

**ORDINANCE NO. 1662**

**AN ORDINANCE RELATING TO SUBMITTAL REQUIREMENTS AND APPROVAL STANDARDS FOR GRADING, GEOTECHNICAL HAZARDS AND STORM DETENTION AND TREATMENT ELEMENTS OF DEVELOPMENT**

Annotated to show ~~deletions~~ (bold strikeout) and additions (bold underline) to the code sections being modified. An ellipsis within parentheses (...) indicates text not shown to reduce length of this document.

**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**, The City Council wishes to ensure that development within the City of West Linn is designed, constructed and maintained in a manner that ensures long-term safety for residents while preserving and improving environmental health; and

**WHEREAS**, requiring applicants to submit storm detention and treatment plans and geotechnical reports created by registered, certified professionals will allow adequate review of development proposals by West Linn citizens, elected officials, advisory committees and staff; and

**WHEREAS**, creating approval criteria and standards for new development proposals will ensure that new development is allowed only when safety and environmental standards, including those defined in the City's Public Works Design Standards, have been met; and

**WHEREAS**, clarifying the City's definitions of land types by slope will ensure appropriate implementation of the proposed code amendments; and

**WHEREAS**, the Council's decision is based on the findings contained in these Whereas Clauses, together with the findings, conclusions, and substantial evidence found in the associated land use record for file CDC 17-02, which is incorporated by this reference.

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

**Section 1. Amendment.** West Linn Community Development Code ("CDC") Section 2.030 relating to definitions is amended to read as follows:

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

(...)

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

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

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

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

1. Slope: Land that has slopes ~~between over~~ 25 percent ~~to 35 percent~~ on more than 50 percent of the site, as shown on the RLIS topography GIS layer.
2. Drainage: All drainage courses identified on the water resource area maps or areas identified as protected Goal 5 wetlands, and areas outside the floodway, but within the floodway fringe, also known as the 100-year floodplain.
3. Geology: All known mineral and aggregate deposits identified on the Comprehensive Plan map as protected Goal 5 resources.

**Type III lands.** These lands are considered within the major portion of the City's developable lands. Standard development criteria can be applied through normal implementation measures. Type III lands have slopes ~~over between 15 percent~~ 10 percent ~~to 25 percent~~ on more than 50 percent of the site, as shown on the RLIS topography GIS layer.

**Type IV lands.** These lands are considered to have few, if any, constraints to development and are within the major portion of the City's developable lands. Normal development standards will apply in these areas. Type IV lands have slopes **10 percent or under** ~~between 25 percent to 35 percent~~ on more than 50 percent of the site, as shown on the RLIS topography GIS layer.

**SECTION 2. Amendment.** West Linn Community Development Code (“CDC”) Section 24.080, relating to planned unit development submittal requirements, is amended to read as follows:

**24.080 SUBMITTAL REQUIREMENTS**

The submittal requirements shall apply to non-exempt projects as identified in CDC 55.025, and shall include the following:

- A. Narrative discussing proposal and applicability of the PUD and addressing approval criteria of this chapter; ~~and~~ design review, CDC 55.100; ~~and~~ **CDC 92.010(E)**.
- B. Narrative and table showing applicable density calculations.
- C. Map showing how the densities will be distributed within the project site.
- D. Compliance with submittal requirements of Chapter 55 CDC, Design Review, including full response to approval criteria for Chapter 55 CDC, Design Review, and Chapter 85 CDC, if it is a single-family PUD.
- E. Narrative, tables, and showing all density transfers.
- F. Tables and maps identifying ~~all~~ **acreage, location and type of development constraints due to site characteristics such as slope, drainage and geologic hazards.** For Type I, II, ~~and~~ III ~~and~~ IV lands ~~by acreage, location and type~~ (please refer to definitions ~~of these lands~~ in Chapter 02 CDC), **the applicant must provide a geologic report, with text, figures and attachments as needed to meet the industry standard of practice, prepared by a certified engineering geologist and/or a geotechnical professional engineer, that includes:**
  - 1. Site characteristics, geologic descriptions and a summary of the site investigation conducted;**
  - 2. Assessment of engineering geological conditions and factors;**
  - 3. Review of the City of West Linn’s Natural Hazard Mitigation Plan and applicability to the site; and**
  - 4. Conclusions and recommendations focused on geologic constraints for the proposed land use or development activity, limitations and potential risks of development, recommendations for mitigation approaches and additional work needed at future development stages including further testing and monitoring.**
- G. Other material as required by the Planning Director. (Ord. 1408, 1998; Ord. 1463, 2000)

**SECTION 3. Amendment.** West Linn CDC Section 24.100, relating to planned unit development approval criteria, is amended to read as follows:

**24.100 APPROVAL CRITERIA**

A. The approval criteria of CDC 55.100, design review, **and CDC 92.010(E)** shall apply to non-exempted projects per CDC 55.025. Single-family detached, single-family attached, and duplex residential units proposed shall comply with the provisions of Chapter 43 CDC at time of building permit application.

**SECTION 4. Amendment.** West Linn CDC Section 28.090(C), relating to submittal requirements: application, within Willamette and Tualatin River Protection Areas, is amended to read as follows:

(...)

C. The application for a protection area permit shall include the completed application and:

1. Narrative which addresses the approval criteria of CDC 28.110.
2. A site plan, with HCA boundaries shown and by low, moderate, high type shown (CDC 28.120).
3. A grading plan if applicable (CDC 28.130).
4. Architectural drawings if applicable (CDC 28.140).
5. A landscape plan if applicable (CDC 28.150).
6. A mitigation plan if applicable (CDC 28.160).

**7. A storm detention and treatment plan and narrative statement pursuant to 92.010(E).**

**SECTION 5. Amendment.** West Linn CDC Section 28.130, relating to grading plans within Willamette and Tualatin River Protection Areas, is amended to read as follows:

**GRADING PLAN** ~~Docks shall be reviewed and approved by the Department of State Lands for the area within their jurisdiction.~~ The grading plan shall be at the same scale as the site plan (CDC 28.120) and shall show or attach:



A. The location and extent to which grading will take place indicating general contour lines, slope ratios, ~~and~~ slope stabilization proposals, and location and height of retaining walls, if proposed.

~~B. The location of the proposed drainageways. Tables and maps identifying acreage, location and type of development constraints due to site characteristics such as slope, drainage and geologic hazards. For Type I, II, and III lands (refer to definitions in Chapter 2 CDC), the applicant must provide a geologic report, with text, figures and attachments as needed to meet the industry standard of practice, prepared by a certified engineering geologist and/or a geotechnical professional engineer, that includes:~~

1. Site characteristics, geologic descriptions and a summary of the site investigation conducted;
2. Assessment of engineering geological conditions and factors;
3. Review of the City of West Linn's Natural Hazard Mitigation Plan and applicability to the site; and
4. Conclusions and recommendations focused on geologic constraints for the proposed land use or development activity, limitations and potential risks of development, recommendations for mitigation approaches and additional work needed at future development stages including further testing and monitoring.

~~C. FEMA elevation certificate. Sufficient factual data to support the conclusions of the plan.~~

~~D. "No rise analysis" for potential impacts to the designated floodplain or floodway, if necessary. Identification information, including the name and address of the owner, developer, project designer, and the project engineer.~~

~~D. (Ord. 1576, 2008; Ord. 1635 § 18, 2014)~~

**SECTION 6. Amendment.** West Linn CDC Section 32.050(F), relating to applications for development within Water Resource Areas, is amended to read as follows:

(...)

~~3. Topographic information at two-foot contour increments identifying both existing grades and proposed grade changes. A storm detention and treatment plan and narrative statement pursuant to 92.010(E).~~

4. A slope map delineating slopes zero to 25 percent and over 25 percent. Tables and maps identifying acreage, location and type of development constraints due to site characteristics such as slope, drainage and geologic hazards. For Type I, II, and III lands

(refer to definitions in Chapter 2 CDC), the applicant must provide a geologic report, with text, figures and attachments as needed to meet the industry standard of practice, prepared by a certified engineering geologist and/or a geotechnical professional engineer, that includes:

- a. Site characteristics, geologic descriptions and a summary of the site investigation conducted;
- b. Assessment of engineering geological conditions and factors;
- c. Review of the City of West Linn’s Natural Hazard Mitigation Plan and applicability to the site; and
- d. Conclusions and recommendations focused on geologic constraints for the proposed land use or development activity, limitations and potential risks of development, recommendations for mitigation approaches and additional work needed at future development stages including further testing and monitoring.

**SECTION 7. Amendment.** West Linn CDC Section 32.060, relating to approval criteria for development within Water Resource Areas, is amended to read as follows:

B. Storm water and storm water facilities

(...)

6. Storm detention and treatment and geologic hazards. Per the submittals required by CDC 32.050(F)(3) and 92.010(E), all proposed storm detention and treatment facilities must comply with the standards for the improvement of public and private drainage systems located in the West Linn Public Works Design Standards, there will be no adverse off-site impacts caused by the development (including impacts from increased intensity of runoff downstream or constrictions causing ponding upstream), and the applicant must provide sufficient factual data to support the conclusions of the submitted plan.

E. Per the submittals required by 32.050(F)(4), the applicant must demonstrate that the proposed methods of rendering known or potential hazard sites safe for development, including proposed geotechnical remediation, are feasible and adequate to prevent landslides or other damage to property and safety. The review authority may impose conditions, including limits on type or intensity of land use, which it determines are necessary to mitigate known risks of landslides or property damage.

**SECTION 8. Amendment.** West Linn CDC Section 55.100(I), relating to Class II Design Review approval standards, is amended to read as follows:



The approval authority shall make findings with respect to the following criteria when approving, approving with conditions, or denying a Class II design review application:

(...)

**2. Storm detention and treatment and geologic hazards. Per the submittals required by CDC 55.130 and 92.010(E), all proposed storm detention and treatment facilities must comply with the standards for the improvement of public and private drainage systems located in the West Linn Public Works Design Standards, there will be no adverse off-site impacts caused by the development (including impacts from increased intensity of runoff downstream or constrictions causing ponding upstream), and the applicant must provide sufficient factual data to support the conclusions of the submitted plan.**

**Per the submittals required by 55.130(D), the applicant must demonstrate that the proposed methods of rendering known or potential hazard sites safe for development, including proposed geotechnical remediation, are feasible and adequate to prevent landslides or other damage to property and safety. The review authority may impose conditions, including limits on type or intensity of land use, which it determines are necessary to mitigate known risks of landslides or property damage.**

**SECTION 9. Amendment.** West Linn CDC Section 55.110, relating to design review site analysis, is amended to read as follows:

#### **55.110 SITE ANALYSIS**

The site analysis shall include:

- A. A vicinity map showing the location of the property in relation to adjacent properties, roads, pedestrian and bike ways, transit stops and utility access.
- B. A site analysis on a drawing at a suitable scale (in order of preference, one inch equals 10 feet to one inch equals 30 feet) which shows:
  1. The property boundaries, dimensions, and gross area.
  2. Contour lines at the following minimum intervals:
    - a. Two-foot intervals for slopes from zero to 25 percent; and
    - b. Five- or 10-foot intervals for slopes in excess of 25 percent.
  3. **Tables and maps identifying ~~all~~ acreage, location and type of development constraints due to site characteristics such as slope, drainage and geologic hazards, including a A slope analysis which identifies portions of the site**

according to the land types (I, II, III and IV) defined in Chapter 2 CDC, slope ranges as follows:

- a. ~~Type I (under 15 percent);~~
- b. ~~Type II (between 15 to 25 percent);~~
- c. ~~Type II (between 25 to 35 percent);~~
- d. ~~Type I (over 35 percent).~~

**SECTION 10. Amendment.** West Linn CDC Section 55.130, relating to design review submittal requirements and standards, is amended to read as follows:

#### **55.130 GRADING AND DRAINAGE PLANS**

For Type I, II and III lands (refer to definitions in Chapter 2 CDC), a registered civil engineer must prepare ~~The a grading and drainage plan and a storm detention and treatment plan pursuant to CDC 92.010(E) shall be,~~ at a scale sufficient to evaluate all aspects of the proposal, and a statement that demonstrates shall include the following:

A. The location and extent to which grading will take place indicating general contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed.

B. All proposed storm detention and treatment facilities comply with the standards for the improvement of public and private drainage systems located in the West Linn Public Works Design Standards. ~~A registered civil engineer shall prepare a plan and statement that shall be supported by factual data that clearly shows that there will be no adverse impacts from increased intensity of runoff off site, or the plan and statement shall identify all off site impacts and measures to mitigate those impacts. The plan and statement shall, at a minimum, determine the off site impacts from a 10-year storm.~~

C. There is sufficient factual data to support the conclusions of the plan. ~~Storm detention and treatment plans may be required.~~

D. Per CDC 99.035, the Planning Director may require the information in subsections A, B and C above for Type IV lands if the information is needed to properly evaluate the proposed site plan.

- E. For Type I, II and III lands (refer to definitions in Chapter 2 CDC), the applicant must provide a geologic report, with text, figures and attachments as needed to meet the industry standard of practice, prepared by a certified engineering geologist and/or a geotechnical professional engineer, that includes:



1. Site characteristics, geologic descriptions and a summary of the site investigation conducted;
2. Assessment of engineering geological conditions and factors;
3. Review of the City of West Linn’s Natural Hazard Mitigation Plan and applicability to the site; and
4. Conclusions and recommendations focused on geologic constraints for the proposed land use or development activity, limitations and potential risks of development, recommendations for mitigation approaches and additional work needed at future development stages including further testing and monitoring.

**ED.** Identification, information, including the name and address of the owner, developer, project designer, and the project engineer. (Ord. 1463, 2000; Ord. 1613 § 15, 2013; Ord. 1622 § 28, 2014)

**SECTION 11. Amendment.** West Linn CDC Section 56.100(H), relating to Class II parks design review approval standards, is amended to read as follows:

(...)

**3. Storm detention and treatment and geologic hazards. Per the submittals required by CDC 56.130 and 92.010(E), all proposed storm detention and treatment facilities must comply with the standards for the improvement of public and private drainage systems located in the West Linn Public Works Design Standards, there will be no adverse off-site impacts caused by the development (including impacts from increased intensity of runoff downstream or constrictions causing ponding upstream), and the applicant must provide sufficient factual data to support the conclusions of the submitted plan.**

**Per the submittals required by 56.130(C), the applicant must demonstrate that the proposed methods of rendering known or potential hazard sites safe for development, including proposed geotechnical remediation, are feasible and adequate to prevent landslides or other damage to property and safety. The review authority may impose conditions, including limits on type or intensity of land use, which it determines are necessary to mitigate known risks of landslides or property damage.**

**SECTION 12. Amendment.** West Linn CDC Section 56.130, relating to parks design review standards, is amended to read as follows:

**56.130 GRADING AND DRAINAGE PLANS**

**For Type I, II and III lands (refer to definitions in Chapter 2 CDC), a registered civil engineer must prepare a grading plan and a storm detention and treatment plan pursuant to CDC 92.010(E), ~~The grading and drainage plan shall be~~ at the same scale**



as the site analysis (CDC 56.110), and a statement that demonstrates shall include the following:

A. The location and extent to which grading will take place indicating general contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed.

B. *Repealed by Ord. 1622.*

C. All proposed storm detention and treatment facilities comply with the standards for the improvement of public and private drainage systems located in the West Linn Public Works Design Standards, there will be no adverse off-site impacts caused by the development (including impacts from increased intensity of runoff downstream or constrictions causing ponding upstream), and there is sufficient factual data to support the conclusions of the plan.

D. Per CDC 99.035, the Planning Director may require the information in subsections A, B and C above for Type IV lands if the information is needed to properly evaluate the proposed site plan.

~~CE.~~ Tables and maps identifying all-acreage, location and type of development constraints due to site characteristics such as slope, drainage and geologic hazards. For Type I, II and , III and IV lands by acreage, location and type (please refer to definitions of these lands in Chapter 02 CDC), the applicant must provide a geologic report, with text, figures and attachments as needed to meet the industry standard of practice, prepared by a certified engineering geologist and/or a geotechnical professional engineer, that includes:

1. Site characteristics, geologic descriptions and a summary of the site investigation conducted;
2. Assessment of engineering geological conditions and factors;
3. Review of the City of West Linn's Natural Hazard Mitigation Plan and applicability to the site; and
4. Conclusions and recommendations focused on geologic constraints for the proposed land use or development activity, limitations and potential risks of development, recommendations for mitigation approaches and additional work needed at future development stages including further testing and monitoring.

~~A registered civil engineer shall prepare a plan and statement that shall be supported by factual data that clearly shows that there will be no adverse impacts from increased intensity of runoff off site, or the plan and statement shall identify all off-site impacts and measures to mitigate those impacts. The plan and statement shall, at a minimum, determine the off site impacts from a 25-year storm.~~

~~D. Storm detention and treatment plans may be required.~~

~~EF.~~ Identification information, including the name and address of the owner, developer, project designer, and the project engineer. (Ord. 1622 § 28, 2014)

**SECTION 13. Amendment.** West Linn CDC Section 60.060, relating to conditional use permits, is amended to read as follows:

**60.060 APPLICATION**

A. A conditional use application shall be initiated by the property owner or the owner's authorized agent.

B. A prerequisite to the filing of an application is a pre-application conference at which time the Director shall explain the requirements and provide the appropriate forms as specified in CDC 99.030(B) and (C).

C. A prerequisite to the filing of an application is a meeting with the respective City-recognized neighborhood association, per CDC 99.038, at which time the applicant will present his/her proposal and receive comments.

D. An application for a conditional use shall include the completed application form and:

1. A narrative which addresses the approval criteria set forth in CDC 60.070 and which sustains the applicant's burden of proof; ~~and~~

2. A site plan as provided by CDC 60.080; ~~and~~

**3. If site modification or construction is proposed, a storm detention and treatment plan and narrative pursuant to CDC 92.010(E).**

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

~~E. Names and addresses of all who are property owners of record within 300 feet of the site shall be determined by the Director.~~

F. The applicant shall pay the requisite fee. (Ord. 1401, 1997; Ord. 1442, 1999; Ord. 1621 § 25, 2014; Ord. 1622 § 16, 2014)

**SECTION 14. Amendment.** West Linn CDC Section 60.070, relating to conditional use permit approval standards and conditions, is amended to read as follows:

## 60.070 APPROVAL STANDARDS AND CONDITIONS

A. The Planning Commission shall approve, approve with conditions, or deny an application for a conditional use, except for a manufactured home subdivision in which case the approval standards and conditions shall be those specified in CDC 36.030, or to enlarge or alter a conditional use based on findings of fact with respect to each of the following criteria:

1. The site size and dimensions provide:
  - a. Adequate area for the needs of the proposed use; and
  - b. Adequate area for aesthetic design treatment to mitigate any possible adverse effect from the use on surrounding properties and uses.
2. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and natural features.
3. The granting of the proposal will produce a facility that provides an overall benefit to the City.
4. Adequate public facilities will be available to provide service to the property at the time of occupancy.
5. The applicable requirements of the zone are met, except as modified by this chapter.
6. The supplementary requirements set forth in CDC Chapters 52 to 55, and Section 92.010(E) are met CDC, if applicable, ~~are met~~.
7. The use will comply with the applicable policies of the Comprehensive Plan.

**SECTION 15. Amendment.** West Linn CDC Section 85.170, relating to subdivision submittal requirements, is amended to read as follows:

### **85.170 SUPPLEMENTAL SUBMITTAL REQUIREMENTS FOR TENTATIVE SUBDIVISION OR PARTITION PLAN**

The following information shall be submitted to supplement the tentative subdivision plan:

(...)

#### C. Grading.

1. If areas are to be graded, a plan showing the location of cuts, fill, and retaining walls, and information on the character of soils shall be provided. The grading plan shall show proposed and existing contours at intervals per CDC 85.160(E)(2).



2. The grading plan shall demonstrate that the proposed grading to accommodate roadway standards and create appropriate building sites is the minimum amount necessary.

**3. The grading plan must identify proposed building sites and include tables and maps identifying acreage, location and type of development constraints due to site characteristics such as slope, drainage and geologic hazards. For Type I, II, and III lands (refer to definitions in Chapter 2 CDC), the applicant must provide a geologic report, with text, figures and attachments as needed to meet the industry standard of practice, prepared by a certified engineering geologist and/or a geotechnical professional engineer, that includes:**

- 1. Site characteristics, geologic descriptions and a summary of the site investigation conducted;**
- 2. Assessment of engineering geological conditions and factors;**
- 3. Review of the City of West Linn's Natural Hazard Mitigation Plan and applicability to the site; and**
- 4. Conclusions and recommendations focused on geologic constraints for the proposed land use or development activity, limitations and potential risks of development, recommendations for mitigation approaches and additional work needed at future development stages including further testing and monitoring.**

(...)

F. **Storm. A storm detention and treatment plan and narrative compliant with CDC 92.010(E) A proposal shall must** be submitted for storm drainage and flood control including profiles of proposed drainageways with reference to the most recently adopted Storm Drainage Master Plan. (Ord. 1382, 1995; Ord. 1401, 1997; Ord. 1425, 1998; Ord. 1442, 1999; Ord. 1584, 2008; Ord. 1604 § 65, 2011; Ord. 1635 § 33, 2014; Ord. 1636 § 54, 2014; Ord. 1650 § 1 (Exh. A), 2016)

**SECTION 16. Amendment.** West Linn CDC Section 85.200, relating to subdivision approval criteria, is amended to read as follows:

#### **85.200 APPROVAL CRITERIA**

No tentative subdivision or partition plan shall be approved unless adequate public facilities will be available to provide service to the partition or subdivision area prior to final plat approval and the Planning Commission or Planning Director, as applicable, finds that the following standards have been satisfied, or can be satisfied by condition of approval.

(...)

(E) Grading. Grading of building sites shall conform to the following standards unless physical conditions demonstrate the propriety of other standards:

(...)

**(6) Per the submittals required by CDC 85.170(C)(3), the applicant must demonstrate that the proposed methods of rendering known or potential hazard sites safe for development, including proposed geotechnical remediation, are feasible and adequate to prevent landslides or other damage to property and safety. The review authority may impose conditions, including limits on type or intensity of land use, which it determines are necessary to mitigate known risks of landslides or property damage.**

(...)

**(H) Storm Detention and Treatment. All proposed storm detention and treatment facilities comply with the standards for the improvement of public and private drainage systems located in the West Linn Public Works Design Standards, there will be no adverse off-site impacts caused by the development (including impacts from increased intensity of runoff downstream or constrictions causing ponding upstream), and there is sufficient factual data to support the conclusions of the submitted plan.**

~~Deleted during July 2014 supplement.~~

**SECTION 17. Amendment.** West Linn CDC Section 92.010, relating to required public improvements for all development, is amended to read as follows:

#### **92.010 PUBLIC IMPROVEMENTS FOR ALL DEVELOPMENT**

The following improvements shall be installed at the expense of the developer and meet all City codes and standards:

(...)

**E. Storm detention and treatment ~~Surface drainage and storm sewer system.~~**

**For Type I, II and III lands (refer to definitions in Chapter 2 CDC), Aa registered civil engineer shall must prepare a storm detention and treatment plan, at a scale sufficient to evaluate all aspects of the proposal, and a statement which shall be supported by factual data and that demonstrates:**

- 1. The location and extent to which grading will take place indicating general contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed.**
- 2. All proposed storm detention and treatment facilities comply with the standards for the improvement of public and private drainage systems located in the West Linn Public Works Design Standards. ~~Developers are encouraged to adapt storm water management approaches that make use of natural systems and infiltration to~~**



~~manage storm runoff, including the use of vegetated swales, rain gardens, and other like systems where appropriate.~~

3. There will be no adverse off-site impacts, including impacts from increased intensity of runoff downstream or constrictions causing ponding upstream.
4. There is sufficient factual data to support the conclusions of the plan.
5. Per CDC 99.035, the Planning Director may require the information in subsections 1, 2, 3, and 4 above for Type IV lands if the information is needed to properly evaluate the proposed site plan.

**SECTION 18. 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 19. 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 thereof 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 20. 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 [18-21]) need not be codified and the City Recorder or his/her designee is authorized to correct any cross-references, typographical errors or minor omissions that do not alter the intention of these amendments.

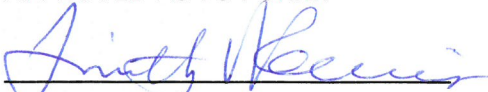
**SECTION 21. Effective Date.** This ordinance shall take effect on the 30<sup>th</sup> day after its passage.

The foregoing ordinance was first read by title only in accordance with Chapter VIII, Section 33(c) of the City Charter on the 9th day of October 2017, and duly PASSED and ADOPTED this 9th day of October, 2017.

  
RUSSELL B. AXELROD, MAYOR

  
KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

  
CITY ATTORNEY