



NOTICE OF A PROPOSED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
File No.: 003-17 {25211}
Received: 07/12/2017

Local governments are required to send notice of a proposed change to a comprehensive plan or land use regulation **at least 35 days before the first evidentiary hearing.** (See [OAR 660-018-0020](#) for a post-acknowledgment plan amendment and [OAR 660-025-0080](#) for a periodic review task). The rules require that the notice include a completed copy of this form.

Jurisdiction: **City of West Linn**

Local file no.: **CDC 17-02**

Please check the type of change that best describes the proposal:

- Urban growth boundary (UGB) amendment** including over 50 acres, by a city with a population greater than 2,500 within the UGB
- UGB amendment** over 100 acres by a metropolitan service district
- Urban reserve designation or amendment**
- Periodic review task** – Task no.:
- Any other change** to a comp plan or land use regulation (*e.g.*, a post-acknowledgement plan amendment)

Local contact person (name and title): John Williams, Director or John Boyd Planning Manager

Phone: 503-742-6060 E-mail: jboyd@westlinnoregon.gov

Street address: 22500 Salamo Road City: West Linn Zip: 97068-

Briefly summarize the proposal in plain language. Please identify all chapters of the plan or code proposed for amendment (maximum 500 characters):

Regarding submittal requirements and approval standards for new development related to grading, geotechnical hazards and storm detention and treatment. Amends Ch 2 definitions, Ch 24 Planned Unit Developments, Ch 28 Willamette and Tualatin River Protection Areas, Ch 55 Design Review, Ch 56 Parks and Natural Areas Design Review, Ch 60 Conditional Uses, Ch 85 - Land Division General Provisions, Ch 92 Required Improvements

Date of first evidentiary hearing: 08/16/2017

Date of final hearing: 10/9/2017

This is a revision to a previously submitted notice. Date of previous submittal:

Please check all that apply:

- Comprehensive Plan text amendment(s)
- Comprehensive Plan map amendment(s) – Change from _____ to _____
Change from _____ to _____
- New or amended land use regulation
- Zoning map amendment(s) – Change from _____ to _____
Change from _____ to _____

An exception to a statewide planning goal is proposed – goal(s) subject to exception:

Acres affected by map amendment:

Location of property, if applicable (site address and T, R, Sec): NA

List affected state or federal agencies, local governments and special districts: DSL, DOGAMI, ODFW, TVFR

NOTICE OF A PROPOSED CHANGE – SUBMITTAL INSTRUCTIONS

1. Except under certain circumstances,¹ proposed amendments must be submitted to DLCD's Salem office at least 35 days before the first evidentiary hearing on the proposal. The 35 days begins the day of the postmark if mailed, or, if submitted by means other than US Postal Service, on the day DLCD receives the proposal in its Salem Office. **DLCD will not confirm receipt of a Notice of a Proposed Change unless requested.**

2. A Notice of a Proposed Change must be submitted by a local government (city, county, or metropolitan service district). DLCD will not accept a Notice of a Proposed Change submitted by an individual or private firm or organization.

3. **Hard-copy submittal:** When submitting Notice of a Proposed Change on paper, via the US Postal Service or hand-delivery, print a completed copy of this Form 1 on light green paper if available. Submit **one copy** of the proposed change, including this form and other required materials to:

Attention: Plan Amendment Specialist
Dept. of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

This form is available here:

<http://www.oregon.gov/LCD/forms.shtml>

4. **Electronic submittals** of up to 20MB may be sent via e-mail. Address e-mails to plan.amendments@state.or.us with the subject line "Notice of Proposed Amendment."

Submittals may also be uploaded to DLCD's FTP site at http://www.oregon.gov/LCD/Pages/papa_submittal.aspx.

E-mails with attachments that exceed 20MB will not be received, and therefore FTP must be used for these online submittals. **The FTP site must be used for all .zip files** regardless of size. The maximum file size for uploading via FTP is 150MB.

Include this Form 1 as the first pages of a combined file or as a separate file.

5. **File format:** When submitting Notice of a Proposed Change via e-mail or FTP, or on a digital disc, attach all materials in one of the following formats: Adobe .pdf (preferred); Microsoft Office (for example, Word .doc or docx or Excel .xls or xlsx); or ESRI .mxd, .gdb, or .mpk. For other file formats, please contact the plan amendment specialist at 503-934-0017 or plan.amendments@state.or.us.

6. **Text:** Submittal of Notice of a Proposed Change for a comprehensive plan or land use regulation text amendment must include the text of the amendment and any other information necessary to advise DLCD of the effect of the proposal. "Text" means the specific language proposed to be amended, added to, or deleted from the currently acknowledged plan or land use regulation. A general description of the proposal is not adequate. The notice may be deemed incomplete without this documentation.

7. **Staff report:** Attach any staff report on the proposed change or information that describes when the staff report will be available and how a copy may be obtained.

8. **Local hearing notice:** Attach the notice or a draft of the notice required under ORS 197.763 regarding a quasi-judicial land use hearing, if applicable.

9. **Maps:** Submittal of a proposed map amendment must include a map of the affected area showing existing and proposed plan and zone designations. A paper map must be legible if printed on 8½" x 11" paper. Include text regarding background, justification for the change, and the application if there was one accepted by the local government. A map by itself is not a complete notice.

10. **Goal exceptions:** Submittal of proposed amendments that involve a goal exception must include the proposed language of the exception.

¹ 660-018-0022 provides:

(1) When a local government determines that no goals, commission rules, or land use statutes apply to a particular proposed change, the notice of a proposed change is not required [a notice of adoption is still required, however]; and

(2) If a local government determines that emergency circumstances beyond the control of the local government require expedited review such that the local government cannot submit the proposed change consistent with the 35-day deadline, the local government may submit the proposed change to the department as soon as practicable. The submittal must include a description of the emergency circumstances.

If you have any questions or would like assistance, please contact your DLCD regional representative or the DLCD Salem office at 503-934-0017 or e-mail plan.amendments@state.or.us.

Notice checklist. Include all that apply:

- Completed Form 1
- The text of the amendment (e.g., plan or code text changes, exception findings, justification for change)
- Any staff report on the proposed change or information that describes when the staff report will be available and how a copy may be obtained
- A map of the affected area showing existing and proposed plan and zone designations
- A copy of the notice or a draft of the notice regarding a quasi-judicial land use hearing, if applicable
- Any other information necessary to advise DLCD of the effect of the proposal

ORDINANCE NO. 17XX

AN ORDINANCE RELATING TO SUBMITTAL REQUIREMENTS AND APPROVAL STANDARDS FOR
NEW DEVELOPMENT RELATED TO GRADING, GEOTECHNICAL HAZARDS AND STORM
DETENTION AND TREATMENT

Annotated to show ~~deletions~~ (bold strikeout) and additions (bold underline) to the code sections being modified.

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 created by registered, certified professionals will allow adequate review of development proposals up-front by West Linn citizens, businesses, elected officials, 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 as defined in the City's Public Works Design Standards have been met;

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:

...

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 under 15 percent ~~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 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 92 CDC),~~ **the applicant shall provide a report prepared by a certified engineering geologist, following the Oregon State Board of Geologist Examiners Guidelines for Preparing Engineering Geologic Reports, 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.

B. The application shall also demonstrate compliance with the following criteria:

1. The proposal shall preserve the existing amenities of the site to the greatest extent possible by relating the type and design of the development to the topography, landscape features, and natural amenities existing on the site and in the vicinity.

2. The proposed PUD shall provide a desirable, attractive, and stable environment in harmony with that of the surrounding area through thorough, well-developed, detailed planning and by comprehensively correlating the provisions of this code and all applicable adopted plans.

3. The placement and design of buildings, use of open spaces, circulation facilities, off-street parking areas, and landscaping shall be designed to best utilize the potentials of the site characterized by special features of geography, topography, size, and shape.

4. The PUD shall be developed so that it is compatible with neighboring development in terms of architecture, massing, and scale. Where that cannot be accomplished, appropriate transitions shall be provided that are deferential or sympathetic to existing development.

C. All densities, density transfers, transitions, density bonuses, and proposed setbacks shall conform to provisions of this chapter as required by CDC 24.080 and 24.110 through 24.170 inclusive. (Ord. 1463, 2000; Ord. 1547, 2007)

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 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 slope, drainage and geologic hazards. For Type I, II, and III lands (refer to definitions in Chapter 2 CDC), the applicant shall provide a report prepared by a certified engineering geologist, following the Oregon State Board of Geologist Examiners Guidelines For Preparing Engineering Geologic Reports, 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 55.100(I)(2), 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 shall comply with the standards for the improvement of public and private drainage systems located in the West Linn Public Works Design Standards, and the applicant shall provide sufficient factual data to support the conclusions of the submitted plan.

Per the submittals required by 55.130(D), the applicant shall 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 assure that landslides or property damage will not occur.

SECTION 7. 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 slope, drainage and geologic hazards, including a A** slope analysis which identifies portions of the site according to the slope ranges as follows:
- a. Type IV (under 15 percent);
 - b. Type III (between 15 to 25 percent);
 - c. Type III (between 25 to 35 percent);
 - d. Type IV (~~over~~ 35 percent or more).

SECTION 8. 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

A registered civil engineer shall 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. For Type I, II and III lands (refer to definitions in Chapter 2 CDC), the applicant shall provide a report prepared by a certified engineering geologist, following the Oregon State Board of Geologist Examiners Guidelines For Preparing Engineering Geologic Reports, 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 9. Amendment. West Linn CDC Section 56.100(H)(2), 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 shall comply with the standards for the improvement of public and private drainage systems located in the West Linn Public Works Design Standards, and the applicant shall provide sufficient factual data to support the conclusions of the submitted plan.

Per the submittals required by 56.130(C), the applicant shall 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 assure that landslides or property damage will not occur.

SECTION 10. 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

A registered civil engineer shall 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. Tables and maps identifying **all acreage, location and type of development constraints due to 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 shall provide a report prepared by a certified engineering geologist, following the Oregon State Board of Geologist Examiners Guidelines for Preparing Engineering Geologic Reports, 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.**

CD. 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 25-year storm.

DE. There is sufficient factual data to support the conclusions of the plan. 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 11. Amendment. West Linn CDC Sections 60.060 and 60.070, relating to conditional use permits, are 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 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)

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 92.10(E) are met CDC**, if applicable, ~~are met~~.
7. The use will comply with the applicable policies of the Comprehensive Plan.

SECTION 12. 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 shall identify proposed building sites and include tables and maps identifying acreage, location and type of development constraints due to slope, drainage and geologic hazards. For Type I, II, and III lands (refer to definitions in Chapter 2 CDC) , the applicant shall provide a report prepared by a certified engineering geologist, following the Oregon State Board of Geologist Examiners Guidelines for Preparing Engineering Geologic Reports, 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 compliant with CDC 92.010(E) A proposal** shall 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 13. 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 shall 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 assure that landslides or property damage will not occur.

...

(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, and there is sufficient factual data to support the conclusions of the submitted plan. Deleted during July 2014 supplement.

SECTION 14. 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.~~

A registered civil engineer shall prepare a **storm detention and treatment plan at a scale sufficient to evaluate all aspects of the proposal** and 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 is sufficient factual data to support the conclusions of the plan.**

SECTION 15. 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 16. 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 17. 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 **[9-12]**) need not be codified and the City Recorder or his/her designee is authorized to correct any cross-references and any typographical errors.

SECTION 18. Effective Date. This ordinance shall take effect on the 30th 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 _____ day of _____, 2017, and duly PASSED and ADOPTED this _____ day of _____, 2017.

RUSSELL B. AXELROD, MAYOR

KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY