



Memorandum

Date: March 29, 2011
To: Whom it may concern
From: Teresa Zak, Deputy City Recorder
Subject: Amendments to the Community Development Code

There have been some amendments to the City of West Linn's Community Development Code, Chapters, 25, 52, 58, and 99 related to the applicability of pre-application conferences and temporary signs in the public right-of-ways on Sundays. City Council enacted Ordinance No. 1599 on February 14, 2011 and became effective on March 14, 2011.

Hardcopies of ORD. 1599 are available at the front counters at City Hall, the Library and also on the City's web site at <http://westlinnoregon.gov/planning/updates-cdc-and-comp-plan>.

The online version of the Community Development Code has been updated. Please note we having the printed version of the CDC reformatted at this time and hard copies are available to the appropriate parties.

**ORDINANCE NO. 1599
WEST LINN, OREGON**

**AMENDING CHAPTERS 25, 52, 58 AND 99 OF THE WEST LINN COMMUNITY DEVELOPMENT
CODE IN RELATION TO PRE-APPLICATION CONFERENCE REQUIREMENTS AND STANDARDS
FOR TEMPORARY SIGNAGE IN CITY RIGHT-OF-WAY**

WHEREAS, Subsection 99.030 B (1) of the Community Development Code (CDC) requires a pre-application conference to be held prior to the submittal of all development applications in the City; and

WHEREAS, the City of West Linn has determined that requiring a pre-application conference for minor applications, such as temporary use permits, signs, and lot line adjustments, would not be productive, would place an unnecessary hardship on the applicant and would be an inefficient use of Staff's resources; and

WHEREAS, on April 26, 2010, the City Council passed Resolution 2010-16 which, in part, directed staff to prepare a CDC amendment exempting minor development applications from pre-application conference requirements; and

WHEREAS, the City Council has expressed an interest in permitting limited, temporary signs in the public right-of-way; and

WHEREAS, Chapter 52 of the CDC specifically prohibits any signs in the public right-of-way; and

WHEREAS, on April 26, 2010, the City Council passed Resolution 2010-15 which, in part, directed staff to prepare a CDC amendment to allow for limited, temporary signage within public right-of-way; and

WHEREAS, the City of West Linn has developed proposed amendments to the CDC that clarify which types of development applications require a pre-application conference; and

WHEREAS, the City of West Linn has developed proposed amendments to the CDC which allow for temporary limited signage in City right-of-way; and

WHEREAS, the City of West Linn notified the Department of Land Conservation and Development more than 45 days prior to the first evidentiary hearing on the proposed amendments to the CDC; and

WHEREAS, the City of West Linn provided notice of the proposed amendments in accordance with CDC Section 98.070; and,

WHEREAS, the City of West Linn published notice of a Planning Commission public hearings regarding the proposed amendments on December 23, 2010; and

WHEREAS, the West Linn Planning Commission held a public hearing regarding the proposed amendments to the CDC on January 5, 2011; and

WHEREAS, after considering the public testimony regarding the proposed CDC amendments, the West Linn Planning Commission recommended approval of proposed CDC amendments to clarify which types of development applications require a pre-application conference prior to submittal and providing for limited temporary signage in the City's right-of-way within residential zoning districts on Sundays; and

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

WHEREAS, the proposed code amendments are compliant with the goals and policies of the Comprehensive Plan; and

WHEREAS, the proposed code amendments are compliant with the Statewide Planning Goals; and

WHEREAS, on February 3, 2011, the City of West Linn published notice of the City Council public hearing regarding the proposed CDC amendments; and

WHEREAS, on February 14, 2011 the City Council conducted a public hearing regarding the proposed CDC amendments; and

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

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

Section 1: Section 25.140 A of the City of West Linn Community Development Code is hereby amended to read as follows:

- A. Notes from the pre-application conference if required by Section 99.030 B. ~~A pre-application conference with the Planning Director is required prior to formal submittal. The Director shall determine the appropriateness of the proposal and the completeness of the materials to be submitted. The Director may consult with members of the Historic Review Board in this process.~~

Section 2: Section 52.020 of the City of West Linn Community Development Code is hereby amended to add the following definition:

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

Section 3: Section 52.109 of the City of West Linn Community Development Code is hereby amended to add a new subsection E. which shall read as follows:

- E. Sunday Signs are allowed within City right-of-way in any residential district on Sundays between the hours of eight a.m. and six p.m., subject to the following standards:
 - 1. Sunday Signs shall conform to the following design standards:
 - a. Each sign face shall be no larger than five square feet in area;
 - b. The sign, including the support structure, shall be no taller than 30 inches;
 - c. The sign owner's name, address and telephone number shall be placed on the sign; and
 - d. The sign shall not be attached or anchored in any way to trees, other objects or public property, including, but not limited to, utility or light poles or parking meters, with the exception of stake signs which can be placed in the ground.
 - 2. Sunday Signs shall conform to the following locational standards:
 - a. The sign shall be located entirely outside the paved roadway and any shoulder, median or traffic island;
 - b. The sign shall be located entirely outside the area of a right-of-way that is between the lines created by extending the edges of any curb ramp to the property line. Where no curb exists, the sign shall be placed outside the roadway at least five feet from the edge of the roadway;
 - c. The sign shall maintain a continuous pedestrian passageway of at least four feet in width;
 - d. The sign shall not obstruct pedestrian and wheelchair access from the sidewalk to transit stops, designated disabled parking spaces, or building exits, including fire escapes;
 - e. The sign shall not be placed in parking spaces or bicycle paths;
 - f. The sign shall not be placed on any driveway; and
 - g. The sign shall not be placed in any portion of the right-of-way abutting real property owned or controlled by the City or another public agency.

Section 4: Section 52.310 of the City of West Linn Community Development Code is hereby amended to read as follows:

Notes for Temporary Sign Dimensional Standards (*Staff Comment: existing underline*)

...
§ Temporary Sunday Signs are permitted subject to the requirements of Section 52.109 E.

Section 5: Section 58.070 A of the City of West Linn Community Development Code is hereby amended to read as follows:

- A. Applicants shall attend a pre-application conference if required by Section 99.030 B. ~~A pre-application conference with the Planning Director is required prior to formal submittal.~~

Section 6: Section 99.030 B of the City of West Linn Community Development Code is hereby amended to read as follows:

- B. Pre-application conferences required.
1. Subject to Subsection 99.030 B(4), a pre-application conference is required for, but not limited to, each of the following applications:
~~The applicant shall be required to meet with the Planning Director, or designee of the Director, or any other governmental agency representative deemed appropriate by the Directors, for a pre-application, unless the requirement for a pre-application conference is specifically waived by another section of this code.~~
 - a. Boundary changes, per Chapter 81;
 - b. Amendments to the Comprehensive Plan;
 - c. Amendments to the Zoning Map;
 - d. Conditional Uses;
 - e. Design Review (Class I and Class II);
 - f. New construction or remodels in a Historic District, except as provided for in Subsection 99.030 B(2)(h);
 - g. New construction or remodels in the Willamette Falls Drive Commercial District, except as provided for in Subsection 99.030 B(2)(i);
 - h. Alteration of Historic Landmarks, except as provided for in Subsection 99.030 B(2)(j);
 - i. Minor Partitions;
 - j. Land Divisions;
 - k. Enlargement of non-conforming uses or alteration of a structure containing a non-conforming use;
 - l. Planned Unit Developments;
 - m. Variances;
 - n. Development subject to Chapter 32, Water Resource Areas;

- o. Development subject to Chapter 27, Flood Management Area;
 - p. Development subject to Chapter 28, Willamette and Tualatin River Protection; and
 - q. Right-of-way and easement vacations.
2. Subject to Subsection 99.030 B(3), the following applications are exempt from the Subsection 99.030 B(1) pre-application conference requirement:
- a. Signs;
 - b. Home occupations;
 - c. Temporary use permits;
 - d. Sidewalk uses;
 - e. Final plats;
 - f. Lot line adjustments;
 - g. Re-vegetation plans;
 - h. Minor alterations and maintenance in a Historic District, as specified in Section 25.100;
 - i. Painting, signage, awnings, or architectural in-kind replacements in the Willamette Falls Drive Commercial District;
 - j. Minor alteration of a Historic Landmark, as specified in Section 26.060 B; and
 - k. Appeals of land use decisions.
3. The Planning Director shall have the authority to require a pre-application conference prior to the submittal of any application that is not listed in Section 99.030 B(1) if he or she determines that the potential development is of significant complexity or magnitude to merit a pre-application conference.
4. The Planning Director may waive the requirement for a pre-application conference for any application if he or she determines that such a conference is not warranted. Upon making such a determination, the Planning Director shall provide written notification (i.e., email or letter) to the Planning Commission and applicable neighborhood association.
52. At such conference, the Planning Director or designee shall:
- a. Cite the applicable federal and State laws and rules and the Comprehensive Plan policies and map designation;
 - b. Cite the applicable substantive and procedural ordinance provisions;
 - c. Provide technical data and assistance which will aid the applicant;
 - d. Identify other policies and regulations that relate to the application; and
 - e. Identify other pertinent factors that relate to the application; and.

f. Provide the applicant with a written description of all rights for appeal and provide access to all administrative procedures.

63. The failure of the Director to provide any of the information required by this section shall not constitute a waiver of the standards, criteria, or requirements of the application.

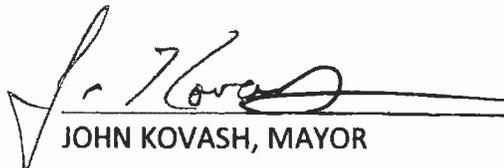
74. At least 10 days prior to the scheduled date of the conference, the City shall make the pre-application conference schedule available to the public. Within 10 days following the conference, the City shall make staff-prepared written notes summarizing the contents of the meeting available to the public. Failure to comply with this section due to technical or administrative problems is not a procedural defect entitling any party to a delay in the hearing process.

85. The Planning Director shall prepare administrative procedures designed to allow citizens to attend and participate in pre-application conferences for applications. Lack of neighborhood association participation in a pre-application conference is not a procedural defect entitling any party to a delay in the hearing process.

96. If the applicant is not the owner of the subject property, the applicant shall provide written evidence that the owner has consented to the pre-application conference prior to it being scheduled.

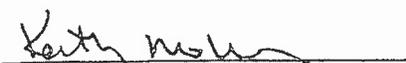
Section 7: This ordinance shall be effective 30 days after its passage by the Council.

PASSED AND APPROVED THIS 14th DAY OF FEBRUARY, 2011.



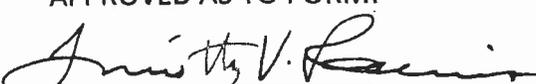
JOHN KOVASH, MAYOR

ATTEST:



KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:



CITY ATTORNEY