

ORDINANCE NO. 1660

**AN ORDINANCE RELATING TO THE AMENDMENT OF WEST LINN COMMUNITY DEVELOPMENT CODE SECTION 21.030(10) TO ALLOW OUTDOOR RECREATION AS A FORM OF PERMITTED USE IN THE OFFICE BUSINESS CENTER (OBC) ZONE ONLY ON THE PROPERTY LOCATED AT 2445 TANNER DRIVE, WEST LINN FOR PURPOSES OF A CITY PARK AND DECLARING AN EMERGENCY**

Annotated to show ~~deletions~~ and additions to the code sections being modified. Deletions are ~~bold lined through~~ and additions are bold underlined.

**WHEREAS**, Chapter II, Section 4, of the West Linn City Charter provides:

Powers of the City. The City shall have all powers which the Constitution, statutes and common law of the United States and of this State now or hereafter expressly or implied grant or allow the City, as fully as though this Charter specifically enumerated each of those powers;

**WHEREAS**, in 2009 at the direction of City Council, the City agreed to take title to approximately 14 acres, otherwise known as Tax Lots 21E 35D 0704 and 21E 35D 0700; and

**WHEREAS**, in 2016 at the direction of City Council, the City agreed to take title to approximately 6 acres, otherwise known as Tax Lot 21E 35D 0703, and completed the transfer of the three White Oak Savanna properties; and

**WHEREAS**, by Resolution No 2017-04, the City Council designated the property as City-owned White Oak Savanna Park in accordance with the West Linn Charter and further directed staff to amend the Community Development Code to allow outdoor recreation as a form of permitted recreation in the Office Business Center (OBC) Zone only for this site; and

**WHEREAS**, The White Oak Savanna Park is now complete and consists of approximately 20 acres of park land; and

**WHEREAS**, the City is moving forward with the plans for construction of the nature play area at The White Oak Savanna Park; and

**WHEREAS**, the Parks and Recreation Department indicates that the park will closely align with the definition of a “special use area” as defined by the 2007 Parks, Recreation and Open Space Plan; and

**WHEREAS**, adding that use to Community Development Code Section 21.030 implements the City’s Council’s direction that the property be used for outdoor recreation;

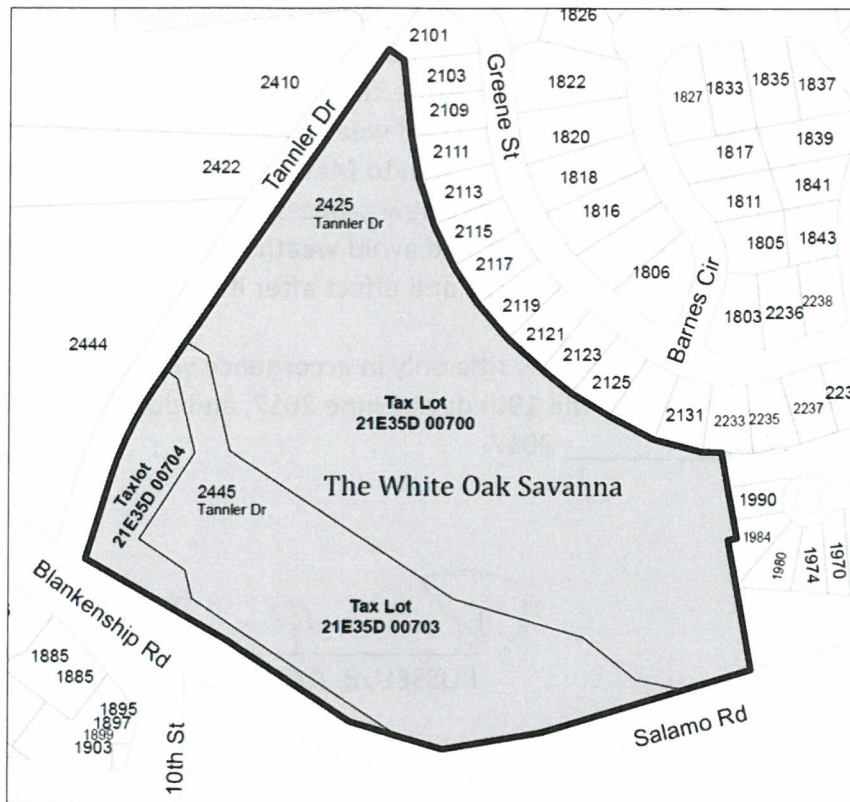
**NOW, THEREFORE, THE CITY OF WEST LINN ORDAINS AS FOLLOWS:**

**SECTION 1. Amendment.** West Linn Community Development Code Section 21.030, Permitted Uses, is amended to read as follows:

***21.030 PERMITTED USES***

The following uses are permitted outright in this zone:

1. Business equipment sales and services.
2. Business support services.
3. Communications services.
4. Cultural exhibits and library services.
5. Family day care.
6. Financial, insurance and real estate services.
7. Hotel/motel, including those operating as extended hour businesses.
8. Medical and dental services.
9. Parking facilities.
10. Participant sports and recreation, indoor.
11. Personal services and facilities.
12. Professional and administrative services.
13. Utilities, minor.
14. Transportation facilities (Type I).
15. Special use areas only if located on those properties indicated on the map below.



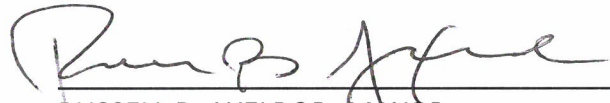
**SECTION 2. Severability.** The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

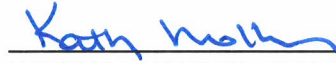
**SECTION 3. Savings.** Notwithstanding this amendment/repeal, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced, shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinance(s) or portions of the ordinance were operative. This section simply clarifies the existing situation that nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

**SECTION 4. Codification.** Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 2-5) need not be codified and the City Recorder or his/her designee is authorized to correct any cross-references and any typographical errors.

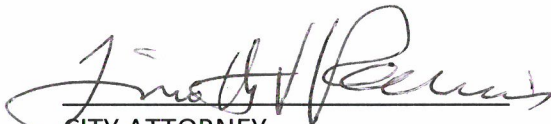
**SECTION 5. Effective Date.** Conditions in the City of West Linn are such that this Ordinance is necessary for the immediate preservation of the public health, peace, welfare and safety. An emergency is declared to exist in order to fulfill the terms of the intergovernmental agreements for this project and to take advantage of improved weather conditions for construction of the project. To accomplish this, notices must be given to Metro, DLCD and other entities and the park plans must go through the City's design review process, all of which put the project on a very tight timeline to avoid the loss of funds and avoid weather-related construction delays; therefore, this Ordinance shall be in full force and effect after its passage.

The foregoing ordinance was first read by title only in accordance with Chapter VIII, Section 33(c) of the City Charter on the 19th day of June 2017, and duly PASSED and ADOPTED this 19<sup>th</sup> day of June, 2017.

  
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RUSSELL B. AXELROD, MAYOR

  
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KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

  
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CITY ATTORNEY