

**SUPPLEMENT DIRECTIONS**  
**WEST LINN**  
**COMMUNITY DEVELOPMENT CODE**

Updated by: _____
Dated: _____

**Supplement No. 6 – September 2015**

New, reprinted pages included with this supplement are listed by chapter and page number in the right-hand column below. The left-hand column lists obsolete material that should be removed from the code. Follow the instruction columns in sequence: remove and replace pages as necessary.

When completed, insert these directions in a convenient place near the front of the code book. For future reference, the person making these changes may also date and initial this page.

This supplement includes revisions to the code through Ordinance 1638, passed August 10, 2015.

<b>Remove these pages</b>	<b>Insert these pages</b>
Title Page .....	Title Page
Amendments	
1 – 2 .....	1 – 2
Table of Contents	
i – ii .....	i – ii
Table of Revised Pages	
i – v .....	i – v
Chapter 5	
5-1 – 5-2 .....	5-1 – 5-2
Chapter 19	
19-3 – 19-4 .....	19-3 – 19-4
Chapter 25	
25-1 – 25-2 .....	25-1 – 25-2
25-23 – 25-24 .....	25-23 – 25-25
Chapter 46	
46-11 – 46-12 .....	46-11 – 46-12
Chapter 52	
52-5 – 52-10 .....	52-5 – 52-10
Chapter 58	
58-1 – 58-2 .....	58-1 – 58-2
Chapter 99	
99-3 – 99-6 .....	99-3 – 99-6
99-13 – 99-14 .....	99-13 – 99-14

Please call Code Publishing Company (206-527-6831) should questions arise while removing and replacing supplement pages.



# **COMMUNITY DEVELOPMENT CODE**

## **CITY OF WEST LINN**

**A Codification of the Community Development Ordinances  
of the City of West Linn, Oregon**

**Reprinted 2010**

**Updated through Ordinance 1638, August 10, 2015**

**CODE PUBLISHING COMPANY  
Seattle, Washington**





COMMUNITY DEVELOPMENT CODE  
CITY OF WEST LINN, OREGON

ADOPTED DECEMBER 14, 1983  
ORDINANCE NO. 1129

**AMENDMENTS:**

MAY 9, 1984	(Ord. 1137)
NOVEMBER 14, 1984	(Ord. 1150)
JANUARY 23, 1985	(Ord. 1152)
JUNE 11, 1986	(Ord. 1180)
FEBRUARY 11, 1987	(Ord. 1192)
MAY 27, 1987	(Ord. 1200)
JULY 27, 1987	(Ord. 1201)
SEPTEMBER 9, 1987	(Ord. 1211)
FEBRUARY 8, 1988	(Ord. 1226)
OCTOBER 13, 1988	(Ord. 1242)
FEBRUARY 8, 1989	(Ords. 1248/1249)
APRIL 13, 1989	(Ord. 1252)
MAY 25, 1989	(Ord. 1255)
JANUARY 1, 1990	(Ord. 1276)
JUNE 1990	(Ord. 1287)
NOVEMBER 1990	(Ord. 1291)
APRIL 1991	(Ord. 1298)
NOVEMBER 1991	(Ord. 1308)
JANUARY 1992	(Ord. 1314)
JUNE 1992	(Ord. 1321)
FEBRUARY 1993	(Ord. 1339)
JUNE 1993	(Ord. 1346)
NOVEMBER 1993	(Ord. 1350)
FEBRUARY 1994	(Ord. 1354)
MARCH 1994	(Ord. 1356)
DECEMBER 1994	(Ord. 1369)
FEBRUARY 1995	(Ord. 1370)
SEPTEMBER 1995	(Ords. 1377/1378)
NOVEMBER 1995	(Ord. 1382)
FEBRUARY 1996	(Ord. 1385)
JULY 1996	(Ord. 1391)

## AMENDMENTS: (Continued)

AUGUST 1996	(Ords. 1394/1396)
MAY 1997	(Ords. 1401/1402/1403)
FEBRUARY 1998	(Ords. 1408/1410)
JUNE 1998	(Ord. 1411)
NOVEMBER 1998	(Ord. 1425)
MAY 1999	(Ord. 1434)
OCTOBER 1999	(Ord. 1442)
OCTOBER 2000	(Ord. 1463)
OCTOBER 2001	(Ord. 1474)
MAY 2002	(Ord. 1484)
DECEMBER 2003	(Ord. 1499/1500)
APRIL 2004	(Ords. 1501/1502)
AUGUST 2004	(Ord. 1506)
NOVEMBER 2004	(Ord. 1510)
FEBRUARY 2005	(Ords. 1513/1514/1515)
SEPTEMBER 2005	(Ords. 1522/1523)
OCTOBER 2005	(Ords. 1525/1526/1527)
NOVEMBER 2005	(Ord. 1528)
JUNE 2006	(Ord. 1538)
AUGUST 2006	(Ord. 1539)
JANUARY 2007	(Ord. 1544)
FEBRUARY 2007	(Ords. 1545/1547)
MAY 2007	(Ord. 1549)
JULY 2007	(Ord. 1550)
APRIL 2008	(Ord. 1565)
MAY 2008	(Ord. 1568)
SEPTEMBER 2008	(Ords. 1572/1576)
DECEMBER 2008	(Ord. 1584)
JANUARY 2010	(Ord. 1590)
APRIL 2010	(Ord. 1594)
OCTOBER 2010	(Ord. 1597)
MARCH 2011	(Ord. 1599)
OCTOBER 2011	(Ord. 1604)
AUGUST 2013	(Ords. 1613/1614)
AUGUST 2014	(Ords. 1621/1622/1623/1624)
JANUARY 2015	(Ords. 1635/1636)
SEPTEMBER 2015	(Ord. 1638)

The preparation of this code was financed in part through a Comprehensive Planning Grant from the State of Oregon, Department of Land Conservation and Development.

# COMMUNITY DEVELOPMENT CODE

## TABLE OF CONTENTS

### Division 1. Introductory Provisions

- 01 General
- 02 Definitions
- 03 *Repealed*

### Division 2. Zoning Provisions

- 05 General

#### Low Density

- 08 Single-Family Residential Detached, R-40
- 09 Single-Family Residential Detached, R-20
- 10 Single-Family Residential Detached, R-15
- 11 Single-Family Residential Detached, R-10
- 12 Single-Family Residential Detached and Attached, R-7

#### Medium Density

- 13 Single-Family Residential Detached and Attached/Duplex, R-5
- 14 Single-Family Residential Attached and Detached/Duplex, R-4.5

#### Medium High Density

- 15 Single-Family and Multiple-Family Residential, R-3
- 16 Single-Family and Multiple-Family Residential, R-2.1

#### Commercial

- 18 Neighborhood Commercial, NC
- 19 General Commercial, GC
- 21 Office Business Center, OBC

#### Industrial

- 22 Campus Industrial, CI
- 23 General Industrial, GI

#### Overlay Zones

- 24 Planned Unit Development
- 25 Overlay Zones – Historic District
- 26 *Repealed*
- 27 Flood Management Areas
- 28 Willamette and Tualatin River Protection

### **Division 3. Supplemental Provisions and Exceptions**

- 31 *Repealed*
- 32 Water Resource Area Protection
- 33 *Repealed*
- 34 Accessory Structures, Accessory Dwelling Units, and Accessory Uses
- 35 Temporary Structures and Uses
- 36 Manufactured Homes
- 37 Home Occupations
- 38 Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards
- 40 *Repealed*
- 41 Building Height, Structures on Steep Lots, Exceptions
- 42 Clear Vision Areas
- 43 Single-Family and Duplex Residential Side-Yard Transitions
- 44 Fences
- 46 Off-Street Parking, Loading and Reservoir Areas
- 48 Access, Egress and Circulation
- 52 Signs
- 53 Sidewalk Use
- 54 Landscaping

### **Division 4. Design Review**

- 55 Design Review
- 56 Parks and Natural Area Design Review

### **Division 5. Wireless Communication Facilities (WCF)**

- 57 Wireless Communication Facilities (WCF)

### **Division 6. Willamette Falls Drive Commercial Design District**

- 58 Willamette Falls Drive Commercial Design District
- 59 Willamette Neighborhood Mixed Use Transitional Zone

### **Division 7. Discretionary Provisions**

- 60 Conditional Uses
- 65 Non-conforming Uses Involving a Structure
- 66 Non-conforming Structures
- 67 Non-conforming Uses of Land
- 68 Non-conforming Lots, Lots of Record
- 75 Variances and Special Waivers
- 80 Unlisted Uses; Authorization of Similar Uses
- 81 Boundary Changes



## TABLE OF REVISED PAGES

The following table is included in this code as a guide for determining whether the code volume properly reflects the latest printing of each page. This table will be updated with the printing of each supplement.

Through usage and supplementation, pages in looseleaf publications can be inserted and removed in error when pages are replaced on a page-for-page substitution basis.

The "Page" column lists all page numbers in sequence. The "Revised Date" column reflects the latest revision date (e.g., "(Revised 10/10)") and printing of pages in the up-to-date volume. A "—" indicates that the page has not been revised since the 2010 republication. This table reflects all changes to the code through Ordinance 1638, passed August 10, 2015.

<b>Page</b>	<b>Revised Date</b>	<b>Page</b>	<b>Revised Date</b>
Title Page .....	9/15	<b>Chapter 05</b>	
Preface .....	—	1, 2 .....	9/15
		3 .....	1/15
<b>Amendments</b>		<b>Chapter 08</b>	
1, 2 .....	9/15	1, 2 .....	—
<b>Table of Contents</b>		3, 4 .....	8/14
i, ii .....	9/15	5 .....	1/15
iii .....	—	<b>Chapter 09</b>	
<b>Chapter 01</b>		1, 2 .....	1/15
1, 2 .....	1/15	3, 4 .....	1/15
3 .....	1/15	5, 6 .....	1/15
<b>Chapter 02</b>		<b>Chapter 10</b>	
1, 2 .....	1/15	1, 2 .....	1/15
3, 4 .....	1/15	3, 4 .....	1/15
5, 6 .....	1/15	5 .....	—
7, 8 .....	1/15	<b>Chapter 11</b>	
9, 10 .....	1/15	1, 2 .....	1/15
11, 12 .....	1/15	3, 4 .....	1/15
13, 14 .....	1/15	5 .....	1/15
15, 16 .....	8/14	<b>Chapter 12</b>	
17, 18 .....	1/15	1, 2 .....	1/15
19, 20 .....	1/15	3, 4 .....	1/15
21, 22 .....	1/15	5 .....	8/14
23, 24 .....	8/14	<b>Chapter 13</b>	
25, 26 .....	1/15	1, 2 .....	1/15
27, 28 .....	8/14	3, 4 .....	1/15
29, 30 .....	8/14	5 .....	1/15
31, 32 .....	1/15	<b>Chapter 14</b>	
33, 34 .....	1/15	1, 2 .....	—
35, 36 .....	1/15	3, 4 .....	10/11
37, 38 .....	1/15	5, 6 .....	1/15
39, 40 .....	1/15		
<b>Chapter 03</b>			
1 .....	10/11		

Page	Revised Date	Page	Revised Date
7.....	—	<b>Chapter 25</b>	
<b>Chapter 15</b>		1, 2.....	9/15
1, 2.....	—	3, 4.....	8/13
3, 4.....	10/11	5, 6.....	8/13
5, 6.....	1/15	7, 8.....	8/13
<b>Chapter 16</b>		9, 10.....	8/13
1, 2.....	—	11, 12.....	8/13
3, 4.....	10/11	13, 14.....	8/13
5, 6.....	1/15	15, 16.....	1/15
7.....	—	17, 18.....	1/15
<b>Chapter 18</b>		19, 20.....	1/15
1, 2.....	8/13	21, 22.....	8/13
3, 4.....	8/14	23, 24.....	9/15
5.....	8/13	25.....	9/15
<b>Chapter 19</b>		<b>Chapter 26</b>	
1, 2.....	8/14	1.....	8/13
3, 4.....	9/15	<b>Chapter 27</b>	
5, 6.....	8/14	1, 2.....	1/15
7.....	1/15	3, 4.....	1/15
<b>Chapter 21</b>		5, 6.....	8/14
1, 2.....	8/14	7, 8.....	8/14
3, 4.....	8/14	9, 10.....	8/14
5, 6.....	1/15	<b>Chapter 28</b>	
<b>Chapter 22</b>		1, 2.....	1/15
1, 2.....	—	3, 4.....	1/15
3, 4.....	—	5, 6.....	1/15
5, 6.....	1/15	7, 8.....	1/15
7, 8.....	1/15	9, 10.....	8/14
9, 10.....	1/15	11, 12.....	10/11
<b>Chapter 23</b>		13, 14.....	1/15
1, 2.....	—	15, 16.....	10/11
3, 4.....	1/15	17, 18.....	1/15
5.....	8/14	19, 20.....	1/15
<b>Chapter 24</b>		21.....	1/15
1, 2.....	8/14	<b>Chapter 31</b>	
3, 4.....	1/15	1.....	8/14
5, 6.....	1/15	<b>Chapter 32</b>	
7, 8.....	—	1, 2.....	8/14
9, 10.....	1/15	3, 4.....	8/14
11, 12.....	—	5, 6.....	8/14
13, 14.....	—	7, 8.....	8/14
		9, 10.....	8/14
		11, 12.....	8/14
		13, 14.....	8/14

Page	Revised Date	Page	Revised Date
15, 16 .....	1/15	3 .....	1/15
17, 18 .....	8/14		
19, 20 .....	8/14	<b>Chapter 46</b>	
21, 22 .....	8/14	1, 2 .....	1/15
23, 24 .....	1/15	3, 4 .....	1/15
25, 26 .....	8/14	5, 6 .....	1/15
27, 28 .....	8/14	7, 8 .....	8/14
29, 30 .....	8/14	9, 10 .....	8/14
31, 32 .....	8/14	11, 12 .....	9/15
		13, 14 .....	8/14
<b>Chapter 33</b>		15, 16 .....	1/15
1 .....	8/14	17, 18 .....	1/15
		19, 20 .....	10/11
<b>Chapter 34</b>		21, 22 .....	1/15
1, 2 .....	8/13		
3, 4 .....	8/13	<b>Chapter 48</b>	
		1, 2 .....	1/15
<b>Chapter 35</b>		3, 4 .....	1/15
1, 2 .....	8/14	5, 6 .....	1/15
		7, 8 .....	1/15
<b>Chapter 36</b>		9 .....	1/15
1, 2 .....	1/15		
3 .....	—	<b>Chapter 52</b>	
		1, 2 .....	8/14
<b>Chapter 37</b>		3, 4 .....	8/14
1, 2 .....	1/15	5, 6 .....	9/15
3 .....	1/15	7, 8 .....	9/15
		9, 10 .....	9/15
<b>Chapter 38</b>		11, 12 .....	8/14
1, 2 .....	1/15	13, 14 .....	8/14
3 .....	1/15	15 .....	8/14
<b>Chapter 40</b>		<b>Chapter 53</b>	
1 .....	10/11	1, 2 .....	8/13
<b>Chapter 41</b>		<b>Chapter 54</b>	
1, 2 .....	10/11	1, 2 .....	1/15
3, 4 .....	10/11	3, 4 .....	—
		5, 6 .....	1/15
<b>Chapter 42</b>			
1, 2 .....	1/15	<b>Chapter 55</b>	
		1, 2 .....	8/14
<b>Chapter 43</b>		3, 4 .....	8/14
1, 2 .....	8/14	5, 6 .....	8/14
3, 4 .....	—	7, 8 .....	8/14
		9, 10 .....	1/15
<b>Chapter 44</b>		11, 12 .....	8/13
1, 2 .....	1/15	13, 14 .....	8/13
		15, 16 .....	—

Page	Revised Date	Page	Revised Date
17, 18.....	—	<b>Chapter 65</b>	
19, 20.....	1/15	1, 2.....	—
21, 22.....	1/15	3, 4.....	8/14
23, 24.....	1/15	5, 6.....	1/15
25, 26.....	8/14	7.....	1/15
27, 28.....	1/15		
29, 30.....	1/15	<b>Chapter 66</b>	
31, 32.....	8/14	1, 2.....	—
33, 34.....	8/14	3.....	10/11
<b>Chapter 56</b>		<b>Chapter 67</b>	
1, 2.....	10/11	1, 2.....	1/15
3, 4.....	10/11		
5, 6.....	—	<b>Chapter 68</b>	
7, 8.....	—	1, 2.....	1/15
9, 10.....	1/15		
11, 12.....	8/14	<b>Chapter 75</b>	
13, 14.....	8/14	1, 2.....	8/14
15, 16.....	8/14	3, 4.....	1/15
17, 18.....	8/14	5.....	1/15
19, 20.....	1/15		
21, 22.....	8/14	<b>Chapter 80</b>	
23.....	—	1.....	—
<b>Chapter 57</b>		<b>Chapter 81</b>	
1, 2.....	10/11	1, 2.....	1/15
3, 4.....	—	3, 4.....	1/15
5, 6.....	—		
7, 8.....	10/11	<b>Chapter 85</b>	
9.....	—	1, 2.....	1/15
		3, 4.....	1/15
<b>Chapter 58</b>		5, 6.....	8/14
1, 2.....	9/15	7, 8.....	1/15
3, 4.....	10/11	9, 10.....	1/15
5, 6.....	—	11, 12.....	10/11
7, 8.....	—	13, 14.....	1/15
9, 10.....	8/14	15, 16.....	1/15
11.....	8/13	17, 18.....	8/13
		19, 20.....	—
<b>Chapter 59</b>		21, 22.....	8/13
1, 2.....	10/11	23, 24.....	1/15
3, 4.....	—	25, 26.....	1/15
5, 6.....	1/15	27, 28.....	1/15
7.....	1/15	29, 30.....	1/15
		31, 32.....	1/15
<b>Chapter 60</b>		33, 34.....	8/14
1, 2.....	1/15	35.....	1/15
3, 4.....	1/15		
5, 6.....	1/15		

Page	Revised Date	Page	Revised Date
<b>Chapter 89</b>		<b>Chapter 100</b>	
1, 2 .....	10/11	1 .....	—
3, 4 .....	—	<b>Chapter 103</b>	
5, 6 .....	—	1, 2 .....	—
7, 8 .....	—	3 .....	—
<b>Chapter 91</b>		<b>Chapter 104</b>	
1, 2 .....	—	1 .....	—
3 .....	1/15	<b>Chapter 105</b>	
<b>Chapter 92</b>		1, 2 .....	1/15
1, 2 .....	—	3 .....	8/13
3, 4 .....	—	<b>Chapter 106</b>	
5, 6 .....	1/15	1, 2 .....	1/15
<b>Chapter 96</b>		3 .....	1/15
1, 2 .....	8/13	<b>Chapter 97</b>	
3 .....	—	1, 2 .....	—
<b>Chapter 97</b>		<b>Chapter 98</b>	
1, 2 .....	—	1, 2 .....	8/14
<b>Chapter 98</b>		3, 4 .....	—
1, 2 .....	8/14	5, 6 .....	10/11
3, 4 .....	—	7, 8 .....	—
5, 6 .....	10/11	9, 10 .....	10/11
7, 8 .....	—	<b>Chapter 99</b>	
9, 10 .....	10/11	1, 2 .....	1/15
<b>Chapter 99</b>		3, 4 .....	9/15
1, 2 .....	1/15	5, 6 .....	9/15
3, 4 .....	9/15	7, 8 .....	1/15
5, 6 .....	9/15	9, 10 .....	8/14
7, 8 .....	1/15	11, 12 .....	1/15
9, 10 .....	8/14	13, 14 .....	9/15
11, 12 .....	1/15	15, 16 .....	1/15
13, 14 .....	9/15	17, 18 .....	1/15
15, 16 .....	1/15	19, 20 .....	8/14
17, 18 .....	1/15	21, 22 .....	1/15
19, 20 .....	8/14	23, 24 .....	1/15
21, 22 .....	1/15	25, 26 .....	1/15
23, 24 .....	1/15	27, 28 .....	1/15
25, 26 .....	1/15	29, 30 .....	1/15
27, 28 .....	1/15	31, 32 .....	1/15
29, 30 .....	1/15	33, 34 .....	1/15
31, 32 .....	1/15	35 .....	1/15
33, 34 .....	1/15		
35 .....	1/15		



**DIVISION 2. ZONING PROVISIONS**

**Chapter 05**

**GENERAL**

Sections:

- 05.010 PURPOSE
- 05.020 CLASSIFICATIONS OF ZONES
- 05.030 ZONING MAP
- 05.040 DETERMINATION OF ZONING BOUNDARIES
- 05.050 REVIEW OF ANNEXED LAND FOR SOLID WASTE FACILITY SITING

**05.010 PURPOSE**

The purpose of the zoning provisions of this code is: to implement the Comprehensive Plan; to provide rules, regulations, and standards governing the use of land and structures; to carry out the development pattern and plan of the City; to promote the public health, safety, and general welfare; to lessen congestion in the streets; to secure safety from fire, flood, pollution, and other dangers; to provide adequate light and air, prevent overcrowding of land, and facilitate adequate provision for transportation, water supply, sewage, and drainage; and to encourage the conservation of energy resources.

**05.020 CLASSIFICATIONS OF ZONES**

All areas within the corporate limits of the City of West Linn are hereby divided into zone districts, and the use of each tract and ownership of land within the corporate limits shall be limited to those uses permitted by the zoning classification applicable to each such tract as hereinafter designated. The zoning districts within the City of West Linn are hereby classified and designated as follows:

<b>Zoning District</b>	<b>Zone Designation</b>	<b>Dwelling Units per Net Acre</b>	<b>Lot Size per Unit in Square Feet</b>
<b>Low Density</b>			
Single-Family Residential detached	R-40	1.1	40,000
Single-Family Residential detached	R-20	2.18	20,000
Single-Family Residential detached	R-15	2.9	15,000
Single-Family Residential detached	R-10	4.35	10,000
Single-Family Residential detached	R-7	6.2	7,000
<b>Medium Density Residential</b>			
	R-5	8.7	5,000
	R-4.5	9.68	4,500

<b>Zoning District</b>	<b>Zone Designation</b>	<b>Dwelling Units per Net Acre</b>	<b>Lot Size per Unit in Square Feet</b>
Medium High Density	R-3	14.5	3,000
	R-2.1	20.74	2,100
<b>Commercial</b>			
Neighborhood Commercial	NC		
General Commercial	GC		
Office Business Center	OBC		
<b>Industrial</b>			
Campus Industrial	CI		
General Industrial	GI		
<b>Overlay Zones</b>			
Planned Unit Development	PUD		
Historic District	HD		
Historic Landmark	HL		
Flood Management Area	FMA		
Willamette River Greenway	WRG		
Tualatin River Protection	TRP		
Wetland and Riparian Area	WRA		
Willamette Falls Drive Commercial Design District	WFC		

(Ord. 1291, 1990; Ord. 1321, 1992; Ord. 1377, 1995; Ord. 1463, 2000; Ord. 1638 § 3, 2015)

### **05.030 ZONING MAP**

- A. The boundaries of each of the foregoing districts and the zoning classification and use of each tract in each of said zoning districts are hereby prescribed to coincide with the identifying zone classifications shown on the map entitled “West Linn Zoning Map,” dated with the effective date of this code and signed by the Mayor and City Recorder and hereafter referred to as the “Zoning Map,” and said map by this reference is made a part of this code. A certified print of the adopted Zoning Map or map amendments shall be maintained in the office of the Community Development Department as long as the code remains in effect.
- B. Each lot, tract, and parcel of land, or portion thereof, within the zone boundaries as designated and marked on the Zoning Map, is hereby classified, zoned, and limited to the uses as hereinafter specified and defined for the applicable zone classification.



17. Senior center.
18. Medical and dental services.
19. Parking facilities.
20. Participant sports and recreation, indoor.
21. Personal service facilities.
22. Professional and administrative services.
23. Research services.
24. Utilities, minor.
25. Cultural exhibits and library services.
26. Extended-hour businesses that do not include the construction of a new building or expansion of an existing structure.
27. Transportation facilities (Type I).
28. Lodge, fraternal, community center, and civic assembly within the commercial districts along Highway 43, Salamo Road or Blankenship Road.
29. Religious institutions within the commercial districts along Highway 43, Salamo Road, or Blankenship Road. (Ord. 1226, 1988; Ord. 1411, 1998; Ord. 1590 § 1, 2009; Ord. 1622 § 23, 2014)

#### **19.040 ACCESSORY USES**

*Repealed by Ord. 1622.*

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

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

1. Single-family residential unit and attached single-family units above a permitted use or a commercial use or place of assembly authorized as a conditional use (e.g., children's day care center, superstore, amusement enterprise, transient lodging, religious institution, school, lodge or community center), and multiple-family units: as a mixed use in conjunction with commercial development, only above the first floor of the structure, except in the Willamette Falls Drive Commercial Design District where dwellings may also occupy a portion of the ground floor pursuant to CDC 58.050.
2. Animal sales and services: kennels, as prescribed with no exterior runs or storage.

3. Animal sales and services: veterinary (small animals), as prescribed with no exterior runs or storage.
4. Signs, subject to the provisions of Chapter 52 CDC.
5. Temporary use, subject to the provisions of Chapter 35 CDC.
6. Home occupations, subject to the provisions of Chapter 37 CDC.
7. Wireless communication facilities, subject to the provisions of Chapter 57 CDC. (Ord. 1192, 1987; Ord. 1385, 1996; Ord. 1565, 2008; Ord. 1613 § 3, 2013; Ord. 1638 § 3, 2015)

### **19.060      CONDITIONAL USES**

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

1. Children's day care center.
2. Automotive and equipment:
  - a. Cleaning.
  - b. Repairs, heavy equipment.
  - c. Repairs, light equipment.
  - d. Sales/rentals, heavy equipment.
  - e. Sales/rentals, light equipment.
  - f. Storage, recreation vehicles and boats.
3. Construction, sales and services.
4. Heliports.
5. Hospitals.
6. Light industrial, manufactured.
7. Light industrial, finished products.
8. Spectator sports facilities.
9. Vehicle fuel sales.

**Chapter 25****OVERLAY ZONES – HISTORIC DISTRICT**

## Sections:

- 25.010 PURPOSES
- 25.020 USE OF THIS CHAPTER
- 25.030 PERMITTED USES
- 25.040 HISTORIC DESIGN REVIEW PROCESSES
- 25.050 APPLICATION REQUIREMENTS
- 25.060 DESIGN STANDARDS APPLICABLE TO HISTORIC RESOURCES
- 25.070 ADDITIONAL STANDARDS APPLICABLE TO HISTORIC DISTRICTS
- 25.080 MODIFICATIONS TO DESIGN STANDARDS
- 25.090 DESIGNATION OF A HISTORIC RESOURCE
- 25.100 REMOVAL OF HISTORIC RESOURCE DESIGNATION
- 25.110 RELOCATION OF A HISTORIC RESOURCE
- 25.120 DEMOLITION OF A HISTORIC RESOURCE
- 25.130 DEMOLITION BY NEGLECT
- 25.140 HISTORIC RESOURCE MAP

**25.010 PURPOSES**

The purposes of this chapter are to:

- A. Foster community and neighborhood pride and sense of community identity based on recognition and use of historic and cultural resources.
- B. Identify and protect the City's historic resources (see Chapter 2 CDC, Definitions), including the diverse architectural styles that reflect the phases of the City's history.
- C. Encourage preservation and use of historic sites, structures, and districts within the City that reflect special elements of its historical, architectural, archaeological, artistic, cultural, and engineering heritage.
- D. Provide procedures and establish approval criteria for all reviews of proposed alterations to the exterior of historic structures and sites and other development in historic districts.
- E. Increase economic and financial benefits to historic property owners and the community.
- F. Ensure that changes to designated historic resources protect the integrity of the resource and the significant aspects of the area's heritage.
- G. Provide regulations that will ensure the preservation of the quality and historic integrity of historic resources and their site and, if applicable, ensure compatibility and consistency with the qualities of the respective historic district its nomination was intended to preserve.

- H. Provide for creation of new historic districts and designation of new landmarks, as appropriate, and to allow removal of such designations if they are no longer appropriate.
- I. Provide a process to enable thoughtful consideration of the proposed demolition of historic structures. (Ord. 1614 § 6, 2013)

### **25.020 USE OF THIS CHAPTER**

- A. Applicability. This chapter shall apply to all properties designated as historic resources as shown on the City’s zoning map and properties listed on the National Register. Specific sections apply as noted in subsections B and C of this section.
- B. Hierarchy of regulation. The provisions of this chapter shall supersede any conflicting standards or criteria elsewhere in the CDC. The underlying zoning provisions for the applicable zone still apply.
  - 1. Exemptions. The items listed in CDC 25.040(A), Exemptions from historic design review, are exempt from historic review provided that they comply with any applicable requirements in CDC 25.040(A).
  - 2. Design standards. CDC 25.060, Design standards applicable to historic resources, applies to historic reviews for designated properties, except for CDC 25.060(B), Standards for accessory structures, which applies only to accessory structures on sites containing historic resources.
  - 3. Additional design standards. CDC 25.070, Additional design standards applicable to historic districts, provides additional standards that are applicable to historic design review for historic district properties.
    - a. CDC 25.070(A), Standards for alterations and additions, applies only to historic design review in a historic district.
    - b. CDC 25.070(B), Standards for new construction, applies only to new development or construction in a historic district beyond alterations and additions, and including accessory structures.
    - c. CDC 25.070(C), Willamette Historic District general standards, applies only to alterations and additions, new construction, and accessory structure construction in the Willamette Historic District.
- C. Applicability of historic design standards. Development subject to this chapter must comply with applicable historic design review standards unless otherwise approved through the modifications process under CDC 25.080. The “X” in the following chart indicates which standards are applicable to different types of development.

- d. No practicable alternative exists to rehabilitate and reuse the designated resource in its present location.
  2. Non-contributing or not in period primary structure, accessory structure. An application for the demolition of a non-contributing or not in period primary structure or an accessory structure shall be approved if it is determined that the property does not have historic significance based on its architectural style, construction method or materials, or other pertinent factors as determined by the approval authority.
- B. Issuance of permits. A demolition permit for a historic resource shall not be issued prior to historic design review and any other required approval of plans for the site, if applicable, or the submittal of building plans for a permit for the site. (Ord. 1614 § 6, 2013)

### **25.130 DEMOLITION BY NEGLECT**

All properties designated as historic resources shall comply with this section.

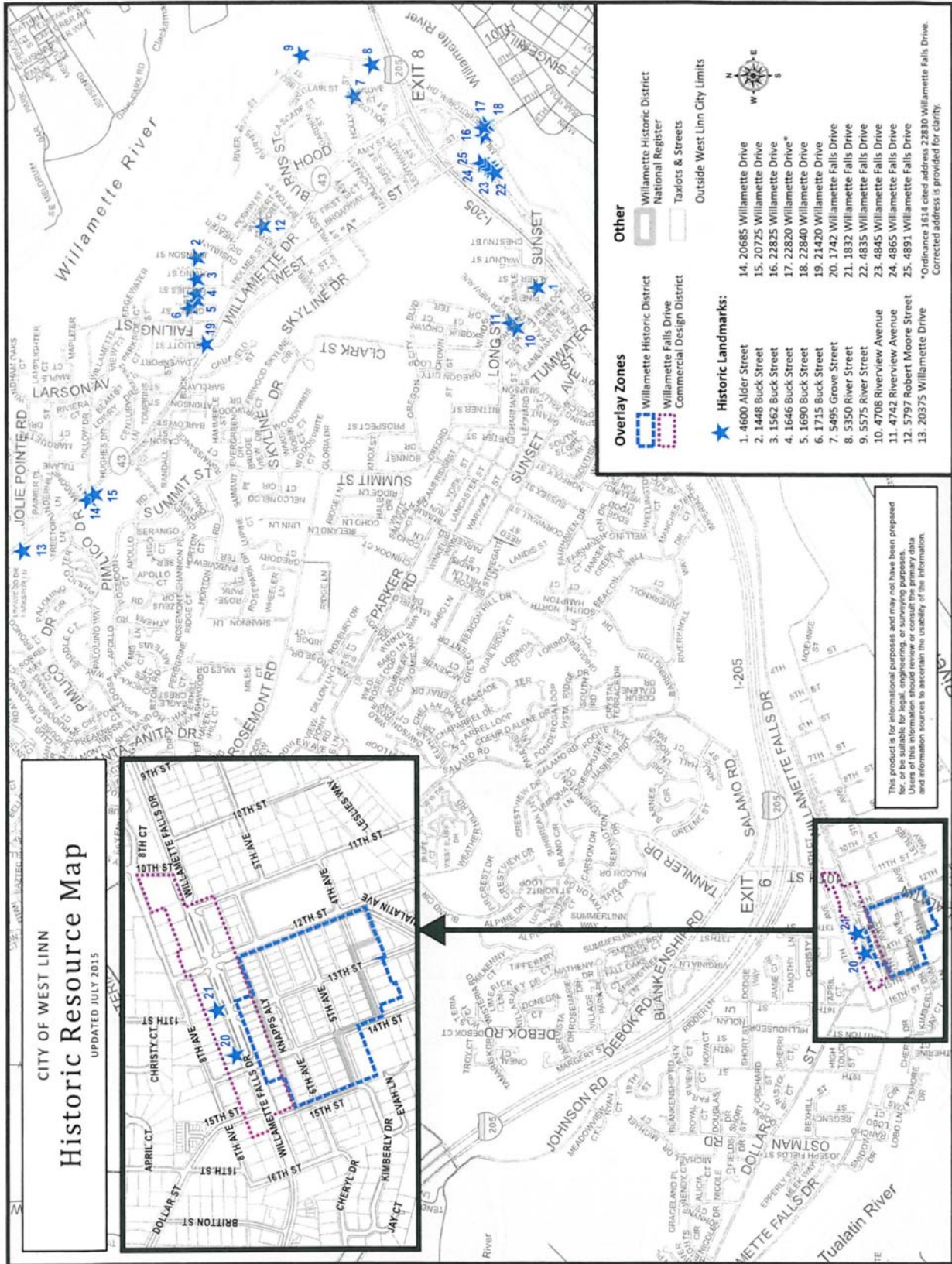
- A. Criteria for determination of demolition by neglect. If one or more of the following is promoted, allowed to occur, or exist in a historic resource, the property is determined to meet the criteria for demolition by neglect and enforcement action to remedy the applicable criteria may be taken pursuant to Chapter 106 CDC, Enforcement:
1. Structural integrity. Faults, defects, or other conditions which render the structure or resource structurally unsafe or not properly watertight.
  2. Walls and other support members.
    - a. Walls or support members that are deteriorated due to failure to paint or otherwise maintain the structure or resource;
    - b. Members of walls, or other vertical supports that split, lean, list or buckle due to defective material or deterioration; and/or
    - c. Members of walls, or other vertical supports that are insufficient to carry imposed loads with safety.
  3. Windows and doors. Failure to keep windows and doors secured in a manner that prevents entry by unauthorized persons.
  4. Security.
    - a. Failure to maintain parts of the resource so they are securely attached and will not fall or injure persons or property.
    - b. Failure to secure the resource from vandals, animals, or pests.

- c. Failure to prevent infiltration of water through inadequate gutters, landscaping or other site features.
  5. Foundation. Deteriorated or inadequate foundation.
  6. Floor supports. Deteriorated floor supports or floor supports that are insufficient to carry imposed loads with safety.
  7. Ceiling and roof supports.
    - a. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that sag, split, or buckle due to defective material or deterioration.
    - b. Members of ceilings, roofs, or their supports, or other horizontal members that are insufficient to carry imposed loads with safety.
  8. Fireplaces or chimneys. Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration.
- B. Abatement. Nothing in this section shall prevent the abatement of the unsafe or dangerous condition of a historic resource that constitutes an imminent and serious threat to public safety. If a historic resource is destroyed, it may be rebuilt on the original building footprint. (Ord. 1614 § 6, 2013)

#### **25.140 HISTORIC RESOURCE MAP**

The Historic Resource Map, shown in Figure 1 below, identifies the Willamette Historic District, as shown on the Zoning Map; the Willamette Falls Drive Commercial Design District, as identified in CDC 58.030(C); and the historic landmarks identified on the Zoning Map.

FIGURE 1



(Ord. 1638 § 1, 2015)





**46.130 OFF-STREET LOADING SPACES**

Buildings or structures to be built or substantially altered, which receive and distribute material or merchandise by truck, shall provide and maintain off-street loading and maneuvering space. The dimensional standard for loading spaces is a minimum of 14 feet wide by 20 feet long or proportionate to accommodate the size of delivery trucks that typically serve the proposed use as follows:

<b>Land Use</b>	<b>Gross Floor Area</b>	
	<b>At Which First Berth Is Required</b>	<b>At Which Second Berth Is Required</b>
<u>Industrial:</u>		
Manufacturing	5,000 sq. ft.	40,000 sq. ft.
Warehouse	5,000	40,000
Storage	10,000	100,000
<u>Commercial:</u>		
Wholesale	10,000	40,000
Retail	10,000	20,000
Service establishments	10,000	40,000
Comm. recreational (incl. bowling alley)	10,000	100,000
Restaurants	5,000	25,000
Laundry	10,000	25,000
Office building	10,000	100,000
Hotel	10,000	100,000
<u>Institutional:</u>		
Schools	10,000	100,000
Hospitals	10,000	100,000
Other care facilities	10,000	100,000
<u>Public buildings:</u>		
Terminals	5,000	40,000
Auditoriums	10,000	100,000

<b>Land Use</b>	<b>Gross Floor Area</b>	
	<b>At Which First Berth Is Required</b>	<b>At Which Second Berth Is Required</b>
Arenas	10,000	100,000
Funeral homes	10,000	100,000

#### **46.140 EXEMPTIONS TO PARKING REQUIREMENTS**

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

#### **46.150 DESIGN AND STANDARDS**

The following standards apply to the design and improvement of areas used for vehicle parking, storage, loading, and circulation:

##### **A. Design standards.**

1. “One standard parking space” means a minimum for a parking stall of eight feet in width and 16 feet in length. These stalls shall be identified as “compact.” To accommodate larger cars, 50 percent of the required parking spaces shall have a minimum dimension of nine feet in width and 18 feet in length (nine feet by 18 feet). When multi-family parking stalls back onto a main driveway, the stalls shall be nine feet by 20 feet. Parking for development in water resource areas may have 100 percent compact spaces.
2. Disabled parking and maneuvering spaces shall be consistent with current federal dimensional standards and subsection B of this section and placed nearest to accessible building entryways and ramps.
3. *Repealed by Ord. 1622.*
4. Service drives shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and maximum safety of pedestrians and vehicular traffic on the site.
5. Each parking and/or loading space shall have clear access, whereby the relocation of other vehicles to utilize the parking space is not required.
6. Except for single- and two-family residences, any area intended to be used to meet the off-street parking requirements as contained in this chapter shall have all parking spaces clearly marked using a permanent paint. All interior drives and access aisles shall be clearly marked and signed to show direction of flow and maintain vehicular

- 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.
- E. Signs that are oriented toward spectators at athletic fields or the interior of community recreation facilities are exempt; provided, that signs that are incidentally visible from the public right-of-way shall be no larger than 32 square feet in size. The signs shall be the same height, and the top of the signs shall be aligned horizontally to form a banner like appearance; the back side of such signs visible from the right-of-way shall be a uniform white, black, or earth tone color.
- F. A-Frame Signs.
1. Signs in the Willamette Falls Drive Commercial Design District shall comply with standards in CDC 52.210(K).

2. All other A-frame signs for businesses are subject to the following standards:
  - a. The business is located in the General Commercial (GC) zoning district;
  - b. The sign is professionally manufactured, maintained and in good repair. No attachments to the sign are permitted;
  - c. No part of the sign may exceed 32 inches in width and 36 inches in height;
  - d. The sign shall only be displayed during times that the business is open to the public;
  - e. The location of the sign must maintain four feet of unobstructed sidewalk width per CDC 53.030(A);
  - f. One A-frame sign is permitted per business; and
  - g. The sign must be located within 25 feet of an entrance to business being advertised. (Ord. 1276, 1990; Ord. 1378, 1995; Ord. 1514, 2005; Ord. 1539, 2006; Ord. 1599 § 3, 2011; Ord. 1613 § 7, 2013; Ord. 1622 § 22, 2014; Ord. 1638 § 3, 2015)

#### **52.110 VARIANCES**

- A. Sign height and sign area variances shall be a Class II variance, and shall be reviewed pursuant to the provisions of subsection C of this section and Chapter 75 CDC.
- B. All other sign variances shall be treated as Class I variance, and shall be reviewed pursuant to the provisions of subsection C of this section and CDC 75.050.
- C. The granting authority may grant a variance from the requirements of this chapter if it is established that:
  1. The architectural design of a building, the location of a building site or location of building thereon, or some other circumstance relating to the sign proposal, is unusual or unique and that, because of this, a hardship will be created in that the applicant will be denied an opportunity to identify their business or location relatively equal to the opportunity accorded other members of the community not burdened with such unusual or unique architectural design, building site, or other circumstance;
  2. The design is consistent with the request and will not be injurious to the neighborhood in which the property is located or to property established to be affected by the request; and
  3. The request is the minimum variance necessary to provide reasonable signage for the property affected. (Ord. 1276, 1990)

**52.200 PROHIBITED SIGNS**

The following signs are prohibited:

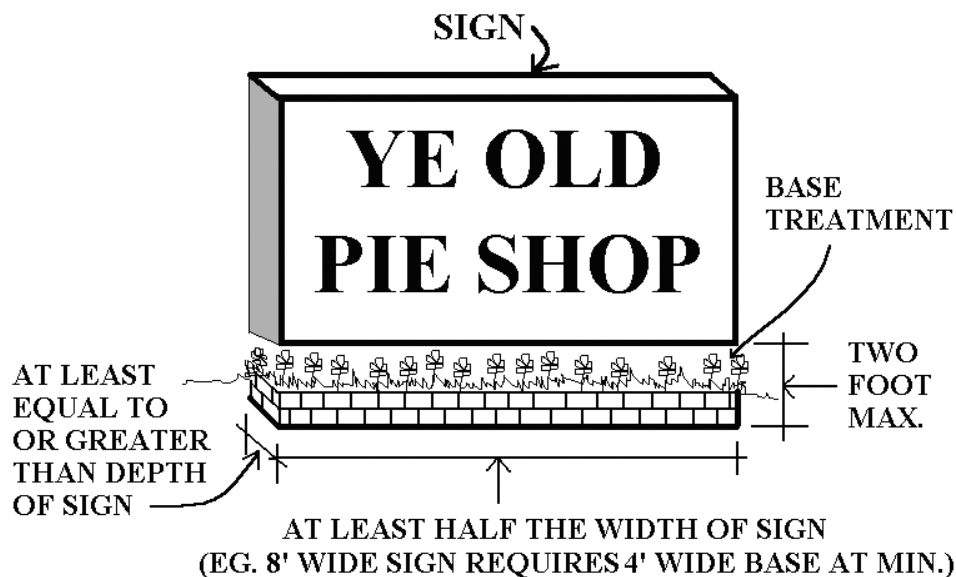
- A. Signs in right-of-way. Signs shall not be located in or extended onto public rights-of-way. Traffic control signs and devices installed by the governmental entity responsible for the right-of-way and City signs are exempt from this prohibition.
- B. Mobile or portable signs. Mobile or portable signs are prohibited, except as specifically authorized by this chapter.
- C. Signs on roofs or above eaves. Signs mounted on roofs or that project above eaves or parapet walls of a building are prohibited.
- D. Traffic safety risks. Signs that imitate an official traffic sign or signal are prohibited in locations where they create a risk that they may be perceived as actual traffic signs or signals.
- E. Signs that obstruct passage. Signs may not be placed in locations where they may obstruct or substantially limit emergency egress from a building or may obstruct or substantially limit passage to or through any exit, door or window that may be used in case of fire or emergency.
- F. Noise-emitting signs. Signs that emit sounds audible from within a vehicle are prohibited as traffic safety risks.
- G. Moving devices. Signs that contain or consist of banners, posters, pennants, ribbons, streamers, balloons, strings of light bulbs, or spinners or other similar moving devices are prohibited, except as specifically permitted on temporary signs.
- H. Signs with movement. Signs that have blinking, flashing, or fluttering lights, reflectors, or other illuminating devices that have a changing light intensity, brightness, or color, other than permitted electronic changeable copy signs, are prohibited.
- I. Beacon lights. Beacon lights are prohibited. (Ord. 1539, 2006)

**52.210 APPROVAL STANDARDS**

All signs shall meet the following standards:

- A. The scale of the sign and its components shall be appropriate for its location and consistent with the applicable design standards.
- B. The size, location, or manner of illumination shall not create a traffic hazard and shall not hide from view any traffic or street sign or signal.
- C. The sign shall be located in compliance with Chapter 42 CDC, Clear Vision Area.

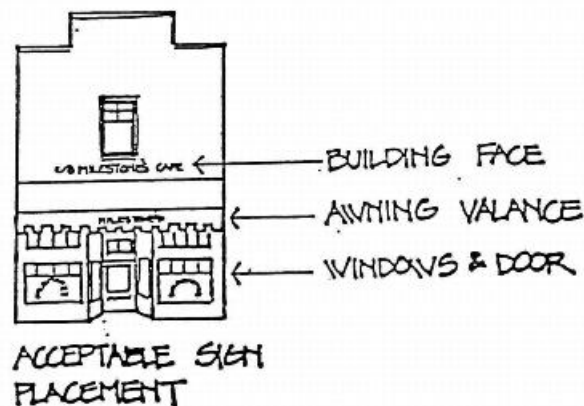
- D. Signs and sign structures located over vehicular driveways and pedestrian walkways shall allow at least 15 feet of clearance over driveways and eight feet of clearance over walkways.
- E. The light from any illuminated sign shall be shaded, fully shielded such that no light is emitted above the horizontal plane, and directed or reduced so that glare is minimized.
- F. Signs shall be located to preserve existing trees, topography and natural drainage, to the extent possible consistent with the installation of the sign.
- G. All permanent signs shall be located within a landscaped area or installed on a wood, stone, or other base structure that meets the following standards:
1. Signs shall be installed on a base with a maximum height of two feet, a minimum width at least one-half as wide as the sign face, and a depth equal to or greater than the depth of the sign.
  2. In the event a sign is erected on a multiple-pole or piling structure, the base required by subsection (G)(1) of this section shall be apportioned among each of the upright members.
  3. Any wood used in a base shall be treated against water damage and insect assault.



- H. Manual changeable copy signs shall be designed to minimize the opportunity for unauthorized personnel to change the sign copy.
- I. Electronic changeable copy signs are permitted in business centers only, either as separate signs or as part of a larger sign. The approval authority may impose conditions of approval regarding the frequency of copy change, the hours of operation, and the methods by which

the message is changed in order to assure compliance with the standards of this section and this chapter. Electronic changeable copy signs are subject to the following requirements:

1. The sign face for the electronic changeable copy sign or portion of a sign may not exceed 24 square feet; provided, however, that electronic changeable copy signs with greater than 24 square feet may be approved through the conditional use process.
  2. The design and placement of the sign shall not adversely affect vehicular and pedestrian safety.
  3. The sign shall comply with all other requirements of this chapter.
- J. Where both sides of a sign may be viewed from a right-of-way, the signs shall be double-faced.
- K. Signs in the Willamette Falls Drive Commercial Design District.
1. Signs shall not exceed 10 percent of the square footage of the front elevation. The calculation of allowable signage is explained in CDC 52.300. The sign(s) shall be proportionate to buildings and signs on adjacent buildings. The “10 percent” shall be broken up into multiple signs. The sign(s) shall be mounted or painted on the second floor, on the valance of the awning, on the windows at pedestrian level, or on four-by-four awning posts. Signs shall not be of the internally lit can type or channel light type. No backlit awnings are allowed. Illumination by spotlight is permitted. Neon signs are permitted only inside the windows. No flashing signs are allowed. By temporary sign permit only, neon colored lettering or designs painted on windows or on paper or banners in the windows are allowed, but discouraged. Small signs or plaques which describe the building in a historical sense are exempt from the allowable square footage restrictions.



2. Sign type face. Antique lettering as shown in the illustration is required. Variations are permitted where the lettering would not clash with the predominant font or style. “Gay Nineties” or “P.T. Barnum” type styles and other exaggerated styles are discouraged.

Lettering may be horizontal, vertical, or slanting up from lower left to upper right. Semi-circle designs on windows are permitted. Window lettering should be white, black, or gold with black shading.

**BROKER SHADED**

Caslon Antique

**Antique Bold**

**BETON OPEN**

*Century Shaded*

**ENGRAVERS**

3. Temporary signs. Temporary A-frame signs are allowed without a permit; however, they shall be designed to be consistent with the sign and type face provisions. (Ord. 1539, 2006; Ord. 1604 § 48, 2011; Ord. 1613 § 8, 2013; Ord. 1622 § 22, 2014; Ord. 1638 § 3, 2015)



**DIVISION 6. WILLAMETTE FALLS DRIVE COMMERCIAL  
DESIGN DISTRICT****Chapter 58****WILLAMETTE FALLS DRIVE COMMERCIAL DESIGN DISTRICT**

## Sections:

- 58.010 PURPOSE
- 58.020 IMPLEMENTATION
- 58.030 APPLICABILITY
- 58.040 EXEMPTIONS
- 58.050 PERMITTED USES
- 58.060 *REPEALED*
- 58.065 *REPEALED*
- 58.070 APPLICATION AND SUBMITTAL REQUIREMENTS
- 58.080 FEES
- 58.090 STANDARDS
- 58.100 VARIANCE PROCEDURES
- 58.110 EXPIRATION OR EXTENSION OF APPROVAL

**58.010 PURPOSE**

- A. Implement the goals and policies of the economic element of the Comprehensive Plan relating to the rehabilitation and revitalization of the Willamette Commercial District.
- B. Enhance the historic and aesthetic quality of the Commercial District.
- C. Increase the attractiveness of the commercial areas to tourists, customers, tenants, business owners, and City residents.
- D. Reinforce the commitment to existing commercial buildings of the 1880 – 1915 period and complement the adjacent residential historic district.
- E. Encourage a sense of historic identity for the Willamette area and West Linn as a whole.

**58.020 IMPLEMENTATION**

The intent and purpose of this chapter shall be carried out by establishing architectural standards of the 1880 – 1915 period which shall be used in new commercial construction and remodels.

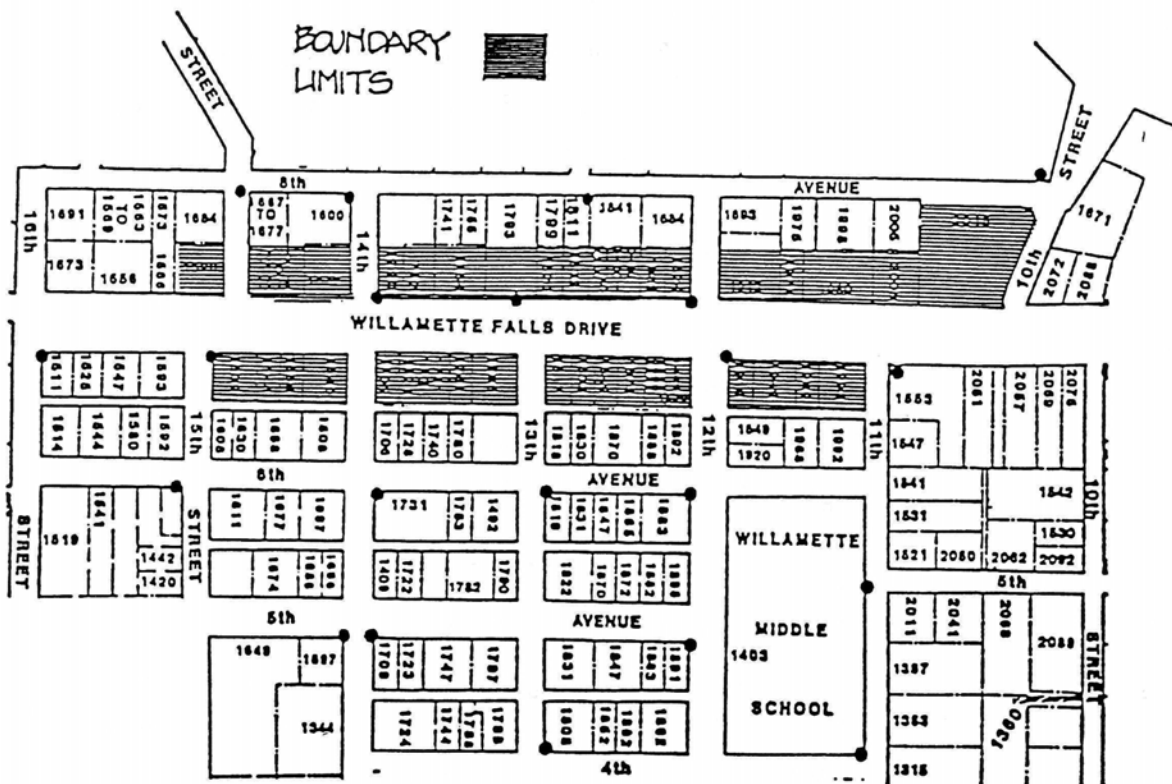
**58.030 APPLICABILITY**

- A. The provisions of this chapter shall apply to all new commercial construction, restorations, and remodels on Willamette Falls Drive between 10th and 15th Streets. Properties that are historic resources shall comply with the provisions of Chapter 25 CDC, as applicable. “Restorations” shall be defined as all exterior repairs, replacement of materials, alterations

or changes, including reroofing, painting, window and sign replacement, etc. Failure to obtain a permit shall constitute a Class A violation pursuant to CDC 106.050.

- B. Commercial structures that are also within the historic district as defined in CDC 25.030(A) are required to meet the provisions of Chapter 25 CDC in addition to the provisions of this chapter.
- C. Boundary limits. The affected area shall be as delineated in Figure 1, below. Generally, the area is along Willamette Falls Drive between 10th Street and 15th Street.

Figure 1



(Ord. 1350, 1993; Ord. 1614 § 10, 2013; Ord. 1621 § 25, 2014)

**58.040 EXEMPTIONS**

Remodels to exclusive single-family residential homes are exempt from the provisions of this chapter. Single-family homes that are used for businesses or home occupations are not exempt. Repainting any structure requires review and is not exempt. All exemptions must be approved by the Planning Director.

**58.050 PERMITTED USES**

All uses permitted by the underlying General Commercial zone shall be allowed pursuant to CDC 19.030, 19.040, 19.050, and 19.060 and shall require the application of the standards of this chapter. Residential use of the second floor and the rear portion only of the ground floor,

- h. Demolition of a historic resource;
  - i. Relocation of a historic resource;
  - j. New construction or remodels in the Willamette Falls Drive Commercial Design District, except as provided for in subsection (B)(2)(h) of this section;
  - k. Minor partitions;
  - l. Land divisions;
  - m. Enlargement of non-conforming uses or alteration of a structure containing a non-conforming use;
  - n. Planned unit developments;
  - o. Variances;
  - p. Development subject to Chapter 32 CDC, Water Resource Area Protection;
  - q. Development subject to Chapter 27 CDC, Flood Management Areas;
  - r. Development subject to Chapter 28 CDC, Willamette and Tualatin River Protection; and
  - s. Right-of-way and easement vacations.
2. Subject to subsection (B)(3) of this section, the following applications are exempt from subsection (B)(1) of this section, pre-application conference requirement:
- a. Signs;
  - b. Home occupations;
  - c. Temporary use permits;
  - d. Sidewalk uses;
  - e. Final plats;
  - f. Property line adjustments;
  - g. Re-vegetation plans;
  - h. Painting, signage, awnings, or architectural in-kind replacements in the Willamette Falls Drive Commercial Design District; and

- i. Appeals of land use decisions.
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 subsection (B)(1) of this section 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., e-mail or letter) to the Planning Commission and applicable neighborhood association.
5. At such conference, the Planning Director or designee shall:
  - a. Cite the Comprehensive Plan 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;
  - 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.
6. 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.
7. 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.
8. 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.

9. 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.

C. The requirements for making an application.

1. The application shall be made on forms provided by the Director as provided by CDC 99.040(A)(1);
2. The application shall be complete and shall contain the information requested on the form, shall address the appropriate submittal requirements and approval criteria in sufficient detail for review and action, and shall be accompanied by the deposit or fee required by CDC 99.033. No application will be accepted if not accompanied by the required fee or deposit. In the event an additional deposit is required by CDC 99.033 and not provided within the time required, the application shall be rejected without further processing or deliberation and all application materials shall be returned to the applicant, notwithstanding any determination of completeness. (Ord. 1527, 2005; Ord. 1568, 2008; Ord. 1590 § 1, 2009; Ord. 1599 § 6, 2011; Ord. 1614 § 14, 2013; Ord. 1622 § 30, 2014; Ord. 1635 § 36, 2014; Ord. 1636 § 60, 2014; Ord. 1638 § 3, 2015)

**99.033 FEES**

The Council shall adopt a schedule of fees reasonably calculated to defray the expenses of the administrative process. The Council may establish either a set fee or a deposit system in which the applicant pays a deposit and the City determines the total administrative cost at the end of the process and refunds any unused amount of the deposit to the applicant. No additional deposit shall be required for additional costs that are incurred because the matter is referred to or called up by a higher decision-making authority. The Council shall charge no fees for City-initiated land use applications or appeals filed by a recognized neighborhood association pursuant to the provisions of CDC 99.240. (Ord. 1527, 2005; Ord. 1568, 2008; Ord. 1604 § 70, 2011)

**99.035 ADDITIONAL INFORMATION REQUIRED, WAIVER OF REQUIREMENTS AND REPORT REQUIRED**

- A. The Planning Director may require information in addition to that required by a specific chapter in the Community Development Code; provided, that:
  1. The chapter expressly authorizes that additional information may be required;
  2. The information is needed to properly evaluate the proposed site plan or proposal; and
  3. The need can be justified on the basis of a special or unforeseen circumstance.
- B. The Planning Director may waive a specific requirement for information or a requirement to address a certain approval standard subject to the provisions of subsection C of this section provided:

1. The Planning Director finds that specific information is not necessary to properly evaluate the application; or
  2. The Planning Director finds that a specific approval standard is not applicable to the application.
- C. Where a requirement is waived, the Planning Director shall cite in the staff report on the application the specific requirements waived and the reasons for the waiver. The decision of the Planning Director to waive the requirement is subject to review and denial by the approval authority or the appeal authority. (Ord. 1568, 2008)

### **99.038 NEIGHBORHOOD CONTACT REQUIRED FOR CERTAIN APPLICATIONS**

Prior to submittal of an application for any subdivision, conditional use permit, multi-family project, planned unit development of four or more lots, non-residential buildings over 1,500 square feet, or a zone change that requires a Comprehensive Plan amendment, the applicant shall contact and discuss the proposed development with any affected neighborhood as provided in this section. Although not required for other or smaller projects, contact with neighbors is highly recommended. The Planning Director may require neighborhood contact pursuant to this section prior to the filing of an application for any other development permit if the Director deems neighborhood contact to be beneficial.

- A. Purpose. The purpose of neighborhood contact is to identify potential issues or conflicts regarding a proposed application so that they may be addressed prior to filing. This contact is intended to result in a better application and to expedite and lessen the expense of the review process by avoiding needless delays, appeals, remands, or denials. The City expects an applicant to take the reasonable concerns and recommendations of the neighborhood into consideration when preparing an application. The City expects the neighborhood association to work with the applicant to provide such input.
- B. The applicant shall contact by letter all recognized neighborhood associations whose boundaries contain all or part of the site of the proposed development and all property owners within 500 feet of the site.
- C. The letter shall be sent to the president of the neighborhood association, and to one designee as submitted to the City by the neighborhood association, and shall be sent by regular mail to the other officers of the association and the property owners within 500 feet. If another neighborhood association boundary is located within the 500-foot notice radius, the letter shall be sent to that association's president, and to one designee as submitted to the City by the neighborhood association as well. The letter shall briefly describe the nature and location of the proposed development, and invite the association and interested persons to a meeting to discuss the proposal in more detail. The meeting shall be scheduled at the association's regularly scheduled monthly meeting, or at another time at the discretion of the association, and not less than 20 days from the date of mailing of the notice. If the meeting is scheduled as part of the association's regular monthly meeting, the letter shall explain that the proposal may not be the only topic of discussion on the meeting agenda. The letter

- e. An extension of an approval when the Historic Review Board acted as the initial decision-making authority.
  2. Make recommendations to the approval authority specified in this section regarding the following:
    - a. Designation of a historic resource;
    - b. Removal of historic resource designation;
    - c. Class I or Class II design review on a property within the Willamette Falls Drive Commercial Design District that is not a historic landmark or within the Willamette Historic District;
    - d. New construction within the Willamette Falls Drive Commercial Design District that is not a historic landmark or within the Willamette Historic District;
    - e. A partition or subdivision of property containing a historic resource;
    - f. Conditional use of property containing a historic resource.
- E. Expedited land divisions. Expedited land divisions shall be processed by the Planning Commission without a public hearing pursuant to Oregon Revised Statutes (ORS) 197.360 through 197.380. Pursuant to ORS 197.360(3), the following City permits may be processed concurrently with an expedited land division application:
  1. Pursuant to ORS 197.360(3), the following City permits may be processed concurrently with an expedited land division application:
    - a. Planned unit development.
    - b. Willamette River Greenway.
    - c. Flood management area.
    - d. Tualatin River.
    - e. Water resource area.
    - f. Design review.
  2. The Planning Commission shall make their decision based solely upon the record and staff recommendation.
  3. Appeals of the Planning Commission decision on an expedited land division shall be review pursuant to Chapter 197 ORS. (Ord. 1442, 1999; Ord. 1463, 2000; Ord. 1474,

2001; Ord. 1510, 2004; Ord. 1525, 2005; Ord. 1545, 2007; Ord. 1547, 2007; Ord. 1565, 2008; Ord. 1568, 2008; Ord. 1589 § 1 (Exh. A), 2010; Ord. 1597 §§ 17, 18, 2010; Ord. 1613 § 24, 2013; Ord. 1614 § 15, 2013; Ord. 1622 §§ 9, 28, 2014; Ord. 1635 § 38, 2014; Ord. 1638 § 3, 2015)

### **99.070 CONSOLIDATION OF PROCEEDINGS**

- A. When an applicant requests more than one approval, and more than one approval authority is required to decide the applications, the proceedings shall be consolidated so that one approval authority shall decide all applications in one proceeding. In such cases, the hearings shall be held by the approval authority having original jurisdiction over one of the applications under CDC 99.060, in the following order of preference: City Council, Planning Commission or Historic Review Board, or the Planning Director.
1. However, expedited land division applications shall be processed as described in Chapter 197 ORS, regardless of the number of approvals requested.
- B. When an applicant requests to undertake preliminary work, for site preparation or analysis, the Director may allow decisions within the Director's authority to precede the subsequent decision required for review by the decision-making body. (Ord. 1474, 2001; Ord. 1568, 2008; Ord. 1635 § 39, 2014)

### **99.080 NOTICE**

Notice shall be given in the following ways:

- A. Class A Notice. Notice of proposed action or a development application pursuant to CDC 99.060 shall be given by the Director in the following manner:
1. At least 20 days prior to the scheduled hearing date notice shall be sent by mail to:
    - a. The applicant or the applicant's agent, and the property owner of record on the most recent property tax assessment roll where such property is located.
    - b. All property owners of record on the most recent property tax assessment roll where such property is located within 500 feet of the site.
    - c. Any affected governmental agency which has entered into an intergovernmental agreement with the City which includes provision for such notice; plus, where applicable, the Oregon Department of Transportation, Tri-Met, neighboring local jurisdictions, Clackamas County Department of Transportation and Development, and Metro.
    - d. The affected recognized neighborhood association or citizens advisory committee.
    - e. For a hearing on appeal or review, all parties and persons with standing described in CDC 99.140 to an appeal or petition for review.