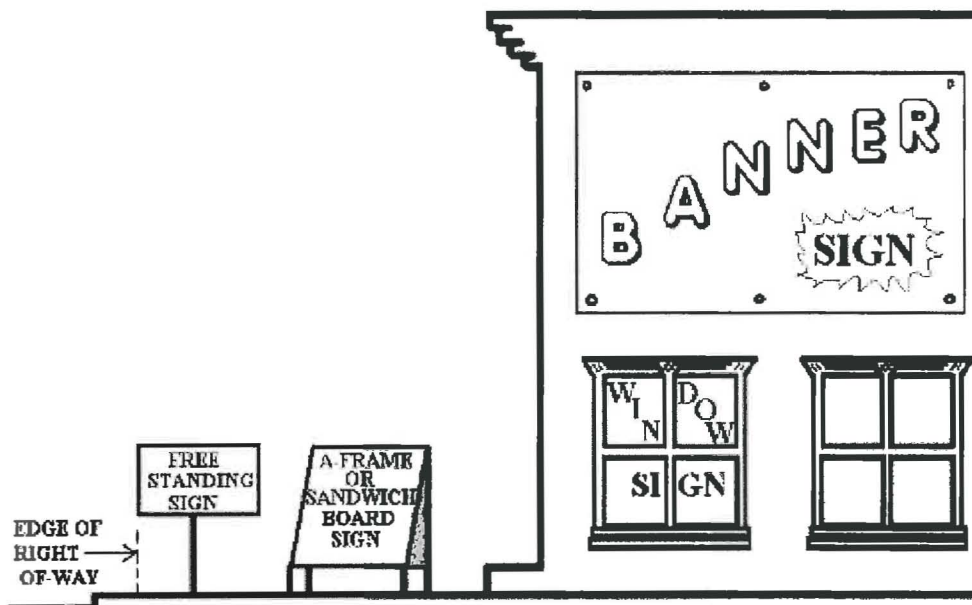
- [Sign, A-frame](#). A temporary, freestanding, and portable form of advertising, also known as a sandwich board. A-frames may be placed within 10 feet of the structure containing the business being promoted and are subject to the same time limits as other temporary signs.
- [Sign, attached](#). A sign which is mounted to the walls of a building and may either be flat against or projecting from the wall.
- [Projecting sign](#). A double-faced sign which projects more than 18 inches from the building wall to which it is attached.
- [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.
- [Sign, awning](#). A sign painted, stamped, perforated, stitched, or otherwise applied on the valance of an awning.
- [Sign base](#). The structure beneath a freestanding sign which houses the upright supports for that sign.
- [Sign, changeable copy](#). A sign designed such that the copy can be readily altered as described below:

- 1 • Changeable copy sign (automatic). A sign on which the copy changes automatically
2 on a lampbank or through mechanical means; e.g., electronic or electrical time and
3 temperature units.
- 4 • Changeable copy sign (manual). A sign on which copy is changed manually in the
5 field; e.g., readerboards with changeable letters.
- 6 • Sign, electric. Any sign containing electrical wiring but does not include signs
7 illuminated by an exterior floodlight source.
- 8 • Sign, entryway. A freestanding sign placed at the entry to a commercial or
9 industrial property that does not exceed 30 inches in height above grade and does
10 not obstruct vision of motorists at driveway or street intersections.
- 11 • Sign face or faceplate. The material on which a design, message, or logogram is
12 printed or otherwise affixed. "Faceplate change" includes any change to an
13 existing sign display.
- 14 • Sign, freestanding. A sign which is ground-supported only and has no support
15 other than one or more columns placed on a foundation designed to withstand the
16 maximum movement developed by the sign in high wind without lateral bracing or
17 support. Right-of-way setback distance to freestanding signs is measured to the
18 closest part of the sign and/or support structures to the right-of-way.
- 19 • Sign, freeway-oriented. A sign primarily designed to be read by a motorist
20 traveling on a highway designated by the Oregon State Highway Department as a
21 freeway or expressway; specifically, this shall be Interstate 205 and shall not
22 include Highway 43.
- 23 • Sign, illuminated. A sign which uses a light source to make recognizable its
24 message or image in darkness. This definition shall include internally and
25 externally lighted signs as well as reflectorized, glowing, or radiating signs.
- 26 • Sign, marquee. Any sign affixed to or constructed in a permanent roofed structure
27 projecting over a pedestrian or vehicular travel way from the side of a building.
- 28 • Sign, non-conforming. Any sign lawfully installed prior to the effective date of this
29 code, or any subsequent amendment thereto, which does not meet the current
30 applicable standards for compliance.

- 1 • Sign, permanent. A sign constructed of durable materials such as wood, plastic, or
2 metal which can withstand the deteriorating effects of weathering (e.g., tearing,
3 cracking, peeling, warping) for a period of not less than six years. See illustration
4 for “Sign.”
- 5 • Sign, roof. A sign erected upon or above a roof or parapet wall of a building and
6 which is wholly or partially supported by said building.
- 7 • Sign structure. The supports, braces, and framework of the sign.
- 8 • Sign, subdivision monument. A sign at the entry to a subdivision on land owned by
9 the homeowners association or the developer.
- 10 • Sign, Sunday. A temporary A-frame sign allowed within City right-of-way on
11 Sundays, subject to the requirements of CDC 52.109(E).

12 *(Staff note: this corrects a scrivner's error)*

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



- 17
- 18 • Single-faced signs. Signs which have one advertising surface and only one side is
19 visible to public right-of-way or private areas open to public vehicular travel,
20 though not always placed flat against the surface of a wall.

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

3 ~~Significant modification. A change in the approved design that is more than a 10 percent
4 increase in the length, width or height of the facility. A change of location by 20 feet or more
5 laterally for any part of the ramp or dock also constitutes a significant modification.~~

6 *(Staff note: This definition is only applicable to development in HCA'(Chapter 28);
7 however, that Chapter never uses the term 'significant modification', therefore it this term is
8 not necessary and should be deleted. Also note that the extent of a 'minor modification'
9 under Chapter 28 is now provided for in that Chapter.)*

10 Single-family attached residential units. Two dwelling units attached side by side with
11 some structural parts in common at a common property line on separate lots.

12 Single-family detached residential units. One dwelling unit, freestanding and structurally
13 separated from other dwelling units or buildings, located on a lot.

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

18 Structure. ~~Anything constructed or erected, the use of which requires location on or in
19 the ground or attachment to something having such location, including buildings, fences,
20 towers, utility equipment, utility poles, flag poles, signs, porches, pools, carports, Something
21 constructed or built and having a fixed base on, or fixed connection to, the ground or
22 another structure, and platforms, walks, staircases and driveways and other similar objects,
23 but not including fixtures or equipment attached to structures (e.g., antennas, lights). more
24 than 30 inches above grade and not over any basement or story below.~~

25 *(Staff note: This provides a clearer, more accurate, and more commonly used definition of
26 'structure'. The existing definition inaccurately includes a minimum 30" height requirement
27 for an object to be considered a structure. However, docks, patios and swimming pools are
28 clearly structures. The city has always considered these to be structures. The 30" height
29 requirement likely came from the setback (yard) limitations in the Code. See proposed
30 modifications to definition for "Yard").*

31 Super stores. Large box-like or monolithic retail and associated commercial use structures
32 of 40,000 square feet or more in size. Stores over 40,000 square feet that are broken up into

1 separate and distinct architectural buildings or separate and distinct elements, but still under
2 the same ownership or operated by the same company, are also defined as super stores.

3 Top of bank. The point at the top of the river embankment, above the OHW mark, where
4 the slope of the embankment transitions from at least a 10 to 15 percent slope to a slope of
5 zero to five percent.

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

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

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

17 1. **Transportation facilities (Type I)** are those which are designated in the adopted
18 TSP or are part of an approved, active development order. Type I facilities are permitted uses
19 in all zoning districts.

20 2. **Transportation facilities (Type II)** are those which are not designated in the
21 adopted TSP or part of an approved, active development order. Type II transportation
22 facilities are allowed in all zoning districts subject to conditional use approval and the
23 additional criteria of CDC [60.090](#).

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

26 ~~Utilities. Services and utilities which can have substantial visual impact on an area. Such~~
27 ~~uses may be permitted in any zoning district when the public interest supersedes the usual~~
28 ~~limitations placed on land use and transcends the usual restraints of the district for reasons~~
29 ~~of necessary location and community-wide interest. All lines and facilities related to the~~
30 ~~provision, distribution, collection, transmission, or disposal of water, storm and sanitary~~
31 ~~sewage, oil, gas, power, information, telecommunication and telephone cable, and includes~~
32 ~~facilities for the generation of electricity, or similar service.~~ There are two classes of utilities
33 - major and minor.

1 Utility, major. A utility which may have a significant impact on the surrounding uses or the
2 community in terms of generating traffic or creating noise or visual effects and includes
3 utility, substation, pump station, water storage tank, sewer plant, or other similar use
4 essential for the proper function of the community. A utility facility or service that will have,
5 or the installation of which will have, a significant impact on the surrounding uses or the
6 community in terms of generating or disrupting traffic, interfering with access to adjacent
7 properties, creating noise or causing adverse visual effects. "Major utility" includes, but is not
8 limited to, a substation, pump station, water storage tank, sewer plant, transmission lines for
9 water, drainage or sewerage collection systems, gas or electric, or other similar use.

10 Utility, minor. A utility which has a minor impact on the surrounding uses or on the
11 community in terms of generating traffic or creating noise or visual effects and includes the
12 overhead or underground electric, telephone or cable television poles and wires, the
13 underground gas and water distribution systems and the drainage or sewerage collection
14 systems or other similar use essential for the proper functioning of the community. A utility
15 facility or service that will have, or the installation of which will have, a minor impact on the
16 surrounding uses or on the community in terms of generating or disrupting traffic or access
17 to adjacent properties, creating noise or causing adverse visual effects. "Minor utility"
18 includes, but is not limited to, overhead or underground electric, telephone or cable
19 television poles and wires, distribution lines for electric, gas, water, drainage or sewerage
20 collection systems, or other similar use.

21 *(Staff note: Staff is proposing to clarify the definitions for "Utilities" and the descriptions of*
22 *the "major" and "minor" utility categories. The proposed language delineating "major" and*
23 *'minor' utilities relates the impacts of the proposed use on the community more accurately*
24 *than the current language. Essentially, if the use, or its construction, is expected to have a*
25 *major impact on the surrounding uses, then it will be reviewed as a "major utility".)*

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

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

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

32 Water resource area (WRA). Any area that consists of a wetland identified in the West Linn
33 Local Wetlands Inventory and the required transition and setback area around the wetland
34 pursuant to Chapter 32 CDC, or any major or minor open channel drainageway identified by

1 ~~the most recently adopted West Linn Surface Water Management Plan. The WRA shall also~~
2 ~~include the required transition and setback area around the major or minor open channel~~
3 ~~pursuant to Chapter 32 CDC, except for small manmade open roadside drainage swales in~~
4 ~~residential areas, or any riparian corridor. It shall not include lands adjacent to the Willamette~~
5 ~~or Tualatin Rivers which shall be covered by this chapter.~~

6 *(Staff note: This definition comes from Chapter 28, but is not required since this term is*
7 *already defined in the same manner in Chapter 2).*

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

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

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

21 Wholesaling, storage and distribution, light (Light Industrial). Wholesaling, storage, and
22 warehousing services within enclosed structures. Typical uses include wholesale distributors,
23 storage warehouses, or moving and storage firms.

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

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

30 Wireless communication facility (WCF). An unstaffed facility for the transmission or
31 reception of radio frequency (RF) signals, usually consisting of an equipment shelter, cabinet,
32 or other enclosed structure containing electronic equipment, a support structure, antennas,
33 or other transmission and reception devices. It may also include stealth designs as defined in
34 CDC [57.020](#).

1 ~~Wireless communication facility (WCF). An unstaffed facility for the transmission or~~
2 ~~reception of radio frequency (RF) signals, usually consisting of an equipment shelter, cabinet~~
3 ~~or other enclosed structure containing electronic equipment, a support structure, antennas~~
4 ~~or other transmission and reception devices.~~

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

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

13 ~~Yard. An open space on a lot. A required area of land unoccupied and unobstructed by any~~
14 ~~structure that is 30 inches or more above the general ground level, with the exception of~~
15 ~~fences, walkways/staircases, retaining walls, poles, posts, customary yard accessories,~~
16 ~~appurtenances, ornaments, furniture and accessory structures or uses permitted subject to~~
17 ~~the provisions of this code.~~

18
19 *(Staff note: The existing definition for 'Yard' does not adequately specify that it is a*
20 *structural setback. Specific chapters of the CDC provide the required setbacks in each*
21 *district and identify which types of structures can encroach into those setbacks. However,*
22 *with the exception of swimming pools, the setbacks do not apply to structures less than 30*
23 *inches in height.)*

24
25 **Chapter 03**

26 **DEFINITIONS – USES**

27 **Sections:**

28 03.010 INTERPRETATION

29 03.030 SPECIFIC WORDS AND TERMS

30 **03.010 INTERPRETATION**

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

33 A. The word "shall" is mandatory, the word "may" is permissive.

1 ~~B. The words “used” or “occupied” shall include the words “intended, designed, or arranged~~
2 ~~to be used or occupied.”~~

3 ~~C. The word “lot” includes the future tense, the singular number includes the plural, and~~
4 ~~the plural number includes the singular.~~

5 **03.030 SPECIFIC WORDS AND TERMS**

6 ~~For the purpose of these regulations, the following terms or words are defined as follows.~~

7 ~~USE TYPES – RESIDENTIAL: Residential use types include the occupancy of living~~
8 ~~accommodations on a wholly or primarily non-transient basis.~~

9 ~~USE TYPES – COMMERCIAL: The distribution and sale or rental of goods and the provision of~~
10 ~~services other than those classified as civic uses.~~

11 ~~USE TYPES – CIVIC: The performance of utility, educational, recreational, cultural, protective,~~
12 ~~governmental, and other uses which are strongly vested with public or social importance.~~

13 ~~USE TYPES – INDUSTRIAL: Industrial use types include the on-site production of goods by~~
14 ~~methods not commercial, agricultural, or extractive in nature.~~

15 ~~Light industrial:~~

16 ~~Heavy industrial:~~

17 ~~*NOTE: Staff has relocated all of the use definitions from this Chapter to Chapter*~~
18 ~~*3. The above language from Chapter 3 is shown as deleted since it will not be*~~
19 ~~*relocated as it is no longer necessary. Chapter 3 will be no longer exist.*~~

20

21 **Chapter 08: SINGLE-FAMILY RESIDENTIAL DETACHED, R-40**

22 ...

23 **08.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS**

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

25 ...

26 2. Lodge, fraternal, community center and civic assembly.

1 **Chapter 09: SINGLE-FAMILY RESIDENTIAL DETACHED, R-20**

2 ...

3 **09.060 CONDITIONAL USES**

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

6 ...

7 2. Lodge, fraternal, community center and civic assembly.

8 **Chapter 10: SINGLE-FAMILY RESIDENTIAL DETACHED, R-15**

9 ...

10 **10.060 CONDITIONAL USES**

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

13 ...

14 2. Lodge, fraternal, community center and civic assembly.

15 **Chapter 11: SINGLE-FAMILY RESIDENTIAL DETACHED, R-10**

16 ...

17 **11.060 CONDITIONAL USES**

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

20 ...

21 2. Lodge, fraternal, community center and civic assembly.

22 **Chapter 12: SINGLE-FAMILY RESIDENTIAL DETACHED AND ATTACHED, R-17**

23 ...

1 **12.060 CONDITIONAL USES**

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

4 ...

5 2. Lodge, fraternal, community center and civic assembly.

6 **Chapter 13: SINGLE-FAMILY RESIDENTIAL DETACHED AND ATTACHED/DUPLEX, R-5**

7 ...

8 **13.060 CONDITIONAL USES**

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

11 ...

12 2. Lodge, fraternal, community center and civic assembly.

13 **Chapter 14: SINGLE-FAMILY RESIDENTIAL ATTACHED AND DETACHED/DUPLEX, R-4.5**

14 ...

15 **14.060 CONDITIONAL USES**

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

18 ...

19 2. Lodge, fraternal, community center and civic assembly.

20 ...

21 15. Senior citizen/handicapped housing facilities with a maximum number of units 50
22 percent above the allowed density for the property; provided, that in addition to the
23 provisions of Chapter 60 CDC, the following conditions shall apply:

24 ...

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

4 ...

5 3) A minimum of 25 percent of the property shall be in landscaping.
6 The landscaping shall include areas for outdoor recreation, pedestrian access and amenities,
7 and adequate site visual and sound buffering of adjacent properties.

8

9 **Chapter 15: SINGLE-FAMILY AND MULTI-FAMILY RESIDENTIAL, R-3**

10 ...

11 **15.060 CONDITIONAL USES**

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

14 ...

15 2. Lodge, fraternal, community center and civic assembly.

16 ...

17 12. Senior citizen/handicapped housing facilities with a maximum number of units 50
18 percent above the allowed density for the property; provided, that in addition to the
19 provisions of Chapter 60 CDC, the following conditions shall apply:

20 ...

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

24 ...

25 3) A minimum of 25 percent of the property shall be in landscaping.
26 The landscaping shall include areas for outdoor recreation, pedestrian access and amenities,
27 and adequate site visual and sound buffering of adjacent properties.

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

1 ...

2 **16.060 CONDITIONAL USES**

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

5 ...

6 2. Lodge, fraternal, community center and civic assembly.

7 ...

8 17. Senior citizen/handicapped housing facilities with a maximum number of units 50
9 percent above the allowed density for the property; provided, that in addition to the
10 provisions of Chapter 60 CDC, the following conditions shall apply:

11 ...

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

15 ...

16 3) A minimum of 25 percent of the property shall be in landscaping.
17 The landscaping shall include areas for outdoor recreation, pedestrian access and amenities,
18 and adequate site visual and sound buffering of adjacent properties.

19 **Chapter 19: GENERAL COMMERCIAL, GC**

20 **19.060 CONDITIONAL USES**

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

23 ...

24 12. Single-family homes, which were ~~presently~~ non-conforming structures and
25 were damaged, whereby the cost of rebuilding the damaged portions would exceed 50
26 percent of the then current replacement cost of the entire building. Determination of
27 rebuilding costs shall be per CDC 66.070(A).

28 ...

1 25. Lodge, fraternal, community center and civic assembly

2 *(Staff note: Staff is proposing to add the use "lodge, fraternal, community center and civic*
3 *assembly" as a use which may be requested as part of a conditional use application in the*
4 *General Commercial district. This use appears to be consistent with other similar civic uses*
5 *already included as conditional uses in this zone, such as postal services and public support*
6 *facilities. Additionally, indoor participant sports and recreation, spectator sports facilities,*
7 *cultural exhibits and libraries are currently permitted uses in this district. Editorial note:*
8 *although not depicted in this report, as part of the codification process, Staff will alphabetize*
9 *the uses listed in 19.060 for ease of use and to be consistent with the remainder of the*
10 *CDC.)*

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

12 ...

13 **21.060 CONDITIONAL USES**

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

16

17 9. Single-family homes, which were ~~presently~~ non-conforming structures and
18 were damaged, whereby the cost of rebuilding the damaged portions would exceed 50
19 percent of the then current replacement cost of the entire building. Determination of
20 rebuilding costs shall be per CDC 66.070(A).

21 **Chapter 25**

22 **OVERLAY ZONES – HISTORIC DISTRICT**

23 Sections:

24 ...

25 25.030 CLASSIFICATIONS ~~DEFINITIONS~~ AND BOUNDARY DELINEATION

26 ...

27 25.030 CLASSIFICATIONS ~~DEFINITIONS~~ AND BOUNDARY DELINEATION

1 *(Staff note: The descriptions of residential structures in the Historic District include*
2 *"primary", "secondary", "contributing", and "noncontributing" classifications. These can be*
3 *more accurately described as classifications of structures, rather than definitions. This*
4 *amendment is also consistent with other sections of the CDC that refer to these as*
5 *'classifications'.)*

6 **Chapter 28: WILLAMETTE AND TUALATIN RIVER PROTECTION**

7 Sections:

8 ...

9 28.020 DEFINITIONS

10 ...

11 ~~28.020~~ DEFINITIONS

12 *(Staff note: Staff has relocated all of the terms defined in this Section to Chapter 2,*
13 *Definitions and is proposing to delete Section 28.020 in its entirety. Any text changes*
14 *proposed to the terms are shown under Chapter 2.)*

15 ...

16

17 **28.070 PLANNING DIRECTOR VERIFICATION OF METRO HABITAT PROTECTION MAP**
18 **BOUNDARIES**

19

20 C. Class ~~C~~B public notice, per Chapter 99 CDC, shall be required prior to issuance of the
21 reclassification decision if it involves reclassification of the HCA boundary to allow the
22 construction of, or addition to, a house.

23 ...

24 F. Lands that are designated as an HCA only due to a forested overstory shall be are
25 exempted under CDC 28.040, Exemptions, since trees are already protected in the municipal
26 code and Chapters 55 and 85 CDC. Similar exemptions will apply to lands that exhibit no
27 constraints.

1 (Staff note: This exemption language was previously located under the definition of f HCA,
2 but is more appropriately located in this Section.)

3 28.040 EXEMPTIONS/USES PERMITTED OUTRIGHT

4 The following development activities do not require a permit under the provisions of this
5 chapter. (Other permits may still be required.)

6 ...

7 M. Minor modifications; A modification shall be considered "minor" when it results in a
8 change in the approved design that is equal to or less than a 10 percent increase in the
9 length, width or height of the facility. A change of location by under 20 feet laterally for any
10 part of the structure, ramp, dock, etc., also constitutes a minor modification.

11 (Staff note: This amendment simply proposes to relocate the exiting definition for "minor
12 modification" for the clarity purposes. It was previously located in the Definitions Section of
13 this Chapter causing confusion.)

14 28.110 APPROVAL CRITERIA

15 No application for development on property within the protection area shall be approved
16 unless the decision-making authority finds that the following standards have been met or
17 can be met by conditions of approval. The development shall comply with the following
18 criteria as applicable:

19 A. Development: All sites. (Staff note: existing underline)

20 1. HCA's are to be avoided to the degree possible with development and instead
21 directed to the areas designated "Not Affected by Recommendations" or "Allow
22 Development."

23 21. Sites shall first be reviewed using Metro's Habitat Protection Map to determine
24 if the site is buildable or what portion of the site is buildable. HCAs shall be verified by the
25 Planning Director per CDC 28.070 and site visit. Also, "tree canopy only" HCAs shall not
26 constitute a development limitation and may be exempted per CDC 28.070(A). The municipal
27 code protection for trees and Chapters 55 and 85 CDC tree protection shall still apply.

28 32. Development in the "Not Affected by Recommendations" or "Allow
29 Development" areas as designated in the Metro Map for HCAs shall be the preferred choice.

1 34. If the subject property contains no lands designated “Not Affected by
2 Recommendations” or “Allow Development” and development within HCA land is the only
3 option it shall be directed towards the low HCA areas first, then medium HCA areas and then
4 to high HCA as the last choice. The goal is to, at best, avoid or, at least, minimize
5 disturbance of the HCAs. (Water-dependent uses are exempt from this provision.)

6 45. All development, including exempted activities of CDC 28.040, shall have
7 approved erosion control measures per Chapter 31 CDC in place prior to site disturbance
8 and be subject to the requirements of CDC 32.070 and 32.080 as deemed applicable by the
9 Planning Director.

10 *(Staff note: This language is currently located under the definition of HCA, but it is more*
11 *appropriately located in this Section).*

12 Chapter 34: ACCESSORY STRUCTRES

13 34.060 SETBACK PROVISIONS FOR ACCESSORY STRUCTURES (NON-DWELLING)

14 ...

15 34.060 SETBACK PROVISIONS FOR ACCESSORY STRUCTURES (NON-DWELLING)

16 1. Accessory structures ~~such as garages, carports, garden/tool sheds, etc.,~~ shall comply with all
17 requirements for the principal use except as provided in CDC 34.040 and where specifically
18 modified by this code as follows.

19 2. A side yard or rear yard requirement may be reduced to three feet for an accessory structure
20 except for a side or rear yard abutting a street, with the exception of alleys platted and
21 dedicated prior to September 30, 1984, as defined in this code; provided, that:

- 22 A. The structure is erected more than 60 feet from the front lot line;
- 23 B. The structure does not exceed one story or 15 feet in height;
- 24 C. The structure does not exceed an area of 500 square feet; and
- 25 D. The structure does not violate any existing utility easements.

26 3. Attached accessory structures. When an accessory structure is attached to the main structure
27 (wall to wall or by any permanent attachment), including via a covered walkway, such accessory
28 structure shall be considered as part of the main structure.

29 *(Staff note: Staff has always used this interpretation for attached accessory structures, this*
30 *will codify that practice).*

1

2 Chapter 37 HOME OCCUPATIONS

3 ...

4 37.020 GENERAL STANDARDS

5 A. A home occupation shall comply with all the following operating standards:

6

7 13. The use creates no more than five ten total ~~deliveries~~ vehicle trips per day including
8 employees, all deliveries, and customers. ~~vehicular trips per day~~. One trip is equal to one
9 vehicle entering the site and exiting the site. *(also see alternative language below)*

10 *Staff note: Since the Code was amended several years ago to apply a specific limitation on*
11 *the number of vehicle trips associated with a home occupation (five trips per day), the*
12 *concern has been raised that the trips per day methodology may be inconsistent with certain*
13 *commonly accepted home occupation uses that generate more than five cars per day. These*
14 *include in-home music or language teachers or businesses that require some limited contact*
15 *with customers, such as accountants or attorneys. These types of uses are generally*
16 *acceptable to the public, but they often exceed the 'trips per day' limitation in the Code.*

17 **ALTERNATIVE LANGUAGE FOR PLANNING COMMISSION CONSIDERATION:**

18 The use creates no more than five total ~~deliveries~~ vehicle trips during the peak hour of use
19 including employees, all deliveries, and customers. ~~vehicular trips per day~~. One trip is equal
20 to one vehicle entering the site and exiting the site.

21 *Staff note: Based on the discussion at the Planning Commission briefing on May 18,*
22 *proposing alternative language for the Planning Commission to review and consider.*
23 *'s experience, of greater concern than the total trips at a site over the course of the*
24 *day are activities that draw intense activities and traffic at one time (e.g. workers and roofing*
25 *equipment arrive at 7:00 AM prior to leaving for a job site). The alternative language*
26 *proposes to limit the number of vehicle trips to five per peak hour as opposed to ten per*
27 *. The intent is to continue to include a quantifiable method of limiting the impact*
28 *home occupation on the surrounding properties, while providing the flexibility of a use, such*
29 *as instruction of pupils. Vehicle trips spread out over the course of the day are less of an*
30 *issue than at one time. Additionally, using a peak hour standard will make enforcement*
31 *more practical, as it will be easier to count traffic during one peak hour rather than all day.*

1 *As an example, this would prevent the landscape business from having 15 trucks arrive at 6*
2 *AM and then re-convene at 5 PM, but allow a teacher to have 5 students in morning, then 5*
3 *more in the afternoon.)*

4 **37.050 PERMITS**

5 A. A home occupation permit shall be required for a home occupation, subject to the
6 provision of this chapter, prior to issuance of a business license.

7 B. A copy of each home occupation permit, including the permit number, shall be kept by
8 the Planning and Building Department and on the premises of the business.

9 C. A home occupation permit is non-transferable to any other person or any other property,
10 and shall expire upon discontinuance of the home occupation by the person to whom it is
11 issued.

12 *(Staff note: The home occupation chapter does not currently specify that a permit is*
13 *required.)*

14

15 ~~**Chapter 40 BUILDING HEIGHT LIMITATIONS, EXCEPTIONS**~~

16 ~~Sections:~~

17 ~~40.010 PROJECTIONS NOT USED FOR HUMAN HABITATION~~

18 ~~40.020 CHURCH OR GOVERNMENT BUILDINGS~~

19 ~~**40.010 PROJECTIONS NOT USED FOR HUMAN HABITATION**~~

20 ~~Projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flag~~
21 ~~poles, and other similar objects not used for human occupancy are not subject to the~~
22 ~~building height limitations of this code.~~

23 ~~**40.020 CHURCH OR GOVERNMENT BUILDINGS**~~

24 ~~The height of a church or governmental building may be built to a maximum height of 50~~
25 ~~feet provided:~~

26 ~~A. The total floor area of the building does not exceed one and one-half times the area of~~
27 ~~the site;~~

1 B. The yard dimensions in each case are equal to at least two-thirds of the building height
2 of the principal structure; and

3 C. The approval of this exception is a part of the approval of the conditional use allowed
4 under Chapter 60-CDC.

5 *(Staff note: This chapter is being combined with Chapter 41.)*

6

7 **Chapter 41 BUILDING HEIGHT STRUCTURES ON STEEP LOTS, EXCEPTIONS**

8 **Sections:**

9 **41.005 DETERMINING HEIGHT OF BUILDING**

10 A. For all zoning districts, building height shall be the vertical distance above a reference
11 building height. The vertical distance above a reference datum measured to the highest point
12 of a flat roof or to the deck line of a mansard roof or to the highest gable, ridgeline or peak
13 of a pitched or hipped roof, not including projections above roofs such as cupolas, towers,
14 etc. The reference datum shall be selected by either of the following, whichever yields a
15 greater height of building.

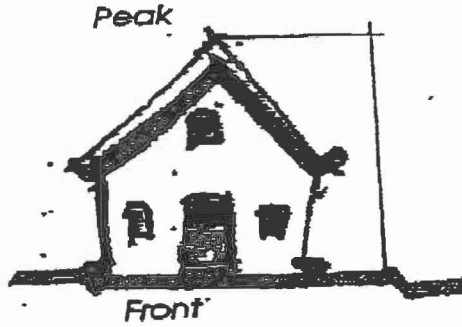
16 1. For relatively flat sites where there is less than a 10-foot difference in grade
17 between the front and rear of the ~~house~~ building, the height of the ~~house~~ building shall be
18 measured from grade five feet out from the exterior wall at the front of the ~~house~~ building;
19 or

20 2. For steeper lots where there is more than a 10-foot difference in grade between
21 the front and rear of the ~~house~~ building, the height of the ~~house~~ building is measured from
22 grade at a point five feet out from the exterior wall on the lowest side (front or rear) of the
23 ~~house~~ building. One then measures vertically to the peak or ridgeline of the roof to
24 determine the height.

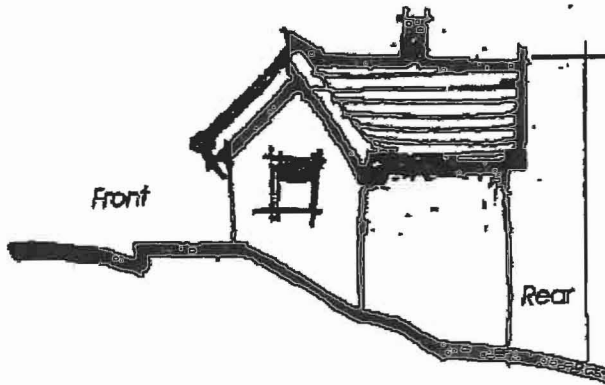
25 3. ~~Homes-Buildings~~ on cross slopes or side slopes are measured at either the front
26 or rear of the ~~house~~ building using methods described in subsections 1 and 2 of this
27 definition only.

28 Even if the cross slope creates a tall elevation on the side, the method of determining
29 height is not modified.

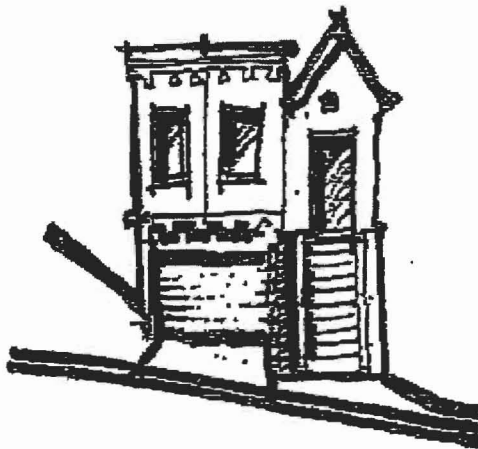
30 Also see CDC 41.020, Height Exceptions.



Height of ~~home~~ building on relatively flat lot is measured from grade at front of house to peak of roof.



Height of ~~home~~ building on steep lots where there is more than a 10-foot difference in elevation between the front and rear of the ~~home~~ building is measured from grade at a point five feet out from the front or rear exterior wall on the lowest side of the house to the peak of the ~~home~~ building.



Height of ~~home~~ building with a cross slope is still measured at either the front or rear by methods described in subsection (1) or (2) of this definition.

1

2 41.010 FRONT YARD SETBACK EXCEPTION

3

4 41.020 HEIGHT EXCEPTIONS

5 ...

1 **41.020 HEIGHT EXCEPTIONS**

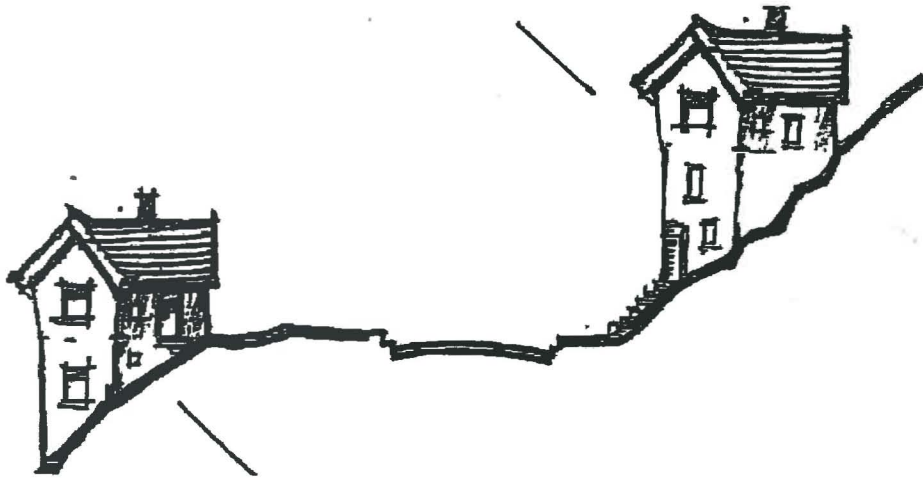
2 ...

3 B. If the highest grade of a building site which fronts on the upslope side of the street is
4 greater than 10 feet above the lowest grade, as measured along the planes of the proposed
5 structure, the total building height shall not exceed 45 feet. In the R-15, R-20, and R-40
6 zones the 45-foot height may be increased to 50 feet.

7

8 Height of ~~homes~~ buildings on uphill slopes where there is more than a 10-foot difference
9 between the rear and front elevation is measured from a point five feet downhill from the
10 front of the ~~house~~ building to the peak or dominant ridgeline and shall not exceed 45 feet
11 (50 feet in the R-15, R-20 and R-40 zones).

12 Figure 2. Height exceptions



13

14 Height of ~~homes~~ buildings on downhill slopes where there is more than a 10-foot difference
15 between the rear and front elevation is measured from point five feet downhill from the rear
16 of the ~~house~~ building to the peak or dominant ridgeline and shall not exceed 45 feet (50 feet
17 in the R-15, R-20 and R-40 zones). Front house height cannot be more than 24 feet above
18 average street grade.

19 **41.030 PROJECTIONS NOT USED FOR HUMAN HABITATION**

20 Projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flag
21 poles, and other similar objects not used for human occupancy are not subject to the
22 building height limitations of this code.

1 **41.040 CHURCH OR GOVERNMENT BUILDINGS**

2 The height of a church or governmental building may be built to a maximum height of 50
3 feet provided:

4 A. The total floor area of the building does not exceed one and one-half times the area of
5 the site;

6 B. The yard dimensions in each case are equal to at least two-thirds of the building height
7 of the principal structure; and

8 C. The approval of this exception is a part of the approval of the conditional use allowed
9 under Chapter 60 CDC.

10 *(Staff note: Staff is proposing the reorganizing the CDC such that the building height*
11 *regulations will be found in a single location (Chapter 41). The blue font above is language*
12 *that has been relocated from another chapter, but otherwise unchanged. Currently, the*
13 *method for measuring building height is found in Chapter 2, height exceptions for certain*
14 *structures and uses are found in Chapter 40 and permitted modifications to heights on steep*
15 *slopes are found in Chapter 41. This Code revision relocates them all in the same place and*
16 *will make finding this information easier for users of the code, but does not change the*
17 *manner in which building heights are measured in the City.)*

18

19 **Chapter 46: OFF-STREET PARKING, LOADING AND RESERVOIR AREAS**

20 ...

21 **46.150 DESIGN AND STANDARDS**

22

23 3. Bicycle parking must be provided in the following amounts:

24 . Bicycle parking must be provided in the following amounts:

25

LAND USE CATEGORY	MINIMUM REQUIRED BICYCLE PARKING SPACES	MINIMUM COVERED

		AMOUNT
Residential		
Multi-family Residential - General	1 space per unit	50%
Multi-family Residential - 55 years Physical Disab.		0%
Institutional		
Schools - Elementary	2 spaces per classroom	50%
.....		

1 ...

2 **Chapter 52: SIGNS**

3 **52.210 APPROVAL STANDARDS**

4

5 All signs shall meet the following standards:

6

7 E. The light from any illuminated sign shall be shaded, fully shielded such that no light
 8 is emitted above the horizontal plan, and directed or reduced so that the glare light intensity
 9 or brightness is minimized, light pollution from the sign. "Light pollution" shall mean light
 10 or illumination other than on the sign face.

11 *(Staff note: The proposed language is more commonly used in other zoning codes. A new*
 12 *definition for "glare" is proposed with these amendments.)*

13 **52.300 PERMANENT SIGN DESIGN STANDARDS**

14 *(Staff note: The only change proposed to the table is in the footnote.)*

15

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

1 Notes for Permanent Sign Design Standards (*Staff note: existing underline*)

2 * To calculate maximum area, numbers followed with the word "total" are the maximum total area of all
3 signs combined. Standards expressed as ~~consents a percentage~~ represent the allowed percentage of
4 area on a single building face that may be used as a wall sign. ~~signage size a percentage of one building~~
5 face. For example, a wall 10 feet tall by 30 feet wide has 300 square feet. If the standard is 10 percent,
6 signs totaling 30 square feet are permitted. The maximum percentage is for the building - a building
7 with multiple occupants is restricted to the stated percentage per building, not per occupant.

1 ^ For number of signs allowed, "or 1" and "or 2" designate that the total number of freestanding and
2 wall signs cannot exceed the number stated. If the standard is "or 1," the applicant may have one
3 freestanding sign or one wall sign, but not both.

4 *(Staff note: Edited for clarity purposes)*

5 Chapter 55: DESIGN REVIEW

6 ...

7 55.020 APPLICABILITY

8 ...

9 Class II design review applies to all uses/activities except those uses/activities listed under
10 Class I design review, and the exceptions of CDC 55.025. ~~Class I design review shall apply to~~
11 ~~non-subdivided single-family detached dwelling projects.~~

12 *(Staff note: This sentence is confusing and contradicts the City's current practice as well as*
13 *other provisions of the CDC that exempt detached single-family development from the*
14 *design review process.*

15 55.025 EXEMPTIONS

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

17 A. exempt individual Detached single-family residential construction, single-family
18 residential house construction, single-family detached housing subdivisions,

19 B. aAccessory structures,

20 C. eOne to two duplexes or single-family attached structures except as indicated
21 otherwise: in this Chapter.

22 D. Architectural replacements in kind, or replacement of building materials that are equal
23 or superior to existing materials (in terms of performance or quality) but that do not alter
24 the architectural style of the structure. for example replacing a composition roof on a
25 commercial building with another roof. Also exempt is replacement in kind of building
26 materials that are equal or superior to existing materials (for example, replacing T-111
27 wood siding with cedar lap siding or brick). Retrofitted awnings, changes in color
28 schemes, wall art, and freestanding statuary or art under five feet tall are exempt from
29 design review, but shall be subject to Planning Director review under the provisions of

1 CDC 99.060(A)(2), prescribed conditions, and the approval criteria of CDC 55.100(B)(6)(a)
2 and (b). (Ord. 1408, 1998)

3 *(Staff Note: The existing language lacked clarity for property owners and staff. The intent of*
4 *the proposed language is to clarify that only in-kind replacements or replacements that*
5 *don't alter the architectural style are exempt.)*

6 **55.100 APPROVAL STANDARDS – CLASS II DESIGN REVIEW**

7

8 D. Privacy and noise.

9 1. Structures which include residential dwelling units shall provide private outdoor
10 areas for each ground floor unit which is screened from view ~~by~~ from adjoining units.

11 2. Residential dwelling units shall be placed on the site in areas having minimal
12 noise exposure to the extent possible. Natural-appearing sound barriers shall be used to
13 lessen noise impacts where noise levels exceed the noise standards contained in Section 5 of
14 the Municipal Code. ~~design standards of Table 1 below.~~

15 3. Structures or on-site activity areas which generate noise, lights, or glare shall
16 be buffered from adjoining residential uses in accordance with the standards in ~~§~~Subsection
17 C of this section where applicable.

18 4. Businesses or activities that can reasonably be expected to generate noise in
19 excess of the noise standards contained in Section 5 of the Municipal Code shall undertake
20 and submit appropriate noise studies and mitigate ~~the noise impact~~ as necessary to comply
21 with the Code (See CDC 55.110(B)(11) and 55.120(M).)

22 If the decision making authority reasonably believes a proposed use may generate noise
23 exceeding the standards specified in the Municipal Code then the authority may require the
24 applicant to supply professional noise studies from time to time during the use's first year of
25 operation, to monitor compliance with City standards and permit requirements.

26 ~~To protect the health, safety, and welfare of the citizens of West Linn, the following design~~
27 ~~standards are established in Tables 1 and 2. In the case of land uses that are expected to be~~
28 ~~close to adopted noise standards, follow-up studies in the first year of operation may be~~
29 ~~required by conditions of approval or required by the Planning Director as appropriate in~~
30 ~~order to monitor compliance.~~

TABLE 1

Allowable Sound Levels Within 25 Feet of a Dwelling

Type of Sound	7 a.m. – 7 p.m.	7 p.m. – 7 a.m.
Statistical Noise	L50 = 55 dBA	L50 = 50 dBA
	L10 = 60 dBA	L10 = 55 dBA
	L1 = 75 dBA	L1 = 60 dBA
Impulse Sound	100 dB	80 dB

TABLE 2

Unweighted Sound Level

Center Frequency	Unweighted Sound Level	
	7 a.m. – 7 p.m.	7 p.m. – 7 a.m.
31.5 Hz	68 dB	65 dB
63 Hz	65 dB	62 dB
125 Hz	61 dB	56 dB
250 Hz	55 dB	50 dB
500 Hz	52 dB	46 dB
1,000 Hz	49 dB	43 dB
2,000 Hz	46 dB	40 dB

4,000 Hz	43 dB	37 dB
8,000 Hz	40 dB	34 dB

1 See Chapter 02 CDC for definitions of these terms, as sub-headings under the alphabetic
2 category of "Noise Definitions."

3 ~~Ambient degradation associated with new noise sources. Any new commercial or~~
4 ~~industrial development to be built on a vacant or previously unused industrial or~~
5 ~~commercial site shall not cause or permit the operation of a noise source if the noise~~
6 ~~levels generated, or indirectly caused by that noise source, would increase the ambient~~
7 ~~statistical noise levels, L50 or L10, by more than five dBA in any one hour. In some~~
8 ~~instances, the ambient degradation standard may establish lower allowable dBA levels~~
9 ~~than those established in Table 1, and in those instances, the lower level shall apply.~~
10 ~~Ambient noise levels shall be determined by a licensed acoustical engineer.~~

11 *(Staff note: This amendment removes the outdated noise regulations out of the CDC, but*
12 *allows us to ask for a study and clarifies that we can condition noise generating equipment)*

13

14 **Chapter 56: PARKS AND NATURAL AREA DESIGN REVIEW**

15 ...

16 **56.015 CATEGORIES OF PARKS AND NATURAL RESOURCE FACILITIES DEFINITIONS**

17 There are eight categories of park and natural resource facilities as established in the Parks
18 Master Plan.

19 ...

20 *(Staff note: There are six different of categories of parks, including "passive-oriented parks",*
21 *pathways and trails" and "city beautification areas and public spaces". These are not terms*
22 *to be defined, but instead are 'categories' of areas. This section describes the attributes for*
23 *each of these areas in detail. This amendment will be consistent with other sections*
24 *Chapter that describes these as 'categories'*

25

26 **56.100(B) APPROVAL STANDARDS - CLASS II DESIGN REVIEW**

1 ...

2 B. Visual and physical accessibility. *(Staff note: existing underline)* Many of the City’s
3 parks suffer from inadequate visibility, such as Sunburst Park and North Willamette Park,
4 surrounded as they are by housing. Increased frontage on streets allows greater use of on-
5 street parking and less park space being used for parking. The surrounding streets also
6 provide transitions between on- and off-site activities as discussed in CDC
7 ~~56.100(C)(5)~~ 56.100 (D)(1). Physical access is also facilitated by having good cognitive
8 locations that can be safely accessed by bike paths and sidewalks. Improved visual access
9 amplifies the investment and positive benefits of parks in that many people who do not stop
10 the car and actually use the park derive emotional benefits by exposure to scenes of open
11 space, trees, and grass fields in a world increasingly dominated by built environments.

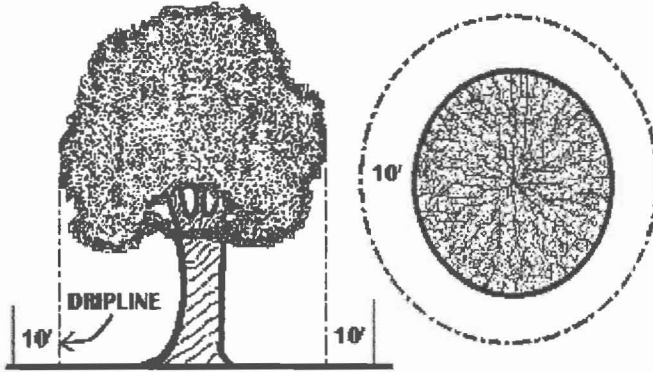
12

13 C. Relationship to the natural environment. *(Staff note: existing underline)*

14

15 2. All heritage trees, as defined in the municipal code, and all trees and clusters of
16 trees (“cluster” is defined as three or more trees with overlapping driplines; however, native
17 oaks need not have an overlapping dripline) that are considered significant by the City
18 Arborist, either individually or in consultation with certified arborists or similarly qualified
19 professionals, based on accepted arboricultural standards including consideration of their
20 size, type, location, health, long term survivability, and/or numbers, shall be protected
21 pursuant to the criteria of ~~subsections (C)(2)(a) through (c) of this section~~ Subsection 55.100
22 (B)(2). It is important to acknowledge that all trees are not significant.

23 a. Areas of the park that include non-Type I and II lands shall protect all
24 heritage trees and all significant trees through the careful layout of streets, building pads,
25 playing fields, and utilities. The method for delineating the protected trees or tree clusters
26 (“dripline + 10 feet”) is explained in ~~sub-Subsection (C)(2)(b)~~ 55.100(B)(2)(a) and in
27 Subsection (C)(2)(b) of this section. ~~Exemptions of subsection (C)(2)(c) of this section shall~~
28 ~~apply.~~



1

2

PROTECTED AREA = DRIPLINE + 10 FEET

3

b. Areas of the park that include Type I and II lands shall protect all heritage, significant and non-significant trees. Groundcover, bushes, etc., shall be protected and may only be disturbed to allow the construction of trails or accessing and repairing utilities.

4

5

Exemptions permitted under ~~of~~ Subsections 55.100(b)(2)(c) - through (f) subsection (e) below shall apply.

6

7

(Staff note: There is no subsection C.2(c) - we have often morphed these regulations

8

Chapter 55)

9

LAND-USE CATEGORY	MINIMUM REQUIRED BICYCLE PARKING SPACES	MINIMUM COVERED AMOUNT
Residential		
Multi-family Residential - General	1 space per unit	50%
Multi-family Residential - 55 years Physical Disab.		0%
Institutional		

Schools—Elementary	2 spaces per classroom	50%
Schools—Jr. High or Middle Schools	4 spaces per classroom	50%
Schools—Sr. High	2 spaces per classroom	50%
College	1 space per 4 students	50%
Transit Centers/Park & Ride Lots	5% of auto spaces, or 100% of demand, depending on location/accessibility to bicyclists	100%
Religious Institutions	1 space per 40 seat capacity	25%
Hospitals	1 space per 5 beds	50%
Doctor, Dentist Offices	2, or 0.5 spaces per 1,000 gross sq. ft., whichever is greater	25%
Libraries, Museums, Government Offices, etc.	2, or 1.5 spaces per 1,000 gross sq. ft., whichever is greater	25%
Commercial		
Retail Sales	0.33 space per 1,000 gross sq. ft.	50%
Auto-oriented Services (including 7-11s)	2, or 0.33 spaces per 1,000 gross sq. ft., whichever is greater	10%
Groceries/Supermarkets	0.33 space per 1,000 gross sq. ft./bldg.	10%
Office	2, or 0.5 spaces per 1,000 gross sq. ft., whichever is greater	10%

Quality Restaurant	1 space per 1,000 gross sq. ft.	25%
Drive-in Restaurant	2 spaces per 1,000 gross sq. ft.	25%
Shopping Center (by size)	0.33 space per 1,000 gross sq. ft./bldg.	50%
Financial Institutions	2, or 0.33 spaces per 1,000 gross sq. ft.	25%
Theaters, Auditoriums, etc.	1 space per 30 seats	25%
Industrial		
Industrial Park	2, or 0.5 spaces per 1,000 gross sq. ft.	50%
Warehouse	2, or 0.1 spaces per 1,000 gross sq. ft.	50%
Manufacturing, etc.	2, or 0.15 spaces per 1,000 gross sq. ft.	50%

1 *(Staff note: Table appears in two places in the Code. It should be deleted from Chapter 55*
2 *since the appropriate location is Chapter 46 Off-Street parking, Loading and Reservoir Areas)*

3 **Chapter 57: WIRELESS COMMUNICATION FACILITIES (WCF)**

4 Sections:

5 ...

6 57.020 — DEFINITIONS

7 ...

8 **57.020 DEFINITIONS**

9 ...

10 *(Staff note: Staff has relocated all of the use definitions from this Chapter to Chapter 2:*
11 *Definitions. Section 57.020 will be deleted in its entirety.)*

1 57.080 APPROVAL CRITERIA

2

3 N. Noise. Noise-generating equipment shall be sound-buffered by means of baffling,
4 barriers, or other suitable means to reduce sound levels consistent with Section 5 of the
5 Municipal Code. ~~to meet CDC 55.100(D)(3) noise standards.~~

6 Chapter 58: WILLAMETTE FALLS DRIVE COMMERCIAL DISTRICT DESIGN STANDARDS

7 ...

8 58.090 STANDARDS

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

10

11 2. Minimum landscaping required. ~~Sites Structures~~ in this district ~~area~~ are exempt from
12 landscaping requirements as identified in Chapter 54 Landscaping, with the exception of
13 parking areas. ~~CDC 55.100(A)(11)(b), Design Review. The provisions of CDC~~
14 ~~55.100(A)(11)(c)(1) through (8) shall still apply, where parking lots are proposed.~~

15 *Staff note: These sections proposed for deletion don't exist, the intent of the existing*
16 *language is to only apply the landscaping requirements to parking lots in this district.)*

17 Chapter 59: WILLAMETTE NEIGHBORHOOD MIXED USE TRANSITIONAL ZONE

18 ...

19 59.030 PERMITTED USES

20 The following are uses permitted outright in this zone:

21 ...

22 ~~7. Home occupations Type 1 and Type 2;~~

23 *Staff note: This corrects a scrivener's error since the City no longer has two types of home*
24 *occupations. Home occupations are already permitted in this district, subject to all other*
25 *home occupation standards in the*

26 Chapter 60: CONDITIONAL USES

1 ...

2 **60.040 TIME LIMIT ON A CONDITIONAL USE APPROVAL**

3 Approval of a conditional use ~~by the Commission that required a design review~~ shall be
4 ~~void subject to the time limitations set forth in Section 55.050.~~ Approval of a conditional
5 use that did not require design review shall be void unless either the use is commenced after
6 three years or unless an extension is granted per CDC 99.325 after within three years of the
7 approval.

8 **Chapter 66: NON-CONFORMING STRUCTURES**

9 ...

10 **66.090 NON-CONFORMING STRUCTURE UNSUITED FOR A CONFORMING USE**

11 When A a non-conforming use involving a structure is replaced by another use, the new
12 use shall conform to this code unless the Planning Commission, after a public hearing held
13 pursuant to Chapter 99 CDC, determines that such a structure is suitable only for another
14 non-conforming use, so long as the new use is no more intense than the past use or other
15 uses contemplated in the zone. The determination by the Planning Commission shall be
16 based on findings of fact which support its determination of suitability.

17 **Chapter 75: VARIANCE**

18 ...

19 **75.070 SITE PLANS AND MAP**

20 ...

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

24 **Chapter 85 GENERAL PROVISIONS**

25 ...

26 **85.200 Approval Criteria**

27 ...

1 19. All lots in a subdivision shall have access to frontage on a public street. Lots created by
2 partition may have access to a public street via an access easement pursuant to the
3 standards and limitations set forth for such accessways in Chapter 48 CDC.

4 *(Staff note: It would be inappropriate to state that all lots to have 'frontage' on a public*
5 *street. The legal requirement is for legal access to a public street.)*

6 **85.170 SUPPLEMENTAL SUBMITTAL REQUIREMENTS FOR TENTATIVE SUBDIVISION OR**
7 **PARTITION PLAN**

8 ...

9 **B. Transportation.** *(Staff note: existing underline)*

10 ...

11 **2. Traffic Impact Analysis (TIA)** *(Staff note: existing underline)*

12 ...

13 d. **Traffic impact analysis requirements.** *(Staff note: existing underline)*

14 1) **Preparation** *(Staff note: existing underline)* A Traffic Impact Analysis shall be prepared
15 by a professional engineer ~~in accordance with~~ qualified under OAR734-051-180-734-051-
16 0040. The City shall commission the traffic analysis and it will be paid for by the applicant.

17 ...

18 e. **Approval criteria.** *(Staff note: existing underline)*

19 1) **Criteria.** *(Staff note: existing underline)* When a Traffic Impact Analysis is required,
20 approval of the development proposal requires satisfaction of the following criteria:

21 (A) The Traffic Impact Analysis was prepared by a professional traffic engineer ~~in~~
22 ~~accordance~~ qualified under ~~with~~ OAR734-051-180 734-051-0040 and

23 ...

24 **Chapter 89: SUBDIVISION AND PARTITION PLATS**

25

1 **89.010 SUBMISSION OF SUBDIVISION OR PARTITION PLAT**

2 A. Within three years after approval of the tentative plan and after the completion of all
3 granted extensions, the developer shall cause the final plat, or any part thereof, to be
4 surveyed and a final plat prepared by a licensed land surveyor and submitted to the Planning
5 Director in conformance with:

- 6 1. The approved tentative plan;
- 7 2. The factors set forth in this chapter;
- 8 3. The provisions of Chapter ~~93~~55 CDC, Design Standards; and
- 9 4. The provisions of Chapter 91 CDC, Improvement Guarantee.

10

11 **98.080 MECHANICS OF GIVING NOTICE, FAILURE TO GIVE NOTICE, COMPUTATION OF NOTICE**
12 **PERIOD**

13 4. The time(s), place(s), and date(s) of the public hearing(s), a statement that
14 public oral or written testimony is invited, and persons and other entities must establish
15 standing by submittal of oral or written testimony at the first evidentiary hearing to retain
16 the right to appeal, and a statement that the hearing will be held under this chapter and
17 rules of procedure adopted by the Council and available at City Hall or the rules of procedure
18 set forth in CDC 98.120.

19

20 **98.130 VOTE REQUIRED FOR LEGISLATIVE CHANGE**

21 A. An affirmative vote by a majority of the voting members present of the Commission
22 shall be required for a recommendation for the approval or approval with modifications. ~~The~~
23 ~~Chairperson of the Commission at the meeting shall vote only to break a tie vote.~~ Any other
24 result shall be considered a recommendation to the City Council to deny the proposal.

25 *(Staff note: It has been the practice of the chair to vote on all matters. Additionally, the*
26 *current language in the Code directly contradicts Municipal Code Section 2.085 A5(b) which*
27 *states that the chair of the Commission shall, "have a vote on all matters that come before*
28 *the Planning Commission".*

1

2 **98.140 FINAL DECISION**

3 A. The approved legislative change shall take effect on the thirtieth day after its
4 enactment unless it is declared to be an emergency, in which case the ordinance shall take
5 effect immediately.

6 B. Notice shall be forwarded to the ~~Director of the~~ Department of Land Conservation and
7 Development (DLCD) ~~in a format and at a time if~~ required by Oregon Revised Statutes and
8 Oregon Administrative Rules governing such notification.

9 C. Not later than five working days after the final decision, the Planning Director ~~also~~
10 shall mail or otherwise submit notice to persons who:

11 1. Participated in the proceedings leading to the adoption of the amendment to
12 the Comprehensive Plan or land use regulation, or the new land use regulation; and

13 2. Requested of the Planning Director in writing that they be given such notice.

14 DC. The notice required by this subsection shall:

15 1. Describe briefly the action taken by the City;

16 2. State the date of the decision;

17 3. List the place where, and the time when, the amendment to the acknowledged
18 Comprehensive Plan or land use regulation, or the new land use regulation, and findings,
19 may be reviewed;

20 4. Explain the requirements for appealing the action of the City under ORS
21 197.830 to 197.845.

22 ~~D. Not later than five working days after final action on an amendment to an~~
23 ~~acknowledged Comprehensive Plan or land use regulation, or a new land use regulation~~
24 ~~submitted under CDC 98.070(C)(4), the Director shall notify by mail or other submission any~~
25 ~~persons who have requested notification. The notice shall:~~

26 ~~1. Explain the requirements for appealing the action of the City under ORS~~
27 ~~197.830 to 197.845; and~~

1 2.—List the locations where the Comprehensive Plan or land use regulation
2 amendment, or new land use regulation, may be reviewed. (Ord. 1354, 1994; Ord. 1474,
3 2001)

4 *(Staff note: This subsection is repetitive and unnecessary since the requirements are stated*
5 *in the previous section.)*

6
7 **Chapter 99: PROCEDURES FOR DECISION MAKING: QUASI-JUDICIAL**

8
9 **99.033 FEES**

10 The Council shall adopt a schedule of fees reasonably calculated to defray the expenses of
11 the administrative process. The Council may establish either a set fee or a deposit system in
12 which the applicant pays a deposit and the City determines the total administrative cost at
13 the end of the process and refunds any unused amount of the deposit of the applicant. ~~When~~
14 ~~a deposit rather than a set fee is required, the City shall periodically estimate the anticipated~~
15 ~~administrative cost for the application and determine whether the deposit is sufficient. If the~~
16 ~~deposit is insufficient, the City shall inform the applicant that an additional deposit is~~
17 ~~required and establish the amount to 110 percent of the City's anticipated costs that will not~~
18 ~~be covered by all previous deposits. The additional deposit shall be paid within 10 days of~~
19 ~~the demand for the additional deposit. No additional deposit shall be required for additional~~
20 ~~costs that are incurred because the matter is referred to or called up by a higher decision-~~
21 ~~making authority. The Council shall charge no fees for City-initiated land use applications or~~
22 ~~appeals filed by a recognized neighborhood association pursuant to the provisions of CDC~~
23 ~~99.240.~~

24
25 *(Staff note: It is not possible to meet the stricken requirement above on small project that*
26 *are processed within a billing cycle)*

27
28 **99.060 APPROVAL AUTHORITY**

29

30 C. City Council authority. The Council shall have the authority to:

1

2 2. Consider an appeal or review of a decision made by the Planning Director under
3 the provisions of CDC 99.240(A), ~~and 99.080(B).~~

4

5 **99.170 AN ADMINISTRATIVE ACTION - HEARING PROCEDURES**

6 A. ~~Unless otherwise provided by the rules of procedure adopted by~~ The Planning
7 Commission, City Council, and Historic Review Board shall conduct a public hearing on all
8 matters over which the Board, Commission, or Council has original jurisdiction pursuant
9 to CDC 99.060; and:

10 ...

11 *(Staff note: The rules of procedure for the Commission, Council and Board are not permitted*
12 *to circumvent a requirement of the CDC. If they are required to hold a public hearing under*
13 *the Code, they must do so, regardless of their adopted rules.)*

14

15 **99.180 EX PARTE CONTACTS, IMPARTIALITY, DISQUALIFICATION, AND ABSTENTION**

16

17 F. Rights of abstaining or disqualified member of the hearing body. *(Staff note: existing*
18 *underline)*

19

20 2. If ~~all sufficient~~ members of a hearing body abstain or are disqualified, that
21 renders the hearings body unable to take action on the application consistent with the
22 applicable authority of the hearings body, all members of the hearings body shall be
23 reinstated and participate in the decision of the application, consistent with the Rule of
24 Necessity. the consequences for the application shall be as follows:

25

26 ~~d. City Council and Planning Commission both disqualified~~ referred to the
27 ~~Hearings Officer for hearing pursuant to CDC 99.170 and decision.~~

28

1 Chapter 106 ENFORCEMENT

2 ...

3 106.050 ABATEMENT OF VIOLATIONS

4 A. ~~Definitions.~~

5 1. ~~“Intentional” means acting with a conscious objective to cause the result~~
6 ~~achieved or to engage in the conduct.~~

7 2. ~~“Knowing” means acting with an awareness of the action committed.~~

8 *(Staff note: Staff has relocated these definitions from this Chapter to Chapter 2: Definitions.*
9 *Subsection A of this Section will be deleted.)*

10 ~~A. B.~~ All violations of this code, any development contrary to a permit approval, and any
11 failure to comply with approval conditions arising out of this code are Class A civil infractions
12 and shall be enforced pursuant to Sections 1.205 through 1.260 of the West Linn Municipal
13 Code:

14 1. Knowing or intentional violation. The maximum forfeiture for a knowing or
15 intentional violation shall be \$1,000.

16 2. Other violations. The maximum forfeiture for all violations other than knowing
17 or intentional violations shall be the standard forfeiture for Class A violations set out
18 in West Linn Municipal Code Section 1.255.

19 3. Increased maximum penalty for subsequent violations. The maximum forfeiture
20 otherwise applicable shall be increased by 50 percent over the previous violation if a
21 judgment of violation of this code has been issued against the violator within five
22 years prior to the violation.

23 ~~B. C.~~ The commission, continuance, or maintenance of a violation on more than one day
24 shall constitute a separate infraction for each and every day during any portion of which the
25 violation is committed, continued, or maintained.

26 ~~C. D.~~ All violations of this code, any development contrary to a permit approval, and any
27 failure to comply with approval conditions imposed under this code are public nuisances and
28 may be abated pursuant to Sections 5.400 through 5.530 of the West Linn Municipal Code.

29 ~~D. E.~~ The City’s remedies are cumulative. The City may enforce any violations under the
30 civil infraction procedure, under the nuisance procedure, or under both procedures, either
31 simultaneously or concurrently. The City’s remedies listed in this section are in addition to
32 any other remedy or claim the City may have against the violator.

**CITY OF WEST LINN
PLANNING AND DEVELOPMENT**

**EXHIBIT PC-2
AFFIDAVIT AND NOTICE MAILING PACKET**

FILE NO.: CDC-09-05

REQUEST: Housekeeping and minor amendments to the CDC

AFFIDAVIT OF NOTICE

We, the undersigned do hereby certify that, in the interest of the party (parties) initiating a proposed land use, the following took place on the dates indicated below:

CDC-09-05

GENERAL

File No. _____ Applicant's Name COWL
Development Name _____
Scheduled Meeting/Decision Date 8/3/11

NOTICE: Notices were sent at least 20 days prior to the scheduled hearing, meeting, or decision date per Section 99.080 of the Community Development Code. (check below)

TYPE A

- A. The applicant (date) _____ (signed) _____
- B. Affected property owners (date) _____ (signed) _____
- C. School District/Board (date) _____ (signed) _____
- D. Other affected gov't. agencies (date) 7/12/11 (signed) S. Shroyer
- E. Affected neighborhood assns. (date) 7/12/11 (ALL) (signed) S. Shroyer
- F. All parties to an appeal or review (date) 7/12/11 (signed) S. Shroyer

At least 10 days prior to the scheduled hearing or meeting, notice was published/posted:

Tidings (published date) 7/21/11 (signed) S. Shroyer
City's website (posted date) 7/15/11 (signed) S. Shroyer

SIGN

At least 10 days prior to the scheduled hearing, meeting or decision date, a sign was posted on the property per Section 99.080 of the Community Development Code.

(date) _____ (signed) _____

NOTICE: Notices were sent at least 14 days prior to the scheduled hearing, meeting, or decision date per Section 99.080 of the Community Development Code. (check below)

TYPE B _____

- A. The applicant (date) _____ (signed) _____
- B. Affected property owners (date) _____ (signed) _____
- C. School District/Board (date) _____ (signed) _____
- D. Other affected gov't. agencies (date) _____ (signed) _____
- E. Affected neighborhood assns. (date) _____ (signed) _____

Notice was posted on the City's website at least 10 days prior to the scheduled hearing or meeting.

Date: _____ (signed) _____

STAFF REPORT mailed to applicant, City Council/Planning Commission and any other applicable parties 10 days prior to the scheduled hearing.

(date) 7/22/11 (signed) S. Shroyer

FINAL DECISION notice mailed to applicant, all other parties with standing, and, if zone change, the County surveyor's office.

(date) _____ (signed) _____

**CITY OF WEST LINN
PLANNING COMMISSION PUBLIC HEARING
CDC 09-05**

▪ **PROPOSED MINOR AMENDMENTS TO THE COMMUNITY
DEVELOPMENT CODE (“CDC”)**

On **August 3, 2011**, at **7:30 PM**, in the West Linn City Hall Council Chambers (22500 Salamo Road, West Linn), the West Linn Planning Commission will hold a public hearing regarding proposed minor text amendments to Chapters 2, 3, 8, 9, 10, 11, 12, 13, 14, 15, 16, 19, 21, 25, 28, 34, 37, 41, 46, 52, 55, 56, 57, 58, 59, 60, 66, 75, 85, 89, 98, 99, and 106 of the CDC. The amendments are proposed by Staff and involve language and re-formatting edits that correct errors, reduce ambiguity, and codify existing City practices. They are intended to provide greater clarity in the CDC for citizens and Staff. The proposed re-formatting will result in minor impacts to numerous Chapters of the CDC. Notable text amendments involve amending the standards for home occupations in the City and making clarifications to the definition of certain terms including, but not limited to, “yard”, “building height” and “accessory structure”.

The applicable standards for the decision are found in Section 98.100 of the CDC. The hearing will be conducted in accordance with the rules of CDC Section 98.120 CDC. Anyone wishing to present written testimony on this proposed action may do so in writing prior to, or at the public hearing. Oral testimony may be presented at the public hearing. At the public hearing, the Planning Commission will receive a staff report presentation from the City Planner, and invite both oral and written testimony. The Planning Commission may continue the public hearing to another meeting to obtain additional information, or close the public hearing and take action on the application. Failure to raise an issue in person or by letter at some point prior to the close of the hearing, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, may preclude an appeal to the Land Use Board of Appeals based on that issue. At least 10 days prior to the hearing, a copy of the staff report will be available for inspection at City Hall and also on the City’s planning web page at <http://westlinnoregon.gov/planning/regulatory-improvement-code-amendment-package-0>.

Following the hearing, the Planning Commission will make a recommendation to the City Council. The Council will make a final decision regarding the proposed amendments following its own public hearing.

For further information, please contact Chris Kerr, Senior Planner, at City Hall, 22500 Salamo Road, West Linn, OR 97068, (503) 723-2538, or ckerr@westlinnoregon.gov.

SHAUNA SHROYER
Planning Administrative Assistant

Publish: West Linn Tidings, Thursday, July 21, 2011

7/13/11 20

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WEST LINN OR 97068

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19575 RIVER RD # 64
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MARYLHURST NA PRESIDENT
1880 HILLCREST DR
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BILL RELYEA
PARKER CREST NA PRESIDENT
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ROBINWOOD NA PRESIDENT
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DEAN SUHR
ROSEMONT SUMMIT NA PRESIDENT
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