



Agenda Bill 2018-07-09-02

Date: June 25, 2018

To: Russ Axelrod, Mayor
Members, West Linn City Council

From: Darren Wyss, Associate Planner, Community Development Department *DSW*

Through: John Williams, Deputy City Manager/Community Development Director *JRW*
Eileen Stein, City Manager *ES*

Subject: Community Development Code Amendments (CDC-18-01)

Purpose:

To hold a public hearing and consider proposed amendments to multiple Community Development Code (CDC) Chapters (Ordinance 1675) recommended by the Planning Commission at its June 6, 2018 public hearing.

Question(s) for Council:

Should the Council adopt the proposed amendments as recommended by the West Linn Planning Commission?

Public Hearing Required: Yes

Background & Discussion:

The proposed set of code amendments found in Ordinance 1675 (see Attachment 1) are in response to direction from the Mayor, City Council and Planning Commission to address three items:

- Clarify a zig zag line provision found in the lot line adjustments code language
- Update day care definitions to be consistent with state statute
- Complete minor code clean-ups to correct errors/incorrect references/duplicate references

The proposed amendments follow direction provided to staff in several meetings, including:

- October 2017 Joint City Council/Planning Commission Meeting
- November 2017/February 2018 City Council Worksessions
- April 2018 Joint City Council/Planning Commission Meeting

As the first step in the legislative adoption process, the Planning Commission held a worksession to discuss the proposed amendments on May 2, 2018 and a public hearing where it recommended approval (see Attachment 2) of the proposal on June 6, 2018.

The City Council held its own worksession on June 25, 2018.

Budget Impact:

None

Sustainability Impact:

None

Council Options:

1. Adopt Ordinance 1675 as presented in Attachment 1;
2. Adopt Ordinance 1675 with changes;
3. Do not adopt Ordinance 1675.

Staff Recommendation:

Approve CDC-18-01, as recommended by the Planning Commission, by adopting Ordinance 1675 following a public hearing.

Potential Motions:

1. Conduct a first and second reading of Ordinance 1675 as recommended by the Planning Commission:

ORDINANCE 1675, AMENDING COMMUNITY DEVELOPMENT CODE CHAPTERS 2, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 21, 22, 23, 25, 34, 37, 38, 43, 46, 48, 52, 54, 55, 56, 58, 59, 68, 81, 85 and 99 TO MAKE THE CODE CONSISTENT WITH OREGON REVISED STATUTE, TO MAKE NECESSARY CORRECTIONS AND CLARIFICATIONS AND TO RE-ORGANIZE TEXT (CDC-18-01)

2. Move to approve Ordinance 1675 with the following changes to the Planning Commission recommendation
3. Decline to approve Ordinance 1675 as recommended by the Planning Commission

Attachments:

1. Ordinance 1675
2. Planning Commission Recommendation Memorandum, dated June 7, 2018
3. Planning Commission Staff Report, dated June 6, 2018

ORDINANCE NO. 1675

AN ORDINANCE AMENDING COMMUNITY DEVELOPMENT CODE CHAPTERS 2, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 21, 22, 23, 25, 34, 37, 38, 43, 46, 48, 52, 54, 55, 56, 58, 59, 68, 81, 85 and 99 TO MAKE THE CODE CONSISTENT WITH OREGON REVISED STATUTE, TO MAKE NECESSARY CORRECTIONS AND CLARIFICATIONS AND TO RE-ORGANIZE TEXT

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; and

WHEREAS, the City of West Linn 2017 Docket of Potential Amendments to the Community Development Code updated on October 15, 2017 included under Potential Next Priorities – Lot Line Adjustment Policy and under Small Projects Minor CDC Clean up.

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

SECTION 1. Amendment. West Linn Community Development Code Chapter 2 Definitions, Section 2.030 Specific Words and Terms, is amended to read as follows:

...

Child Care.

Duties and rules of the State of Oregon Office of Child Care are identified in ORS 329A.010-329A.030.

Child Care means the care, supervision and guidance on a regular basis of a child, unaccompanied by a parent, guardian or custodian, provided to a child during a part of the 24 hours of the day, in a place other than the child’s home, with or without compensation. Child care is exempt from Office of Child Care regulation if it provides care for three or fewer children, not including their own children; for any number of children from the same family not including their own children.

~~**Children’s day care.** Services or facilities authorized, certified, or licensed by the State for children’s day care of six or more children, for a period not to exceed 12 hours per day. Children’s day care facilities with less than six children are a home occupation. See Chapter 37 CDC.~~

...

~~**Family day care.** Any family day care provider who provides care in the home of the provider to fewer than 13 children, including children of the provider, regardless of full time or part time status.~~

Family Day Care. Duties and rules of the Office of Child Care are identified in ORS 329A.010-329A.030. A Certified Family Child Care Home or Registered Family Child Care Home is identified in ORS 329A.250 and considered a residential use pursuant to ORS 329A.440; the use is defined as:

Certified Family Child Care Home. A certified family child care home, usually the provider's home, providing child care for a maximum of 12 children (16 children with prior approval by the Office of Child Care). The providers own children are included in the determination of caregiver/child ratio and group size. A city may impose zoning conditions on the establishment and maintenance of a certified family child care home in an area zoned for residential or commercial use if the conditions are no more restrictive than conditions imposed on other residential dwellings in the same zone.

Registered Family Child Care Home. A child care facility in the provider's home. The child care business holding a registration with the (Office of Child Care) may care for a maximum of 10 children, including the provider's own children. Of the 10 children:

- (a) No more than six may be younger than school age; and**
- (b) No more than two may be 24 months of age or younger.**

A city may impose zoning conditions on the establishment and maintenance of a registered family child care home in an area zoned for residential or commercial use if the conditions are no more restrictive than conditions imposed on other residential dwellings in the same zone.

Certified Child Care Center. A Certified Child Care Center is regulated under OAR 414-300-0000 through OAR 414-300-0415. The use is defined in OAR 414-300-0005 generally as follows: The child care business is in a facility that has met zoning, occupancy, and building code requirements; usually a commercial building. The maximum number of children allowed in care depends on the square footage of the building, number of qualified staff, and various other factors. The (Office of Child Care) license reflects maximum number of children allowed in care at any one time.

...

~~**Let Property line adjustment. The relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel. Of recorded lot lines which does not result in the creation of an additional lot or buildable lot.**~~

...

Schools. Public, private or parochial place or institution for teaching or learning. Typical uses include ~~nursery~~, elementary, junior and senior high schools and related uses; excluding trade and business schools and colleges.

...

SECTION 2. Amendment. West Linn Community Development Code Chapter 8 Single Family Residential-Detached R-40, Section 8.070 Dimensional Requirements, Uses Permitted Outright and Uses Permitted Under Prescribed Conditions, is amended to read as follows:

Except as may be otherwise provided by the provisions of this code, the following are the requirements for uses within this zone:

...

9. The **maximum** floor area ratio shall be 0.45. Type I and II lands shall not be counted toward lot area when determining allowable floor area ratio, except that a minimum floor area ratio of 0.30 shall be allowed regardless of the classification of lands within the property. That 30 percent shall be based upon the entire property including Type I and II lands. Existing residences in excess of this standard may be replaced to their prior dimensions when damaged without the requirement that the homeowner obtain a non-conforming structures permit under Chapter 66 CDC.

SECTION 3. Amendment. West Linn Community Development Code Chapter 8 Single Family Residential-Detached R-40, Section 8.090 Other Applicable Development Standards, is amended and renumbered where needed to read as follows:

08.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

A. The following standards apply to all development including permitted uses:

1. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.
2. Chapter 35 CDC, Temporary Structures and Uses.
3. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.
- ~~4. Chapter 40 CDC, Building Height Limitations, Exceptions.~~
- 54.** Chapter 41 CDC, **Building Height**, Structures on Steep Lots, Exceptions.

...

SECTION 4. Amendment. West Linn Community Development Code Chapter 9 Single Family Residential-Detached R-20, Section 9.070 Dimensional Requirements, Uses Permitted Outright and Uses Permitted Under Prescribed Conditions, is amended to read as follows:

Except as may be otherwise provided by the provisions of this code, the following are the requirements for uses within this zone:

...

9. The **maximum** floor area ratio shall be 0.45. Type I and II lands shall not be counted toward lot area when determining allowable floor area ratio, except that a minimum floor area ratio of 0.30 shall be allowed regardless of the classification of lands within the property. That 30 percent shall be based upon the entire property including Type I and II lands. Existing

residences in excess of this standard may be replaced to their prior dimensions when damaged without the requirement that the homeowner obtain a non-conforming structures permit under Chapter 66 CDC.

SECTION 5. Amendment. West Linn Community Development Code Chapter 9 Single Family Residential-Detached R-20, Section 9.090 Other Applicable Development Standards, is amended and renumbered where needed to read as follows:

09.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

- A. The following standards apply to all development including permitted uses:
1. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.
 2. Chapter 35 CDC, Temporary Structures and Uses.
 3. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.
 - ~~4. Chapter 40 CDC, Building Height Limitations, Exceptions.~~
 - 54.** Chapter 41 CDC, **Building Height**, Structures on Steep Lots, Exceptions.
- ...

SECTION 6. Amendment. West Linn Community Development Code Chapter 10 Single Family Residential-Detached R-15, Section 10.070 Dimensional Requirements, Uses Permitted Outright and Uses Permitted Under Prescribed Conditions, is amended to read as follows:

Except as may be otherwise provided by the provisions of this code, the following requirements are the requirements for uses within this zone:

- ...
9. The **maximum** floor area ratio shall be 0.45. Type I and II lands shall not be counted toward lot area when determining allowable floor area ratio, except that a minimum floor area ratio of 0.30 shall be allowed regardless of the classification of lands within the property. That 30 percent shall be based upon the entire property including Type I and II lands. Existing residences in excess of this standard may be replaced to their prior dimensions when damaged without the requirement that the homeowner obtain a non-conforming structures permit under Chapter 66 CDC.

SECTION 7. Amendment. West Linn Community Development Code Chapter 10 Single Family Residential-Detached R-15, Section 10.090 Other Applicable Development Standards, is amended and renumbered where needed to read as follows:

10.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

- A. The following standards apply to all development including permitted uses:
1. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.
 2. Chapter 35 CDC, Temporary Structures and Uses.

3. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.

~~4. Chapter 40 CDC, Building Height Limitations, Exceptions.~~

4. Chapter 41 CDC, **Building Height**, Structures on Steep Lots, Exceptions.

...

SECTION 8. Amendment. West Linn Community Development Code Chapter 11 Single Family Residential-Detached R-10, Section 11.070 Dimensional Requirements, Uses Permitted Outright and Uses Permitted Under Prescribed Conditions, is amended to read as follows:

Except as may be otherwise provided by the provisions of this code, the following are the requirements for uses within this zone:

...

9. The **maximum** floor area ratio shall be 0.45. Type I and II lands shall not be counted toward lot area when determining allowable floor area ratio, except that a minimum floor area ratio of 0.30 shall be allowed regardless of the classification of lands within the property. That 30 percent shall be based upon the entire property including Type I and II lands. Existing residences in excess of this standard may be replaced to their prior dimensions when damaged without the requirement that the homeowner obtain a non-conforming structures permit under Chapter 66 CDC.

SECTION 9. Amendment. West Linn Community Development Code Chapter 11 Single Family Residential-Detached R-10, Section 11.090 Other Applicable Development Standards, is amended and renumbered where needed to read as follows:

11.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

A. The following standards apply to all development including permitted uses:

1. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.

2. Chapter 35 CDC, Temporary Structures and Uses.

3. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.

~~4. Chapter 40 CDC, Building Height Limitations, Exceptions.~~

~~5-4.~~ Chapter 41 CDC, **Building Height**, Structures on Steep Lots, Exceptions.

...

SECTION 10. Amendment. West Linn Community Development Code Chapter 12 Single Family Residential-Detached and Attached, R-7, Section 12.060 Conditional Uses, is amended to read as follows:

12.060 CONDITIONAL USES

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

1. ~~Children's day care center.~~ **Certified Child Care Center**

...

SECTION 11. Amendment. West Linn Community Development Code Chapter 12 Single Family Residential-Detached and Attached, R-7, Section 12.070 Dimensional Requirements, Uses Permitted Outright and Uses Permitted Under Prescribed Conditions, is amended to read as follows:

Except as may be otherwise provided by the provisions of this code, the following are the requirements for uses within this zone:

...

- I. The **maximum** floor area ratio shall be 0.45. Type I and II lands shall not be counted toward lot area when determining allowable floor area ratio, except that a minimum floor area ratio of 0.30 shall be allowed regardless of the classification of lands within the property. That 30 percent shall be based upon the entire property including Type I and II lands. Existing residences in excess of this standard may be replaced to their prior dimensions when damaged without the requirement that the homeowner obtain a non-conforming structures permit under Chapter 66 CDC.

SECTION 12. Amendment. West Linn Community Development Code Chapter 12 Single Family Residential-Detached and Attached, R-7, Section 12.090 Other Applicable Development Standards, is amended and renumbered where needed to read as follows:

12.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

A. The following standards apply to all development including permitted uses:

1. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.
2. Chapter 35 CDC, Temporary Structures and Uses.
3. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.
4. ~~Chapter 40 CDC, Building Height Limitations, Exceptions.~~
- 54.** Chapter 41 CDC, **Building Height**, Structures on Steep Lots, Exceptions.

...

SECTION 13. Amendment. West Linn Community Development Code Chapter 13 Single-Family Residential Detached and Attached/Duplex, R-5, Section 13.060 Conditional Uses, is amended to read as follows:

13.060 CONDITIONAL USES

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

1. ~~Children's day care center.~~ **Certified Child Care Center**

...

SECTION 14. Amendment. West Linn Community Development Code Chapter 13 Single-Family Residential Detached and Attached/Duplex, R-5, Section 13.070 Dimensional Requirements, Uses Permitted Outright And Uses Permitted Under Prescribed Conditions, is amended to read as follows:

Except as may be otherwise provided by the provisions of this code, the following are the requirements for uses within this zone:

...

- I. The **maximum** floor area ratio shall be 0.45. Type I and II lands shall not be counted toward lot area when determining allowable floor area ratio, except that a minimum floor area ratio of 0.30 shall be allowed regardless of the classification of lands within the property. That 30 percent shall be based upon the entire property including Type I and II lands. Existing residences in excess of this standard may be replaced to their prior dimensions when damaged without the requirement that the homeowner obtain a non-conforming structures permit under Chapter 66 CDC.

SECTION 15. Amendment. West Linn Community Development Code Chapter 13 Single-Family Residential Detached and Attached/Duplex, R-5, Section 13.090 Other Applicable Development Standards, is amended and renumbered where needed to read as follows:

13.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

A. The following standards apply to all development including permitted uses:

1. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.
2. Chapter 35 CDC, Temporary Structures and Uses.
3. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.
- ~~4. Chapter 40 CDC, Building Height Limitations, Exceptions.~~
- 54.** Chapter 41 CDC, **Building Height**, Structures on Steep Lots, Exceptions.

...

SECTION 16. Amendment. West Linn Community Development Code Chapter 14 Single-Family Residential Detached and Attached/Duplex, R-4.5, Section 14.060 Conditional Uses, is amended to read as follows:

14.060 CONDITIONAL USES

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

- ~~1. Children's day care center.~~ **Certified Child Care Center**

...

SECTION 17. Amendment. West Linn Community Development Code Chapter 14 Single-Family Residential Detached and Attached/Duplex, R-4.5, Section 14.070 Dimensional Requirements, Uses Permitted Outright And Uses Permitted Under Prescribed Conditions, is amended to read as follows:

Except as may be otherwise provided by the provisions of this code, the following are the requirements for uses within this zone:

...

- I. The **maximum** floor area ratio shall be 0.45. Type I and II lands shall not be counted toward lot area when determining allowable floor area ratio, except that a minimum floor area ratio of 0.30 shall be allowed regardless of the classification of lands within the property. That 30 percent shall be based upon the entire property including Type I and II lands. Existing residences in excess of this standard may be replaced to their prior dimensions when damaged without the requirement that the homeowner obtain a "non-conforming structures" permit under Chapter 66 CDC.

SECTION 18. Amendment. West Linn Community Development Code Chapter 14 Single-Family Residential Detached and Attached/Duplex, R-4.5, Section 14.090 Other Applicable Development Standards, is amended and renumbered where needed to read as follows:

14.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

A. The following standards apply to all development including permitted uses:

1. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.
2. Chapter 35 CDC, Temporary Structures and Uses.
3. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.
- ~~4. Chapter 40 CDC, Building Height Limitations, Exceptions.~~
- 54.** Chapter 41 CDC, **Building Height**, Structures on Steep Lots, Exceptions.

...

SECTION 19. Amendment. West Linn Community Development Code Chapter 15 Single-Family Residential and Multi Family Residential, R-3, Section 15.060 Conditional Uses, is amended to read as follows:

15.060 CONDITIONAL USES

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

1. ~~Children's day care center.~~ **Certified Child Care Center**

...

SECTION 20. Amendment. West Linn Community Development Code Chapter 15 Single-Family Residential and Multi Family Residential, R-3, Section 15.070 Dimensional Requirements, Uses Permitted Outright And Uses Permitted Under Prescribed Conditions, is amended to read as follows:

Except as may be otherwise provided by the provisions of this code, the following are requirements for uses within this zone:

...

- G. The **maximum** floor area ratio for single-family homes shall be 0.45. Type I and II lands shall not be counted toward lot area when determining allowable floor area ratio, except that a minimum floor area ratio of 0.30 shall be allowed regardless of the classification of lands within the property. That 30 percent shall be based upon the entire property including Type I and II lands. Existing residences in excess of this standard may be replaced to their prior dimensions when damaged without the requirement that the homeowner obtain a non-conforming structures permit under Chapter 66 CDC.

SECTION 21. Amendment. West Linn Community Development Code Chapter 15 Single-Family Residential Detached and Multi-Family Residential, R-3, Section 15.090 Other Applicable Development Standards, is amended and renumbered where needed to read as follows:

15.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

A. The following standards apply to all development including permitted uses:

1. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.
2. Chapter 35 CDC, Temporary Structures and Uses.
3. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.
4. ~~Chapter 40 CDC, Building Height Limitations, Exceptions.~~
- 54.** Chapter 41 CDC, **Building Height**, Structures on Steep Lots, Exceptions.

...

SECTION 22. Amendment. West Linn Community Development Code Chapter 16 Single-Family and Multiple-Family Residential, R-2.1, Section 16.060 Conditional Uses, is amended to read as follows:

16.060 CONDITIONAL USES

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

- ~~1. Children's day care center.~~ **Certified Child Care Center**

...

SECTION 23. Amendment. West Linn Community Development Code Chapter 16 Single-Family and Multiple-Family Residential, R-2.1, Section 16.070 Dimensional Requirements, Uses Permitted Outright And Uses Permitted Under Prescribed Conditions, is amended to read as follows:

Except as may be otherwise provided by the provisions of this code, the following are requirements for uses within this zone:

...

H. The **maximum** area ratio for single-family homes shall be 0.45. Type I and II lands shall not be counted toward lot area when determining allowable floor area ratio, except that a minimum floor area ratio of 0.30 shall be allowed regardless of the classification of lands within the property. That 30 percent shall be based upon the entire property including Type I and II lands. Existing residences in excess of this standard may be replaced to their prior dimensions when damaged without the requirement that the homeowner obtain a non-conforming structures permit under Chapter 66 CDC.

SECTION 24. Amendment. West Linn Community Development Code Chapter 16 Single-Family Residential Detached and Multi-Family Residential, R-2.1, Section 16.090 Other Applicable Development Standards, is amended and renumbered where needed to read as follows:

16.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

A. The following standards apply to all development including permitted uses:

- Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.
- Chapter 35 CDC, Temporary Structures and Uses.
- Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.
- ~~Chapter 40 CDC Building Height Limitations, Exceptions.~~
- 54.** Chapter 41 CDC, **Building Height**, Structures on Steep Lots, Exceptions.

...

SECTION 25. Amendment. West Linn Community Development Code Chapter 18 Neighborhood Commercial - NC, Section 18.060 Conditional Uses, is amended to read as follows:

18.060 CONDITIONAL USES

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

1. ~~Children's day care center.~~ **Certified Child Care Center**

...

SECTION 26. Amendment. West Linn Community Development Code Chapter 18 Neighbor Hood Commercial - NC, Section 18.090 Other Applicable Development Standards is amended and renumbered where needed to read as follows:

18.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

A. The following standards apply to all development including permitted uses:

1. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.
2. Chapter 35 CDC, Temporary Structures and Uses.
3. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.
4. ~~Chapter 40 CDC, Building Height Limitations, Exceptions.~~

- 54. Chapter 41 CDC, Building Height, Structures on Steep Lots, Exceptions.**

...

SECTION 27. Amendment. West Linn Community Development Code Chapter 19 General Commercial - GC, Section 19.060 Conditional Uses, is amended to read as follows:

19.060 CONDITIONAL USES

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

1. ~~Children's day care center.~~ **Certified Child Care Center**

...

SECTION 28. Amendment. West Linn Community Development Code Chapter 19 General Commercial - GC, Section 19.090 Other Applicable Development Standards, is amended and renumbered where needed to read as follows:

19.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

A. The following standards apply to all development including permitted uses:

1. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.
2. Chapter 35 CDC, Temporary Structures and Uses.
3. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.
4. ~~Chapter 40 CDC, Building Height Limitations, Exceptions.~~

- 54. Chapter 41 CDC, Building Height, Structures on Steep Lots, Exceptions.**

SECTION 29. Amendment. West Linn Community Development Code Chapter 21 Office Business Center - OBC, Section 21.060 Conditional Uses, is amended to read as follows:

21.060 CONDITIONAL USES

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

1. ~~Children's day care center.~~ **Certified Child Care Center**

...

SECTION 30. Amendment. West Linn Community Development Code Chapter 21 Office Business Center - OBC, Section 21.090 Other Applicable Development Standards, is amended and renumbered where needed to read as follows:

21.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

A. The following standards apply to all development including permitted uses:

1. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.
2. Chapter 35 CDC, Temporary Structures and Uses.
3. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.
4. ~~Chapter 40 CDC, Building Height Limitations, Exceptions.~~
- 54. Chapter 41 CDC, Building Height, Structures on Steep Lots, Exceptions.**

...

SECTION 31. Amendment. West Linn Community Development Code Chapter 22 Campus Industrial - CI, Section 22.090 Other Applicable Development Standards, is amended and renumbered where needed to read as follows:

22.100 OTHER APPLICABLE DEVELOPMENT STANDARDS

The following standards apply to all development including permitted uses:

1. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.
2. Chapter 35 CDC, Temporary Structures and Uses.
3. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.
4. ~~Chapter 40 CDC, Building Height Limitations, Exceptions.~~
- 54. Chapter 41 CDC, Building Height, Structures on Steep Lots, Exceptions.**

...

SECTION 32. Amendment. West Linn Community Development Code Chapter 23 General Industrial - GI, Section 23.090 Other Applicable Development Standards is amended and renumbered where needed to read as follows:

23.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

A. The following standards apply to all development including permitted uses:

1. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.
2. Chapter 35 CDC, Temporary Structures and Uses.
3. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.
4. ~~Chapter 40 CDC, Building Height Limitations, Exceptions~~
- 54. Chapter 41 CDC, Building Height, Structures on Steep Lots, Exceptions.**

...

SECTION 33. Amendment. West Linn Community Development Code Chapter 25 Overlay Zones – Historic District Section 25.070 Additional Standards Applicable to Historic Districts, Subsection C - Willamette Historic District general design standards, is amended to read as follows:

...

~~6. New lot configuration. In addition to other requirements of the CDC, all new lots in the historic district shall be perpendicular to the street and extend directly from the lot line along the street to the opposite lot line. The primary structure and any other contributing structures on the original property shall not be located on separate lots.~~

...

SECTION 34. Amendment. West Linn Community Development Code Chapter 34 Accessory Structures, Accessory Dwelling Units, and Accessory Uses, Section 34.040 is amended to read as follows:

~~34.040 SETBACK PROVISIONS FOR NOISE-PRODUCING ACCESSORY STRUCTURES AND USES~~

Noise-producing accessory uses ~~and structures~~ (for example: such as heat pumps, swimming pool motors or filter pumps) ~~shall meet the setback requirements of the zone.~~ **may be placed within the side, front or rear yard setback, but no closer than three feet to the property line.**

...

SECTION 35. Amendment. West Linn Community Development Code Chapter 37 Home Occupations, Section 37.020.A General Standards, is amended to read as follows:

...

9. ~~a.~~ The use of signs shall **meet the requirements of Chapter 52.300 unless modified by this chapter.** ~~be limited to one sign not greater than one foot by six inches in area and flush-mounted to the residential dwelling. In the event that the residential dwelling is set back more than 100 feet from the abutting public street, or otherwise obstructed from view due to~~

~~topography or landscaping, the allowed sign may be located at the driveway access. Freestanding signs shall be mounted on a base equal to, or less than, the width of the sign. The freestanding sign and its base shall not exceed three feet in height. Approval standards in CDC 52.210 governing sign design apply.~~

~~b. Signs advertising home occupations in the historic district or in a designated historic landmark per Chapter 25 CDC shall be subject to the design standards in CDC 52.210(K).~~

SECTION 36. Amendment. West Linn Community Development Code Chapter 38 Additional Yard Area Required; Exceptions To Yard Requirements; Storage In Yards; Projections Into Yards, Section 38.020 No Yard Required; Structure Not On Property Line, is amended to read as follows:

38.020 NO YARD REQUIRED; STRUCTURE NOT ON PROPERTY LINE

In zones where a side yard or a rear yard setback is not required, a structure which is not to be built on the property line shall be set back from the property line by at least three feet, **except as prescribed in CDC 58.090.C.1.**

SECTION 37. Amendment. West Linn Community Development Code Chapter 43 Side Wall Transitions, Section 43.040 General Provisions, is amended to read as follows:

43.040 GENERAL PROVISIONS

New house construction or remodels to the side wall of existing homes shall transition to homes on either side by one of two methods, subsection A or B of this section, or satisfy one of the exemptions, subsections (C)(1) through (6) of this section.

A. The side elevation of the house must be divided into smaller areas or planes to minimize the appearance of bulk when viewed from the neighboring properties or a side street. When the side elevation of the house is more than 700 square feet in area, the elevation must be divided into distinct planes of 700 square feet or less. For the purpose of this standard, a distinct plane is created when there is a recessed or projecting section of the structure that projects or recedes at least two feet, for a length of at least six feet **(see example in Figure 1).**

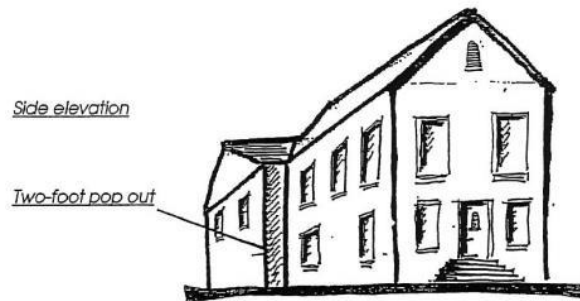


Figure 1

~~700-square-foot of vertical space on side elevation (any combination of height X width) requires a two-foot indentation or pop out~~

~~B. The height of the sidewall shall not exceed 22 feet as measured from grade at the mid-point of the sidewall to the eaves. Sidewall can resume vertically after minimum seven and one-half foot setback.~~

~~Sidewalls less than 22 feet high to eaves from average grade are exempt from pop out/indentation requirement. Sidewall can resume vertically if set back seven and one-half feet.~~

C. Exemptions.

1. Exempt the side of homes that are built 20 feet or more from the side lot line.
2. Exempt homes on steep lots where the peak of the roof would be no more than 24 feet above the average street grade.
3. Exempt homes on narrow lots 50 feet wide or less shall be allowed a minimum side-to-side width of 30 feet for floors above the first floor. The 30-foot-wide floor shall be able to accommodate a nine-foot floor-to-ceiling measurement on the second floor.
4. Exempt homes whose side yards are contiguous to an open space, unbuildable area, or non-residentially zoned lands are exempt. (No exemption if adjacent to a park.)
5. Exempt houses that have the gable end facing the side lot line.
6. Replacement in kind of building materials on the sidewall of an existing house shall be exempt. For example, the replacement of siding would be exempt.

7. The height of the sidewall shall not exceed 22 feet as measured from grade at the mid-point of the sidewall to the eaves. Sidewall can resume vertically after minimum seven-and-one-half-foot setback (See example in Figure 2).

...

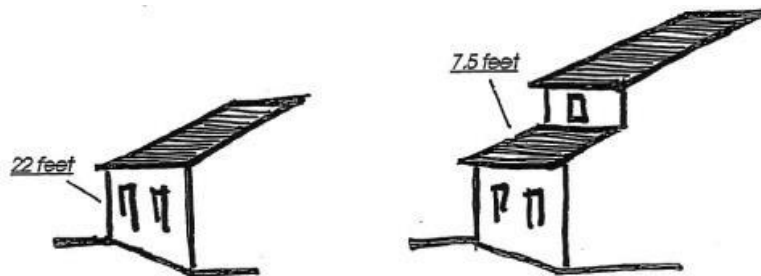


Figure 2

SECTION 38. Amendment. West Linn Community Development Code Chapter 46 Off-Street Parking, Loading and Reservoir Areas, Section 46.090 Minimum Parking Space Requirements, is amended to read as follows:

46.090 MINIMUM OFF-STREET PARKING SPACE REQUIREMENTS

A. Residential parking space requirements.

- 1. Single-family residences (attached or detached). 1 ~~off-street~~ space for each dwelling unit; may or may not be in garage or carport.
- 2. Two-family residences and duplexes. 1 ~~off-street~~ space for each dwelling unit; may or may not be in garage or carport.
- 3. Multi-family residences:
 - a. 500 square feet or less. 1 ~~off-street~~ space for each unit.
 - b. 1 bedroom apartment. 1.25 ~~off-street~~ spaces for each unit. Stacking one car behind the other is permitted only when the parking spaces are allocated to specific apartments.
 - c. 2 bedroom apartments. 1.5 ~~off-street~~ spaces for each dwelling unit. Stacking one car behind the other is permitted only when the parking spaces are allocated to specific apartments.
 - d. 3 (or more) bedroom apartment. 1.75 ~~off-street~~ spaces for each dwelling unit. Stacking one car behind the other is permitted only when the parking spaces are allocated to specific apartments.
 - e. Visitor parking for multi-family residences. 1 ~~off-street~~ space for every 3 apartment units evenly distributed throughout the complex. These spaces shall be clearly identified and signed as visitor spaces only. This number may be reduced by 1 space for every 18 feet of project abutting public street frontage where on-street parking is allowed.
- 4. Residential hotel, rooming and boarding houses. 1 ~~parking~~ space per 1,000 square feet of gross leasable area.
- 5. Correctional institutions. 1 space for each 3 beds or patients, plus 1 space for each 2 employees.
- 6. Manufactured/mobile home. Same as single-family.

- 7. Adult foster care, residential care facility, assisted living facility. 1 ~~off-street~~ space for each 3 units plus 1 space for each employee working during the time period with the greatest number of employees on site.

B. . . .

C. Commercial.

- 1. Restaurants: Eating and drinking establishments.

. . .

SECTION 39. Amendment. West Linn Community Development Code Chapter 46 Off Street Parking, Loading And Reservoir Areas, Section 46.140. Exemptions To Parking Requirements, is amended to read as follows:

. . .

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 **minimum parking and off-street loading** requirements ~~for off-street parking~~ as identified in this chapter. Any off-street parking **or loading** spaces **voluntarily** provided ~~and all bicycle parking spaces~~ shall be designed and installed per the dimensional standards of this code. (Ord. 1463, 2000; Ord. 1638 § 3, 2015)

SECTION 40. Amendment. West Linn Community Development Code Chapter 48 Access, Egress and Circulation, Section 48.025.B Access Control Standards, is amended to read as follows:

. . .

B. Access control standards.

1. Traffic impact analysis requirements. The City or other agency with access jurisdiction may require a traffic study prepared by a qualified professional to determine access, circulation and other transportation requirements. (See also CDC 55.125, Traffic Impact Analysis.)

2. The City or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure

the safe and efficient operation of the street and highway system. Access to and from off-street parking areas shall not permit backing onto a public street.

3. Access options. When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (planned access shall be consistent with adopted public works standards and TSP). These methods are “options” to the developer/subdivider **as approved by the City Engineer.**

...

SECTION 41. Amendment. West Linn Community Development Code Chapter 52 - Signs, Section 52.210 Approval Standards, is amended to read as follows:

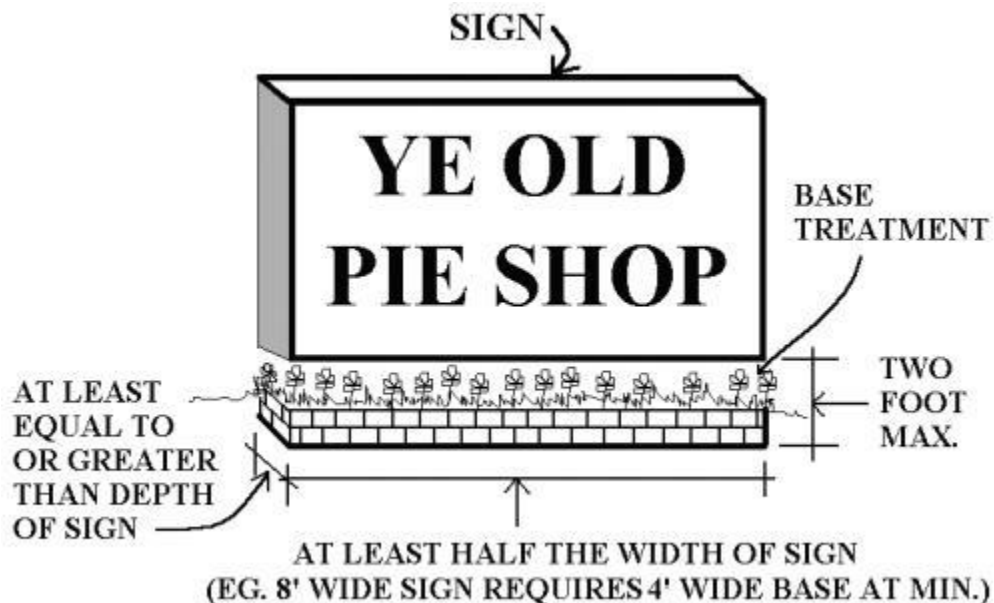
52.210 APPROVAL STANDARDS

All signs shall meet the following standards:

...

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. **The sign height includes any portion of the base located above street grade (Also refer to Sign Definitions – Grade.)**
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.

...

SECTION 42. Amendment. West Linn Community Development Code Chapter 54, Section 54.070 Specification Summary, is amended to read as follows:

54.070 SPECIFICATION SUMMARY

Area/Location	Landscaping Req'd.
1. Between parking lot and R-O-W. <u>54.020.E.3.d</u>	10 ft.
2. Between parking lot and other lot. <u>54.020.E.3.b</u>	5 ft.
3. Between parking lot and R-O-W if parking lot comprises more than 50 percent of main R-O-W frontage. <u>54.020.E.3.e</u>	15 ft.
4. Percentage of residential/multi-family site to be landscaped. <u>54.020.E.1</u>	25%
5. Percentage of non-residential (commercial/industrial/office) site to be landscaped. <u>54.020.E.2</u>	20%
6. Percentage of 10 - 25 <u>20</u> car parking lot to be landscaped (excluding perimeter). <u>54.020.E.3.a.</u>	5%
7. Percentage of 1 - 9 car parking lot to be landscaped (excluding perimeter). <u>54.020.E.3.a.</u>	0%
8. Percentage of 26 <u>20</u> + car parking lot to be landscaped (excluding perimeter). <u>54.020.E.3.a.</u>	10%

SECTION 43. Amendment. West Linn Community Development Code Chapter 55 Design Review, Section 55.025 Exemptions, is amended to read as follows:

55.025 EXEMPTIONS

The following activities are exempt from the provisions of this chapter:

- A. Detached single-family residential construction; **except as indicated otherwise in the base zone or in this chapter.**
- B. Accessory structures;
- C. One to two duplexes or single-family attached structures except as indicated otherwise **in the base zone or** in this chapter;
- D. Architectural replacements in kind, or replacement of building materials that are equal or superior to existing materials (in terms of performance or quality) but that do not alter the architectural style of the structure. Retrofitted awnings, changes in color schemes, wall art, and freestanding statuary or art under five feet tall are exempt from design review, but shall be subject to Planning Director review under the provisions of CDC 99.060(A)(2), prescribed conditions, and the approval criteria of CDC 55.100(B)(6)(a) and (b). (Ord. 1408, 1998; Ord. 1604 § 51, 2011)

SECTION 44. Amendment. West Linn Community Development Code Chapter 55 Design Review, Section 55.090 Approval Standards – Class I Design Review, is amended to read as follows:

55.090 APPROVAL STANDARDS – CLASS I DESIGN REVIEW

The Planning Director shall make a finding with respect to the following criteria when approving, approving with conditions, or denying a Class I design review application:

- A. The provisions of the following sections shall be met:
 - 1. CDC 55.100(B)(1) through (4), Relationship to the natural and physical environment, shall apply except in those cases where the proposed development site is substantially developed and built out with no remaining natural physical features that would be impacted.
 - 2. CDC 55.100(B)(5) and (6), architecture, et al., shall only apply in those cases that involve exterior architectural construction, remodeling, or changes.
 - 3. Pursuant to CDC 55.085, the Director may require additional information and responses to additional sections of the approval criteria of this section depending upon the type of application.

4. The design standards or requirements identified in the base zone, shall apply.

- B. An application may be approved only if adequate public facilities will be available to provide service to the property at the time of occupancy.
- C. The Planning Director shall determine the applicability of the approval criteria in subsection A of this section. (Ord. 1408, 1998; Ord. 1544, 2007)

SECTION 45. Amendment. West Linn Community Development Code Chapter 55 Design Review, Section 55.100 Approval Standards – Class II Design Review is amended and renumbered where needed to read as follows:

55.100 APPROVAL STANDARDS – CLASS II DESIGN REVIEW

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:

- A. The provisions of the following chapters shall be met:
 - 1. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.
 - 2. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.
 - ~~3. Chapter 40 CDC, Building Height Limitations, Exceptions.~~
 - 43. Chapter 41 CDC, Building Height, Structures on Steep Lots, Exceptions.**

SECTION 46. Amendment. West Linn Community Development Code Chapter 56 Parks and Natural Area Design Review, Section 56.100 Approval Standards – Class II Design Review, is amended to read as follows:

56.100 APPROVAL STANDARDS – CLASS II DESIGN REVIEW

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

...

- K. Miscellaneous criteria. Selected elements of the following chapters shall be met. It is not necessary to respond to all the submittal standards or approval criteria contained in these chapters, only those elements that are found to be applicable by the Planning Director at the pre-application conference pursuant to CDC 99.030(B) and (C):
 - 1. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.
 - 2. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.
 - ~~3. Chapter 40 CDC, Building Height Limitations, Exceptions.~~
 - 3. Chapter 41 CDC, Building Height, Structures on Steep Lots, Exceptions.**

SECTION 47. Amendment. West Linn Community Development Code Chapter 58 Willamette Falls Drive, Commercial Design District, Section 58.090 Standards, is amended to read as follows:

...

- C. The following standards shall apply to new construction and remodels.
 - 1. Dimensional standards.

- a. Front: zero-foot setback. Building may not be set back from the property line unless it is consistent with predominant building line.
 - b. Side and side street: zero-foot setback. Building may not be set back from the side property line except for side passageway, accessway, or stairway unless fire codes dictate otherwise. The setback shall not exceed six feet. ~~The setback should be consistent with the rhythm of adjacent structures, or at least not deleterious to it.~~
- ...

SECTION 48. Amendment. West Linn Community Development Code Chapter 59 Willamette Neighborhood Mixed Use Commercial Zone, Section 59.060 Conditional Uses, is amended to read as follows:

59.060 CONDITIONAL USES

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

- 1. ~~Children’s day care center.~~ **Certified Child Care Center**

...

SECTION 49. Amendment. West Linn Community Development Code Chapter 59 Willamette Neighborhood Mixed Use Commercial Zone, Section 59.100 Approval Standards – Class II Design Review, is amended and renumbered where needed to read as follows:

CHAPTER 59 WILLAMETTE NEIGHBORHOOD MIXED USE TRANSITIONAL ZONE

59.100 OTHER APPLICABLE DEVELOPMENT STANDARDS

The following standards apply to all development including permitted uses:

- 1. Chapter 28 CDC, Willamette and Tualatin River Protection.
- 2. Chapter 36 CDC, Manufactured Homes.
- 3. Chapter 32 CDC, Water Resource Area Protection.
- 4. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.
- 5. Chapter 35 CDC, Temporary Structures and Uses.
- 6. Chapter 37 CDC, Home Occupations.
- 7. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.
- 8. ~~Chapter 40 CDC, Building Height Limitations, Exceptions.~~
- 89. Chapter 41 CDC, Building Height, Structures on Steep Lots, Exceptions.**

SECTION 50. Amendment. West Linn Community Development Code Chapter 59 Willamette Neighborhood Mixed Use Transitional Zone, Section 59.070 Dimensional Requirements, Uses

Permitted Outright and Uses Permitted Under Prescribed Conditions, is amended to read as follows:

A. Except as may be otherwise provided by the provisions of this code, the following are the requirements for uses within this zone:

...

7. The **maximum** building floor area ratio shall be 0.4, except that the ground floor of the building shall not exceed 5,000 square feet. **Type I and II lands shall not be counted toward lot area when determining allowable floor area ratio, except that a minimum floor area ratio of 0.30 shall be allowed regardless of the classification of lands within the property. That 30 percent shall be based upon the entire property including Type I and II lands. Existing residences in excess of this standard may be replaced to their prior dimensions when damaged without the requirement that the homeowner obtain a non-conforming structures permit under Chapter 66 CDC.**

SECTION 51. Amendment. West Linn Community Development Code Chapter 68 Non-Conforming Lots, Section 68.040 Status, is amended to read as follows:

A. A substandard lot of record in any residential zoning district except the Willamette Historic District, as regulated in Chapter 25 CDC, may be developed for a use allowed within the applicable zone provided:

...

3. All applicable code provisions including lot dimensional requirements are met except for single-family detached or attached dwellings in the R-10, R-7, R-5, R-4.5, R-3 and R-2.1 zones where the following lot dimensional requirements shall apply:

- a. The minimum front lot line shall be 30 feet.
- b. The average minimum lot width shall be ~~45~~ **35** feet.

SECTION 52. Amendment. West Linn Community Development Code Chapter 81 Boundary Changes, Section 81.050 Approval Criteria, is amended to read as follows:

81.050 APPROVAL CRITERIA

The City Council shall approve a boundary change proposal based on findings and conclusions that the proposal complies with the criteria of Metro Code Section 3.09.050(D) **and**

1. West Linn Municipal Code Sections 2.920 Step 1 Land Use Decision.

- a. **The application of the Zoning Designation shall follow the criterial in CDC Section 81.055.**

2. The West Linn Municipal Code Section 2.930 Step 2 Policy Decision. (Ord. 1442, 1999; Ord. 1635 § 29, 2014)

SECTION 53. Amendment. West Linn Community Development Code Section 85 Land Division Section 85.200, Approval Criteria, is amended to read as follows:

...

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

...

7. On land with slopes in excess of 12 percent, cuts and fills shall be regulated as follows:

a. Toes of cuts and fills shall be set back from the boundaries of separate private ownerships at least three feet, plus one-fifth of the vertical height of the cut or fill. Where an exception is required from that requirement, slope easements shall be provided.

b. Cuts shall not remove the toe of any slope where a severe landslide or erosion hazard exists ~~(as described in subsection (G)(5) of this section).~~

...

SECTION 54. Amendment. West Linn Community Development Code Section 85 Land Division Section 85.210, Property Line Adjustment – Approval Standards, is amended to read as follows:

85.210 PROPERTY LINE ADJUSTMENTS – APPROVAL STANDARDS

A. The Director shall approve or deny a request for a property line adjustment based on the criteria stated below:

1. An additional lot or parcel shall not be created by the property line adjustment.
2. The existing property shall not be reduced in size by the adjustments below the minimum lot or parcel size established by the approved zoning for that district. **The property line adjustment shall not enlarge, increase or extend the non-conformity of a non-conforming lot or non-conforming structure.**

3. Property line adjustments shall be either:

- a. a straight line; (see Figure 1 example)
- b. a line with maximum of two 45 to 90 degrees turns; or, (see Figure 2 example)
- c. a maximum of three turns less than 45 degrees. (see Figure 3 example)

(The following figures are only intended as examples.)

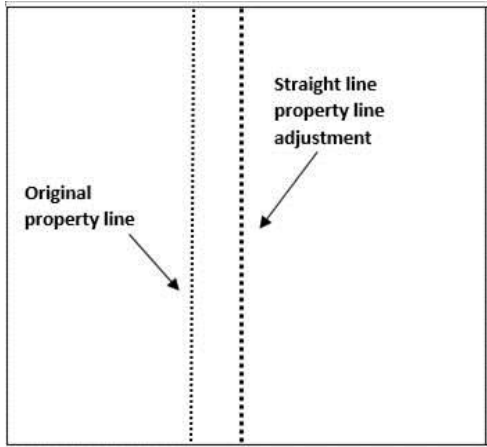


Figure 1.

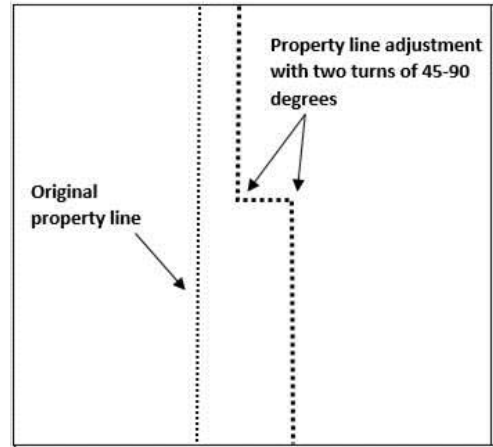


Figure 2.

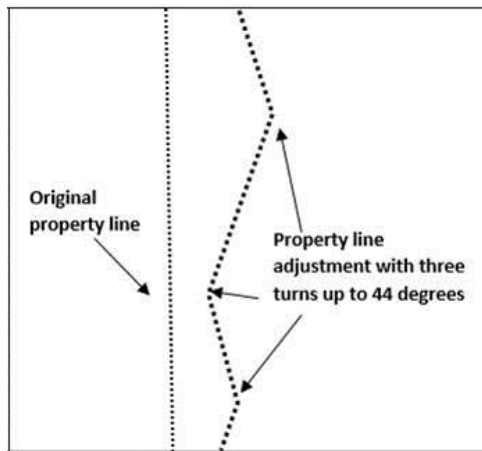
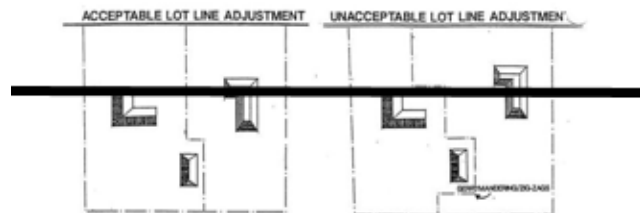


Figure 3.

34. Reducing the lot or parcel size The property line adjustment shall not create a lot or parcel that violates the applicable site development regulations. ~~for that district. For example, the property line adjustment shall not result in an overall loss of density below 70 percent except as allowed by CDC 85.200(J)(7).~~

45. The property line adjustment is as defined by ORS Chapter 92.



5. The ~~lot~~ property line adjustment will not adversely affect existing easements or existing utilities unless an easement vacation is obtained, replacement easements are ~~dedicated~~ established, or any required utility relocations are paid for by the applicant.

6. Proposed property line adjustments that cannot meet these standards are subject to review under CDC 99.060.B.7 .

7. Any appeal must be filed in accordance with CDC 99.240.

B. The provisions of CDC 85.070 shall also apply to ~~lot~~ property line adjustments.

SECTION 55. Amendment. West Linn Community Development Code Chapter 99 Procedures For Decision Making: Quasi-Judicial , Section 99.030 Application Process: Who May Apply, Pre-Application Conference, Requirements, Refusal of Application, Fees, is amended to read as follows:

...

B. Pre-application conferences.

1. Subject to subsection (B)(4) of this section, a pre-application conference is required for, but not limited to, each of the following applications:

- a. Boundary changes, per Chapter 81 CDC;
- b. Amendments to the Comprehensive Plan;
- c. Amendments to the Zoning Map;
- d. Conditional uses;
- e. Design review (Class I and Class II);
- f. Historic design review (Class II);
- g. Designation of a historic resource or removal of a historic resource designation;
- 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.

t. Extensions of Approval with Modifications to Original Approval

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.
 - j. Extensions of Approval with No modification to Original Approval**

SECTION 56. Amendment. West Linn Community Development Code Chapter 99 Procedures For Decision Making: Quasi-Judicial , Section 99.170 Hearing Procedures , is amended to read as follows:

...

F. If requested, an applicant shall be granted an additional period of at least seven days after the record is closed to all other parties to submit final written arguments in support of the application. The applicant’s final submittal shall be considered part of the record, but shall not include any new evidence. Any such time period granted to the applicant shall not be subject to the time limit provisions of ORS Chapter 227.215 ORS regarding local government ~~decision making~~ **hearing procedures found in ORS 227.170 for** or quasi-judicial applications.

SECTION 57. Amendment. West Linn Community Development Code Chapter 99 Procedures For Decision Making: Quasi-Judicial , Section 99.325 Extensions of Approval, is amended to read as follows:

99.325 EXTENSIONS OF APPROVAL

A. ~~The Planning Director~~ **An extension** may ~~be granted an extension~~ **by the original decision making body by an additional two years** from the effective date of approval ~~of two years~~ pertaining to applications listed in CDC 99.060(A)**(B)(C)(D) or (E), as applicable** upon finding that:

1. The applicant has demonstrated, ~~and staff and the Planning Commission concur,~~ that the application is in conformance with applicable CDC provisions and relevant approval criteria enacted since the application was initially approved; and
2. There are no demonstrated material misrepresentations, errors, omissions, or changes in facts that directly impact the project, including, but not limited to, existing conditions, traffic, street alignment and drainage; or

3. The applicant has modified the approved plans to conform with current approval criteria and remedied any inconsistency with subsection (A)(2) of this section, in conformance with any applicable limits on modifications to approvals established by the CDC.

~~B. The Planning Commission may grant an extension from the effective date of approval of two years pertaining to applications listed in CDC 99.060(B), consistent with subsections (A)(1) through (3) of this section.~~

~~C. The Historic Review Board may grant an extension from the effective date of approval of two years for applications listed in CDC 99.060(D), consistent with subsections (A)(1) through (3) of this section.~~

D. *Repealed by Ord. 1635.*

E. Extension procedures.

1. The application for extension of approval **with modifications to the original approval** may be submitted only after a pre-application meeting under CDC 99.030(B). **If no modifications are made to the original approval, a pre-application conference is not required.**

2. The application **for extension of approval with modifications to the original approval** shall satisfy the neighborhood meeting requirements of CDC 99.038 for those cases that require compliance with that section. **If no modifications are made to the original approval, no neighborhood meeting is required.**

3. Applications for extensions must be submitted along with the appropriate deposit to the Community Development Department.

4. Applications for extensions will be processed if the initial approval lapses prior to issuance of a decision, consistent with subsection (D)(2) of this section.

5. Notice of the decision shall be issued consistent with CDC 99.080.

6. The decision shall not become effective until resolution of all appeal periods, including an opportunity for City Council call-up pursuant to this chapter. (Ord. 1589 § 1 (Ex. A), 2010; Ord. 1621 § 25, 2014; Ord. 1635 § 43, 2014)

SECTION 58. 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 59. 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 60. 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 4-6) need not be codified and

the City Recorder or his/her designee is authorized to correct any cross-references and any typographical errors.

SECTION 61. 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 _____, 2018, and duly PASSED and ADOPTED this _____ day of _____, 2018.

RUSSELL B. AXELROD, MAYOR

KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY



Memorandum

Date: June 7, 2018

To: West Linn City Council

From: West Linn Planning Commission

Subject: CDC-18-01 Recommendation

The Planning Commission held a public hearing on June 6, 2018, for the purpose of making a recommendation to the City Council on the adoption of the proposed Community Development Code (CDC) Amendments found in Ordinance 1675 (Land Use File CDC-18-01). The proposed amendments are in response to direction from the Mayor, City Council and Planning Commission to complete three items: clarify a zig zag line provision found in the lot line adjustments, provide updates to be consistent with state statute, and complete minor corrections or clarification to various CDC chapters. The proposal was previously discussed at the Commission's May 2, 2018, worksession.

After conducting the public hearing, the Commission deliberated and voted unanimously (5 to 0) to recommend City Council adoption of the proposed amendments with minor changes. No written or oral testimony was submitted prior to or at the public hearing.

During deliberations, the Commission requested the following changes be made to Ordinance 1675:

Section 1 – restructure the language in two places to read “**Duties and rules of** the State of Oregon Office of Child Care ~~duties and rules~~ are identified in ORS 329A.010-329A.030”.

Section 54 – retain the three example figures and language, and add a reference to the associated standard in the text so the code reads as follows:

CDC 85.210.A

3. Property line adjustments shall be either:

- a. a straight line; (see Figure 1 example)**
- b. a line with maximum of two 45 to 90 degrees turns; or, (see Figure 2 example)**
- c. a maximum of three turns less than 45 degrees. (see Figure 3 example)**

(The following figures are only intended as examples.)

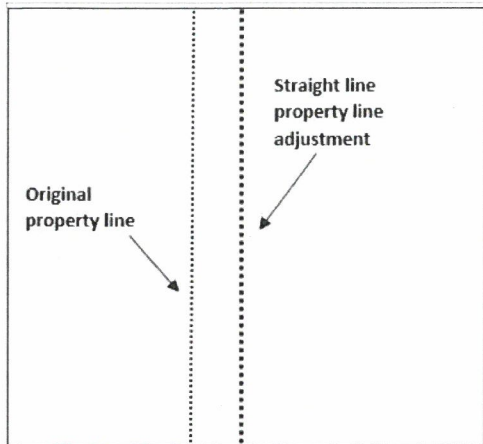


Figure 1.

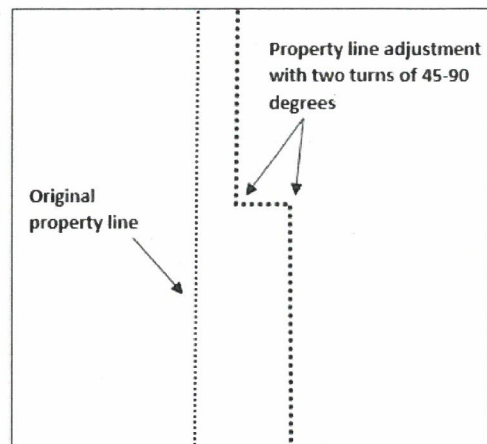


Figure 2.

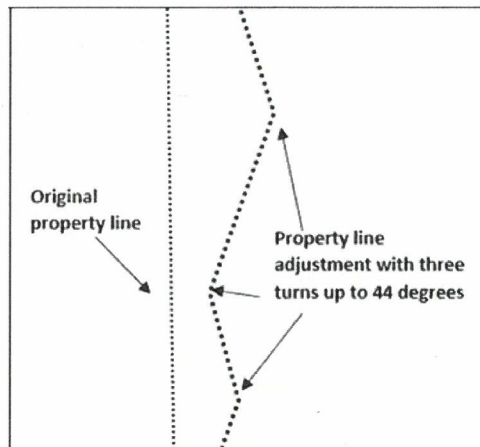
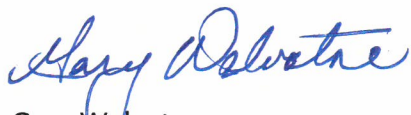


Figure 3.

Respectfully,


Gary Walvatne

Chair, West Linn Planning Commission



CITY OF
West Linn

**STAFF REPORT
FOR THE PLANNING COMMISSION**

FILE NUMBER: CDC-18-01

HEARING DATE: June 6, 2018

REQUEST: The Planning Commission is requested to consider a recommendation to City Council evaluation of proposed text amendments to multiple chapters of the West Linn Community Development Code.

APPROVAL CRITERIA: Community Development Code (CDC) Chapters 98 and 105

STAFF REPORT PREPARED BY: John J. Boyd AICP, Planning Manager *JJB*

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GENERAL INFORMATION

APPLICANT: City of West Linn

DESCRIPTION: A proposal for text amendments to chapters 2, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 21, 22, 23, 25, 34, 37, 38, 43, 46, 48, 52, 54, 55, 56, 58, 59, 68, 81, 85 and 99 of the West Linn Community Development Code. Specifically, amendments are proposed for:

- CDC 2.030 (definitions)
- In limited residential and commercial zones (Chapters 12 R-7, 13 R-5, 14 R-4.5, 15 R-3, 16 R-2.1, 18 NC, 19 GC, 21 OBC, and 59 WFC) under the subsection listed as “Conditional Uses” remove “Children’s Day Care Center” and replace with “Certified Child Care Center”
- In most zones subsections (CDC Chapters 8 R-40, 9 R-20, 10 R-15, 11 R-10, 12 R-7, 13 R-5, 14 R-4.5, 15 R-3, 16 R-2.1 and 59 WFC) listed as “Dimensional Requirements, Uses Permitted Outright, and Uses Permitted under Prescribed Conditions” clarify the Floor Area Ratio is a “maximum”
- In most zones subsections (CDC Chapters 8 R-40, 9 R-20, 10 R-15, 11 R-10, 12 R-7, 13 R-5, 14 R-4.5, 15 R-3, 16 R-2.1, 18 NC, 19 GC, 21 OBC, 22 CI, 23 GI, 55.100 Design Review, 56.100 Parks Design Review, and 59 WFC) listed as “Other Applicable Development Standards” remove outdated reference to Chapter 40 (previously deleted) and rename reference “Chapter 41 BUILDING HEIGHT, STRUCTURES ON STEEP LOTS, EXCEPTIONS”
- In Chapter 25.070 Subsection C remove item number 6 related to “New Lot Configuration” as it duplicates similar language in Chapter 85.200.B. subsections 3 – 7.
- Chapter 34 Accessory structures, ADU and Accessory Uses – remove the incorrect citation to “noise producing structures” in Section 34.040 and replace with the “noise producing uses”. Allow for noise producing uses within the setback if buffered. Accessory structures in setback allowed in 34.060.
- In Chapter 37.020 Subsection 9 remove duplicative criteria and replace with a reference to Chapter 52
- Chapter 38 No Yard Required, Structure not on property line – provide link to Chapter 58.090 provision as a clarification.
- Chapter 43.040 General Provisions – remove figure titles and move the text as criteria in the subsection. Add clarification on the sidewall off set height in the Exception subsection.
- Chapter 46 Off Street Parking clarify in 46.090 table by listing table as off-street parking requirements and providing consistent references to spaces within the table.
- Chapter 46 Off Street Parking clarify in 46.140 identify that parking in the Willamette Falls Drive Commercial Design district is voluntary and remove exception (clarifying the requirement for) bicycle parking.
- Chapter 48.025.B.3 Access Control Standards – Access options. Clarify the control standard selection is the decision of the City Engineer.

- Chapter 52 clarify in Section 52.210 clarified that the lowest grade (for properties build below road grade) includes the sign base in the height measurement.
- Chapter 54 amend section 54.070 to provide clarity by inserting CDC cross reference for requirements.
- Chapter 55 clarifies Section 55.025 Exemptions and 55.090 Approval Standards with the addition of an exception that clarifies there may be additional requirements in the base zone or other chapters.
- Chapter 58 clarifies Section 58.090 by removing a vague statement; "... rhythm of adjacent structures, . . ."
- Chapter 68 corrects Section 68.040 by providing lot widths consistent with other zones.
- Chapter 81, amend Section 81.050 by providing reference to Municipal Code section 2.920 for annexations.
- Chapter 85, corrects Section 85.200.E.7.b. by removing the outdated reference in subsection 85.200.E.7.b. and shown in brackets and the last sentence of the sub-section.
- Chapter 85, amend Section 85.210 to correct the graphic and provide a process for reviewing breaks in line segments for property line adjustments.
- Chapter 99, section 99.030.B.1.t and subsection 99.030.2.j is added to address whether a pre-application conference is required for an extension of approval with modifications to the original approval (where that approval required a conference)
- Chapter 99, correct section 99.170.F to reference the correct statute (ORS 227).
- Chapter 99, clarify section 99.325A to provide updated references and provide uniform information when processing an extension.

The amendments are described in detail in Exhibit 2.

**APPROVAL
CRITERIA:**

Community Development Code (CDC) Chapter 98 provides administrative procedures for legislative amendments to the Community Development Code. Section 98.100 of the CDC lists the factors upon which a decision shall be based. These are briefly described below and addressed in greater detail in a separate Section of this report:

1. The Statewide Planning Goals and rules adopted under ORS Chapter 197 and other applicable state statutes;
2. Any federal or state statutes or rules found applicable;
3. Applicable plans and rules adopted by the Metropolitan Service District (Metro);
4. The applicable Comprehensive Plan policies and map; and,
5. The applicable provisions of implementing ordinances.

PUBLIC NOTICE:

Legal notice was published in the West Linn Tidings on May 17, 2018 and provided to required public agencies and persons who requested notice in writing on May 17, 2018. No change in regulation that would impact a property was proposed; a notice pursuant to ORS 227.186 (Measure 56 Notice) was not required.

120-DAY RULE:

Not applicable to this legislative action.

EXECUTIVE SUMMARY

CDC 18-01 comprises a set of code amendments in response to direction from the Mayor, City Council and Planning Commission complete three items: clarifies a zig zag line provision found in the lot line adjustments, provide updates to be consistent with state statute and complete minor corrections or clarification to CDC submittal requirements. The proposed amendments follow direction provided to staff in several meetings and a Planning Commission work session.

Code amendments are approved by City Council Ordinance following a public hearing. Prior to this the Planning Commission also conducts a public hearing and provides a recommendation to Council.

This staff report details the background and intention of the proposed amendments and addresses applicable criteria. Staff is seeking a recommendation from the Planning Commission regarding CDC 18-01.

RECOMMENDATION

Staff recommends that the Planning Commission **RECOMMEND** approval of draft Ordinance 1675 to the City Council with any modifications deemed appropriate by the Commission.

PROJECT BACKGROUND

The issue arose during an appeal hearing on September 11, 2017, file AP-17-02 where the issue of a diagram remaining in CDC 85.210 remained without supportive text. The Council discussed the background information and considered revisiting the language that existed in the code before the supportive text was removed.

A Joint meeting was held on October 16, 2017 provided an update on the docket. The updated docket approved by Council lists needed maintenance updates for the CDC. This proposal completes both steps. The following is an outline separated by three headings of general change, followed by a listing of how those changes were implemented. Each change is cross referenced to assist the reader to find the change in the CDC and in the Ordinance 1675 Section that implements each proposed change.

The City Council considered the issue a needed clarification/ correction to the Lot Line Adjustment (CDC 85.210) criteria on November 6, 2017 and February 5, 2018 and directed the Planning Commission to provide additional language that clarifies their position. The Council considered three options:

Should the change address the traditional grid pattern sought in the historic district?

Should the change provide adequate flexibility for non-traditional lots impacted by topography or other natural features?

Should the change provide an option considered to have the same standard city wide?

The Council considered alternatives that would provide the consistent visual spacing sought in the historic district. The goal was to achieve those equal spacing in most neighborhoods where practical. The guidance was to provide a simple set of standards for consideration; as provided in draft Ordinance 1675.

On April 2, 2018, a joint work session was held with City Council and the Planning Commission to discuss the docket, code updates to consider changes in statute related to day care and family day care are included in the package of code changes along with pending work items (including the lot line adjustment update and miscellaneous code updates).

A summary of the proposed code changes are:

- Chapter 2 – Definitions: In limited residential and commercial zones (R-7, R-5, R-4.5, R-3, R-2.1, NC, GC, OBC, WFC) subsection listed as “Conditional Uses” remove “Children’s Day Care Center” and replace with “Certified Child Care Center”
- update Definition of “School” by removing the term “Nursery” as outdated child care term and conflicting with the CDC definition of Nursery (tree farm).
- Chapters 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 21, 22, 23, 55, 56, 59 subsections listed as “Dimensional Requirements, Uses Permitted Outright, and Uses Permitted Under Prescribed Conditions” clarify the Floor Area Ratio is a “maximum”
- Chapters 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 21, 22, 23, 55, 56, 59 In most zones subsections listed as “Other Applicable Development Standards” remove outdated reference to Chapter 40 (previously deleted) and rename reference “Chapter 41 BUILDING HEIGHT, STRUCTURES ON STEEP LOTS, EXCEPTIONS”
- Chapter 25 Overlay Zone – Historic District, remove 25.070.C.6 New Lot Configuration as duplicating lot requirements in 85.200.B
- Chapter 34 Accessory structures, ADU and Accessory Uses – remove the incorrect citation to “noise producing structures” in Section 34.040 and replace with the “noise producing uses”.

Allow for noise producing uses within the setback if buffered. Accessory structures in setback allowed in 34.060.

- Chapter 37 Home Occupation section 37.020.A.9 remove duplicative criteria for signs and replace reference to Chapter 52 Signs
- Chapter 38 No Yard Required, Structure not on property line – provide link to Chapter 58.090 provision as a clarification.
- Chapter 43.040 General Provisions – remove figure titles and move the text as criteria in the subsection. Add clarification on the sidewall off set height in the Exception subsection.
- Chapter 46 Off Street Parking clarify in 46.140 identify that parking in the Willamette Falls Drive Commercial Design district is voluntary and remove exception (thus require) bicycle parking.
- Chapter 48.025.B.3 Access Control Standards – Access options. Clarify the selection is the decision of the City Engineer.
- Chapter 52 Section 52.210 clarify the lowest grade includes the base in the height measurement.
- Chapter 54 amend section 54.070 a clarification by provides a citation for each specification.
- Chapter 55 clarifies Section 55.025 and 55.090 with the addition of an exception that clarifies there may be additional requirements in the base zone or other chapters.
- Chapter 58 clarifies Section 58.090 by removing a vague statement.
- Chapter 68 corrects Section 68.040 by providing consistency in lot widths
- Chapter 81 Boundary Changes add to Section 81.050 references to Municipal Code Sections 2.920 and 2.930 (Step 1 and Step 2 process for annexations)
- Chapter 85, corrects Section 85.200.E.7.b. by removing the outdated information in the brackets.
- Chapter 85, amend Section 85.210 to correct the graphic and provide a process for reviewing breaks in line segments.
- Chapter 99, section 99.030.B.1.t and subsection 99.030.2.j is added to address whether a pre-application conference is required for an extension of approval with modifications to the original approval (where that approval required a conference)
- Chapter 99, correct section 99.170.F to provide updated references to the correct statute.
- Chapter 99, clarify section 99.325A to provide updated references and provide uniform information when processing an extension.

Following the Planning Commission hearing and discussion on this proposal, and changes as found to be appropriate, the Planning Commission makes a recommendation to Council. Council also holds a public hearing and makes the final decision via adoption of an ordinance.

PUBLIC COMMENTS

At the time this Staff Report was prepared, the City had received no written comment on the proposed CDC amendment.

ADDENDUM
PLANNING COMMISSION STAFF REPORT
June 6, 2018

ANALYSIS OF APPLICABLE CRITERIA AND PROPOSED FINDINGS

West Linn Community Development Code

Chapter 98 - Procedures for Decision Making: Legislative

CDC 98.035 Citizen Engagement in Legislative Changes

B. New and modified land use legislative changes to this code will be developed by a representative working group of citizens and assisted by planning staff, unless the City Council determines that a working group is not necessary.

Findings: The City of West Linn 2017 Docket of Potential Amendments the Community Development Code updated on October 15, 2017 included under Potential Next Priorities - includes the proposed changes included in this update: Lot Line Adjustment Policy and under Small Projects Minor CDC Clean up.

CDC 98.040 Duties of Director

A. The Director shall:

- 1. If appropriate, or if directed by the City Council or Planning Commission in their motion, consolidate several legislative proposals into a single file for consideration;*
- 2. Upon the initiation of a legislative change, pursuant to this chapter:*
 - a. Give notice of the Planning Commission hearing as provided by CDC [98.070](#) and [98.080](#);*

Findings: The Planning Commission public hearing will be held on June 6, 2018, with the City Council public hearing scheduled for July 9, 2018. Legislative notice was provided as required and documentation can be found in Exhibit PC-1.

b. Prepare a staff report that shall include:

- 1) The facts found relevant to the proposal and found by the Director to be true;*
- 2) The Statewide planning goals and rules adopted under Chapter 197 ORS found to be applicable and the reasons why any other goal or rule is not applicable to the proposal except that goals 16 through 19 which are not applicable to the City of West Linn need not be addressed;*
- 3) Any federal or State statutes or rules the Director found applicable;*
- 4) Metro plans and rules the Director found to be applicable;*
- 5) Those portions of the Comprehensive Plan found to be applicable, and if any portion of the plan appears to be reasonably related to the proposals and is not applied, the Director shall explain the reasons why such portions are not applicable;*
- 6) Those portions of the implementing ordinances relevant to the proposal, and if the provisions are not considered, the Director shall explain the reasons why such portions of the ordinances were not considered; and*
- 7) An analysis relating the facts found to be true by the Director to the applicable criteria and a statement of the alternatives; a recommendation for approval, denial, or approval with modifications; and at the Director's option, an alternative recommendation;*

Findings: Relevant facts and associated analysis for applicable Statewide Planning Goals, federal and state statutes and rules, Metro plans and rules, West Linn Comprehensive Plan goals and policies, and West Linn Community Development Code criteria are found in the sections of the Staff Report below.

c. *Make the staff report and all case file materials available 10 days prior to the scheduled date of the public hearing under CDC [98.070](#);*

Findings: The staff report, proposed amendment, and all other associated project materials were made available on May 24, 2017, thirteen days prior to the hearing.

d. *Cause a public hearing to be held pursuant to CDC [98.070](#);*

Findings: The West Linn Planning Commission is scheduled to hold the first evidentiary public hearing on June 6, 2018, with the West Linn City Council scheduled to hold its public hearing and make a final decision on July 9, 2018.

CDC 98.100 Standards for Decision

A. *The recommendation of the Planning Commission and the decision by the City Council shall be based on consideration of the following factors:*

1. *The Statewide planning goals and rules adopted under Chapter 197 ORS and other applicable State statutes;*

Statewide Planning Goal 1 – Citizen Involvement:

This goal outlines the citizen involvement requirement for the adoption of Comprehensive Plans and changes to the Comprehensive Plan and implementing documents.

Findings: The City has a citizen involvement program which has been acknowledged by the State. This legislative process to review the proposed amendment will require two public hearings pursuant to CDC Chapter 98.

The City Council and Planning Commission held a publicly noticed joint work session to discuss this project on April 2, 2018 and the Planning Commission further discussed the project at a publicly noticed work session on May 2, 2018. Information was distributed and available throughout the process via the City's website. All of the aforementioned venues provided the opportunity for gathering feedback and comments.

As part of the legislative process, public notice requirements for both the Planning Commission and City Council public hearings were met (see Exhibit PC-1). The notice was sent to persons who requested notice, affected government agencies, neighborhood associations, and was published in the May 10, 2018 issue of the West Linn Tidings. The notice invited public input and included the phone number of a contact person to answer questions. The notice also included the address of the City's webpage where the draft of the proposed amendment can be viewed.

Statewide Planning Goal 2 – Land Use Planning:

This goal outlines the land use planning process and policy framework. The Comprehensive Plan was acknowledged by DLCD as being consistent with the statewide planning goals.

Findings: The City of West Linn has an acknowledged Comprehensive Plan and enabling ordinances. The amendment to the West Linn Community Development Code is being undertaken to update the City's acknowledged land use planning program in a manner consistent with current conditions and citizen values. The amendment is being processed in accordance to the City's adopted procedures, which requires any applicable statewide planning goals, federal or state statutes or regulations, Metro regulations or plans, comprehensive plan policies, and the City's implementing ordinances be addressed as part of the decision-making process. The amendment is being processed as a post-acknowledgement plan amendment (PAPA) and noticing requirements have been met. All applicable review criteria have been addressed within this staff report; therefore, the requirements of Goal 2 have been met.

Statewide Planning Goal 5 – Natural Resources:

This goal requires the inventory and protection of natural resources, open spaces, historic sites and areas.

Findings: The City is currently in compliance with the State's Goal 5 program and Metro's Title 13: Nature in Neighborhoods program, which implements Goal 5. The amendment does not alter the City's acknowledged Goal 5 inventories or associated land use programs. No reductions will occur to current natural resource protections and the changes will better protect West Linn's natural resources through increased information available to the community and stronger standards relating to storm water, geotechnical issues and grading. As a result, the amendment is in compliance with Goal 5 process requirements.

Statewide Planning Goal 6 – Air, Water, and Land Resource Quality:

To maintain and improve the quality of air, water, and land resources of the state.

Findings: The City is currently in compliance with Metro's Title 3: Water Quality and Flood Management program, which implements Goal 6. The amendment does not alter the City's acknowledged land use programs regarding water quality and flood management protections, and provides strong standards relating to storm water, geotechnical issues and grading related to new development. As a result, the amendment is in compliance with Goal 6.

Statewide Planning Goal 7 – Areas Subject to Natural Hazards:

To protect people and property from natural hazards.

Findings: The City is currently in compliance with Goal 7 and Metro's Title 3: Water Quality and Flood Management program. The amendment does not alter the City's acknowledged Goal 7 land use programs. No changes will occur to current natural hazard protections and the amendments will provide stronger standards relating to storm water, geotechnical issues and grading. As a result, the amendment is in compliance with Goal 7.

Statewide Planning Goal 8 – Recreational Needs:

This goal requires the satisfaction of the recreational needs of the citizens of the state and visitors.

Findings: The proposed amendment does not address or alter any City recreational programs or land use requirements related to parks and recreation. The amendment is in compliance with Goal 8.

Statewide Planning Goal 9 – Economic Development:

To provide adequate opportunities for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Findings: The City is currently in compliance with Goal 9 and Metro's Title 1: Requirements for Housing and Employment Accommodation and Title 4: Industrial and Other Employment Areas. The amendment does not alter the City's compliance with Goal 9.

Statewide Planning Goal 10 – Housing:

To provide adequate housing for the needs of the community, region and state.

Findings: The City is currently in compliance with Goal 10 and the Metropolitan Housing Rule (OAR 660-007/Division 7), and Metro's Title 1: Requirements for Housing and Employment Accommodation. The amendment does not alter the City's compliance with Goal 10 and is consistent with this goal.

Statewide Planning Goal 11 – Public Facilities and Services:

To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as framework for urban and rural development.

Findings: The City is currently in compliance with Goal 11 through its acknowledged Comprehensive Plan. This includes an adopted Public Facility Plan as required by Oregon Revised Statute 197.712 and Oregon Administrative Rule 660-011. The amendment does not alter the City's compliance with Goal 11 and is consistent with this goal.

Statewide Planning Goal 12 – Transportation:

To provide and encourage a safe, convenient, and economic transportation system.

Findings: The City is currently in compliance with Goal 12 and Metro's Regional Transportation Plan through its acknowledged Comprehensive Plan and TSP as required by Oregon Administrative Rule 660-012 (Transportation Planning Rule). The amendment does not alter the City's compliance with Goal 12 and is consistent with this goal.

Statewide Planning Goal 13 – Energy Conservation:

Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based on sound economic principles.

Findings: The City is currently in compliance with Goal 13 through its acknowledged Comprehensive Plan. The amendment does not alter the City's compliance with Goal 13 and is consistent with this goal.

Statewide Planning Goal 14 – Urbanization:

To provide for orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Findings: The City is currently in compliance with Goal 14 and Metro's Title 11: Planning for New Urban Areas through its acknowledged Comprehensive Plan and land use regulations. The City also has a signed Urban Growth Management Agreement with Clackamas County as required by ORS 195.065. The amendment does not alter the City's compliance with Goal 14 and is consistent with this goal.

Statewide Planning Goal 15 – Willamette River Greenway:

To provide for keeping the land green along the banks of the river and providing for recreation access.

Findings: The City is currently in compliance with Goal 15 through its acknowledged Comprehensive Plan and land use regulations. The amendment does not alter the City's compliance with Goal 15 and is consistent with this goal.

Conclusion: Based on the analysis above, the Commission finds the proposed amendment is consistent with applicable Statewide Planning Goals.

2. *Any federal or State statutes or rules found applicable;*

Findings: Staff is not aware of any applicable state or federal regulations that are impacted by the proposed draft ordinance. The City has an acknowledged Comprehensive Plan and associated land use regulations that comply with applicable state statutes and administrative rules. The Oregon Department of Land Conservation and Development was sent notice of the proposed amendment and provided the opportunity to comment. The amendment does not alter the City's compliance with any state or federal statutes or rules.

Conclusion: Based on the analysis above, the Commission finds the proposed amendment is consistent with applicable federal or state statutes or rules.

3. *Applicable plans and rules adopted by the Metropolitan Service District;*

The Metro Urban Growth Management Functional Plan

Findings: The City of West Linn is currently in compliance with the Metro Urban Growth Management Functional Plan (UGMFP). Metro staff was sent notice of the proposed amendment and provided the opportunity to comment. The proposed change will not impact compliance with requirements found in the UGMFP.

Conclusion: Based on the analysis above, the Commission finds the proposed amendment is consistent with applicable plans and rules adopted by Metro.

4. *The applicable Comprehensive Plan policies and map;*

Goal 1: Citizen Involvement

Policy 4. Provide timely and adequate notice of proposed land use matters to the public to ensure that all citizens have an opportunity to be heard on issues and actions that affect them.

Findings: As part of the legislative process, public notice of the Planning Commission and City Council public hearings was sent to persons who requested notice, affected government agencies, neighborhood associations, and was published in the May 10, 2018 issue of the West Linn Tidings. The notice invited public input and included the phone number of a contact person to answer questions. The notice also included the address of the City's webpage where the entire draft of the proposed amendment could be viewed.

Policy 5. Communicate with citizens through a variety of print and broadcast media early in and throughout the decision-making process.

Findings: Information was distributed throughout the process via the City website. The Planning Commission held a work session on May 2, 2018 to discuss the proposal.

As part of the legislative process, public notice of the Planning Commission and City Council public hearings was sent to persons who requested notice, affected government agencies, neighborhood associations, and was published in the May 10, 2018 issue of the West Linn Tidings. The notice invited public input and included the phone number of a contact person to answer questions. The notice also included the address of the City's webpage where the entire draft of the proposed amendment could be viewed. The aforementioned venues provided the opportunity for gathering feedback and comments.

Goal 2: Land Use Planning

Section 1: Residential Development

Section 5: Intergovernmental Coordination

Policy 1. Maintain effective coordination with other local governments, special districts, state and federal agencies, Metro, the West Linn-Wilsonville School District, and other governmental and quasi-public organizations.

Policy 4. Coordinate with Metro planning activities on all areas in which Metro has jurisdiction and as specified in Goal 14 of this Plan.

Finding for policies 1 and 4: Notice was sent to Metro, DLCD, and all West Linn Neighborhood Associations. They were provided the opportunity to review and comment on the amendment proposed for adoption.

(There is no Goal 3 or Goal 4 in West Linn's Comprehensive Plan)

Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources Goals

Goal 6: Air, Water, and Land Resources Quality

Goal 7: Areas Subject to Natural Disasters and Hazards

Finding for Goals 5 through 7: The City is currently in compliance with Goal 5 through 11 via its acknowledged Comprehensive Plan and land use regulations. The amendment does not alter the City's compliance these Goals.

Goal 8 Parks and Recreation

Finding: None of the goals or policies under Goal 8 apply to this application.

Goal 9 Economic Development

Finding: None of the goals or policies under Goal 9 apply to this application.

Goal 10: Housing

Policy 8: Adhere to clear and objective standards to promote timely and predictable plan review.

Finding: The proposed amendments increase the clarity and objectivity of West Linn’s CDC, allowing applicants, citizens and review authorities to understand whether proposed developments meet the standards.

Goal 11: Public Facilities and Services (General Goal: Require that essential public facilities and services (transportation, storm drainage, sewer and water service) be in place before new development and encourage the provision of other public facilities and services.)

Finding: None of the goals or policies under Goal 11 apply to this application.

Goal 12: Transportation

Policy 11: Reduce storm water impacts from roadways by allowing “green streets,” as a design alternative in appropriate locations.

Finding: None of the goals or policies under Goal 12 apply to this application.

Goal 13: Energy Conservation

Finding: None of the goals or policies under Goal 13 apply to this application.

Goal 14: Urbanization

Finding: None of the goals or policies under Goal 14 apply to this application.

Conclusion: Based on the analysis above, the Commission finds the proposed amendment is consistent with applicable West Linn Comprehensive Plan policies and maps.

5. The applicable provisions of the implementing ordinance.

Finding: Staff is not aware of any additional applicable provisions, which are not found above, of the implementing ordinances related to the proposed amendment.

Conclusion: Based on the analysis above, the Commission finds the proposed amendment is consistent with applicable provisions of the implementing ordinance.

EXHIBIT PC-1 – AFFIDAVIT OF NOTICE AND MAILING PACKET

AFFIDAVIT OF NOTICE

We, the undersigned do hereby certify that, in the interest of the party (parties) initiating a proposed land use, the following took place on the dates indicated below:

GENERAL

File No. CDC-18-01 Applicant's Name COWL

Development Name _____

Scheduled Meeting/Decision Date PC 6-6-18 CC 7-9-18

NOTICE: Notices were sent at least 20 days prior to the scheduled hearing, meeting, or decision date per Section 99.080 of the Community Development Code. (check below)

TYPE A /

A. The applicant (date) _____ (signed) _____

B. Affected property owners (date) _____ (signed) _____

C. School District/Board (date) 5-17-18 (signed) S. Shroyer

D. Other affected gov't. agencies (date) 5-17-18 (signed) S. Shroyer

E. Affected neighborhood assns. (date) 5-17-18 All (signed) S. Shroyer

F. All parties to an appeal or review (date) _____ (signed) _____

At least 10 days prior to the scheduled hearing or meeting, notice was published/posted:

Tidings (published date) 5-17-18 (signed) S. Shroyer

City's website (posted date) 5-17-18 (signed) S. Shroyer

SIGN

At least 10 days prior to the scheduled hearing, meeting or decision date, a sign was posted on the property per Section 99.080 of the Community Development Code.

(date) _____ (signed) _____

NOTICE: Notices were sent at least 14 days prior to the scheduled hearing, meeting, or decision date per Section 99.080 of the Community Development Code. (check below)

TYPE B _____

A. The applicant (date) _____ (signed) _____

B. Affected property owners (date) _____ (signed) _____

C. School District/ Board (date) _____ (signed) _____

D. Other affected gov't. agencies (date) _____ (signed) _____

E. Affected neighborhood assns. (date) _____ (signed) _____

Notice was posted on the City's website at least 10 days prior to the scheduled hearing or meeting.

Date: _____ (signed) _____

STAFF REPORT mailed to applicant, City Council/Planning Commission and any other applicable parties 10 days prior to the scheduled hearing.

(date) 5-24-18 (signed) S. Shroyer

FINAL DECISION notice mailed to applicant, all other parties with standing, and, if zone change, the County surveyor's office.

(date) _____ (signed) _____

**CITY OF WEST LINN
PUBLIC HEARING CDC-18-01**

TO CONSIDER A RECOMMENDATION TO ADOPT TEXT AMENDMENTS TO COMMUNITY DEVELOPMENT CODE CHAPTERS 2, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 21, 22, 23, 25, 34, 37, 38, 43, 46, 48, 52, 54, 55, 56, 58, 59, 68, 81, 85 and 99 TO MAKE THE CODE CONSISTENT WITH OREGON REVISED STATUTE, TO MAKE NECESSARY CORRECTIONS AND CLARIFICATIONS AND TO RE-ORGANIZE TEXT.

The West Linn **Planning Commission** will hold a **public hearing** on **Wednesday, June 6, 2018** at 6:30 p.m. in the Council Chambers of City Hall, 22500 Salamo Road, West Linn, to consider forwarding a recommendation for City Council to adopt of Ordinance Number 1675 "An Ordinance amending the Community Development Code Chapters 2, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 21, 22, 23, 25, 34, 37, 38, 43, 46, 48, 52, 54, 55, 56, 58, 59, 68, 81, 85 and 99 to make the code consistent with Oregon Revised Statute, to make necessary corrections and clarifications and to re-organize text.

Following the hearing, the Planning Commission will make a recommendation to the City Council. The **City Council** will make a final decision regarding the Planning Commission recommendation following its own **public hearing** on **Monday, July 9, 2018 at 6:30 p.m.**, in the Council Chambers of City Hall, 22500 Salamo Road, West Linn.

The hearing will be conducted in accordance with the rules of CDC Chapter 98 and Chapter 105. Anyone wishing to present written testimony on this proposed action may do so prior to, or at the public hearings. Oral testimony may be presented at the public hearings. At the public hearing(s), the Planning Commission and City Council will receive a staff presentation, and invite both oral and written testimony. The Commission or Council may continue the public hearing to another meeting to obtain additional information, leave the record open, or close the public hearing and take action on the proposed amendments as provided by state law. Failure to raise an issue in person or by letter at some point prior to the close of the hearing, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes an appeal to the Land Use Board of Appeals (LUBA) based on that issue.

At least 10 days prior to the hearing, a copy of Ordinance 1675 and associated staff report will be available for inspection or purchase at a cost of \$0.25 a page after the first five pages at the Planning Department, 22500 Salamo Road. The information is also available on the West Linn website at: <https://westlinnoregon.gov/planning/miscellaneous-code-amendments>

For further information, please contact John Boyd, Planning Manager, at City Hall, 22500 Salamo Road, West Linn, OR 97068, phone (503) 742-6058, or via e-mail at jboyd@westlinnoregon.gov.

Publish: West Linn Tidings, May 17, 2018.



CITY OF West Linn

**CITY OF WEST LINN
NOTICE OF UPCOMING
PLANNING COMMISSION AND CITY COUNCIL
PUBLIC HEARING**

**PROJECT # CDC-18-01
MAIL: 5/17/18 TIDINGS: 5/17/18**

CITIZEN CONTACT INFORMATION

To lessen the bulk of agenda packets, land use application notice, and to address the worries of some City residents about testimony contact information and online application packets containing their names and addresses as a reflection of the mailing notice area, this sheet substitutes for the photocopy of the testimony forms and/or mailing labels. A copy is available upon request.

EXHIBIT PC-2 – JUNE 6, 2018 MEMO –PC CHANGES TO DRAFT ORDINANCE 1675



CITY OF West Linn

Memorandum

Date: June 6, 2018

To: Planning Commission

From: John J. Boyd AICP CFM, Planning Manager

Subject: May 2nd Workshop follow up – corrections or changes to draft Ordinance 1675 – miscellaneous code changes.

Background: On May 2, 2018 the Planning Commission held a workshop and considered the following corrections and additional changes to the CDC amendments proposed in Ordinance 1675.

Corrections/clarifications

Ch. 2.030

Ordinance 1675 Section 1

– update definitions for Child Care and Family Day Care to identify the Office of Child Care is state run organization and provide the statutory definition for these uses - ORS 329A.010 to ORS 329A.030

– update definitions for Family Day Care to note Certified and Registered Family Care Homes are defined in in ORS 329A.250 and are considered residential uses pursuant to in ORS 329A.440.

– update definitions for Certified Child Care center to be consistent with the Oregon Administrative Rules found in OAR 414-300-0000 through OAR 414-300-0415

Chapter 34 Accessory structures, ADU and Accessory Uses

Ordinance 1675 Section 34

– updated to remove a staff amendment that proposed buffering of uses in the setback and retain a minimum three foot setback from a property line.

Chapter 46 Off Street Parking clarify in 46.090

Ordinance 1675 Section 38

– updated to remove a reference in item 4 as follows 1 parking space per 1,000 sq.f.t. The term parking was an unnecessary duplication. Updated Item 5 to read “Correctional Institution”

Chapter 85

Ordinance 1675 Section 54

– updated by clarifying the sentence in 85.210.A.2 regarding not expanding a non-conforming lot or non-conforming structure. Also removed a duplicate term from 85.210.A.5 a property ~~line~~ “line”. Removed graphics, the text alone were clear and the graphics were deemed unnecessary.

Chapter 99 section 99.325A

Ordinance 1675 Section 57

– updated to clarify ... an extension may be granted . . .

EXHIBIT PC-3 – PROPOSED CDC AMENDMENT (ORD 1675)

ORDINANCE NO. 1675

AN ORDINANCE AMENDING COMMUNITY DEVELOPMENT CODE CHAPTERS 2, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 21, 22, 23, 25, 34, 37, 38, 43, 46, 48, 52, 54, 55, 56, 58, 59, 68, 81, 85 and 99 TO MAKE THE CODE CONSISTENT WITH OREGON REVISED STATUTE, TO MAKE NECESSARY CORRECTIONS AND CLARIFICATIONS AND TO RE-ORGANIZE TEXT

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; and

WHEREAS, the City of West Linn 2017 Docket of Potential Amendments to the Community Development Code updated on October 15, 2017 included under Potential Next Priorities – Lot Line Adjustment Policy and under Small Projects Minor CDC Clean up.

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

SECTION 1. **Amendment.** West Linn Community Development Code Chapter 2 Definitions, Section 2.030 Specific Words and Terms, is amended to read as follows:

...

Child Care.

The State of Oregon Office of Child Care duties and rules are identified in ORS 329A.010-329A.030.

Child Care means the care, supervision and guidance on a regular basis of a child, unaccompanied by a parent, guardian or custodian, provided to a child during a part of the 24 hours of the day, in a place other than the child's home, with or without compensation. Child care is exempt from Office of Child Care regulation if it provides care for three or fewer children, not including their own children; for any number of children from the same family not including their own children.

~~**Children's day care.** Services or facilities authorized, certified, or licensed by the State for children's day care of six or more children, for a period not to exceed 12 hours per day. Children's day care facilities with less than six children are a home occupation. See Chapter 37 CDC.~~

...

~~Family day care.~~ Any family day care provider who provides care in the home of the provider to fewer than 13 children, including children of the provider, regardless of full-time or part-time status.

Family Day Care. The Office of Child Care duties and rules are identified in ORS 329A.010-329A.030. A Certified Family Child Care Home or Registered Family Child Care Home is identified in ORS 329A.250 and considered a residential use pursuant to ORS 329A.440; the use is defined as as identified below:

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Certified Family Child Care home. A certified family child care home, usually the provider's home, providing child care for a maximum of 12 children (16 children with prior approval by the Office of Child Care). The providers own children are included in the determination of caregiver/child ratio and group size. A city may impose zoning conditions on the establishment and maintenance of a certified family child care home in an area zoned for residential or commercial use if the conditions are no more restrictive than conditions imposed on other residential dwellings in the same zone.

Registered Family Child Care Home. A child care facility in the provider's home. The child care business holding a registration with the (Office of Child Care) may care for a maximum of 10 children, including the provider's own children. Of the 10 children:

(a) No more than six may be younger than school age; and

(b) No more than two may be 24 months of age or younger.

A city may impose zoning conditions on the establishment and maintenance of a registered family child care home in an area zoned for residential or commercial use if the conditions are no more restrictive than conditions imposed on other residential dwellings in the same zone.

Certified Child Care Center. A Certified Child Care Center is regulated under OAR 414-300-0000 through OAR 414-300-0415. The use is defined in OAR 414-300-0005 generally as follows: The child care business is in a facility that has met zoning, occupancy, and building code requirements; usually a commercial building. The maximum number of children allowed in care depends on the square footage of the building, number of qualified staff, and various other factors. The (Office of Child Care) license reflects maximum number of children allowed in care at anyone time.

...

~~Let Property~~ line adjustment. The relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel. Of recorded lot lines which does not result in the creation of an additional lot or buildable lot.

...

Schools. Public, private or parochial place or institution for teaching or learning. Typical uses include nursery, elementary, junior and senior high schools and related uses; excluding trade and business schools and colleges.

...

SECTION 2. Amendment. West Linn Community Development Code Chapter 8 Single Family Residential-Detached R-40, Section 8.070 Dimensional Requirements, Uses Permitted Outright And Uses Permitted Under Prescribed Conditions, is amended to read as follows:

Except as may be otherwise provided by the provisions of this code, the following are the requirements for uses within this zone:

...

9. The **maximum** floor area ratio shall be 0.45. Type I and II lands shall not be counted toward lot area when determining allowable floor area ratio, except that a minimum floor area ratio of 0.30 shall be allowed regardless of the classification of lands within the property. That 30 percent shall be based upon the entire property including Type I and II lands. Existing residences in excess of this standard may be replaced to their prior dimensions when damaged without the requirement that the homeowner obtain a non-conforming structures permit under Chapter 66 CDC.

SECTION 3. Amendment. West Linn Community Development Code Chapter 8 Single Family Residential-Detached R-40, Section 8.090 Other Applicable Development Standards, is amended and renumbered where needed to read as follows:

08.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

A. The following standards apply to all development including permitted uses:

1. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.
2. Chapter 35 CDC, Temporary Structures and Uses.
3. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.
4. ~~Chapter 40 CDC, Building Height Limitations, Exceptions.~~
54. Chapter 41 CDC, **Building Height**, Structures on Steep Lots, Exceptions.

...

SECTION 4. Amendment. West Linn Community Development Code Chapter 9 Single Family Residential-Detached R-20, Section 9.070 Dimensional Requirements, Uses Permitted Outright And Uses Permitted Under Prescribed Conditions, is amended to read as follows:

Except as may be otherwise provided by the provisions of this code, the following are the requirements for uses within this zone:

...

9. The **maximum** floor area ratio shall be 0.45. Type I and II lands shall not be counted toward lot area when determining allowable floor area ratio, except that a minimum floor area ratio of 0.30 shall be allowed regardless of the classification of lands within the property. That 30 percent shall be based upon the entire property including Type I and II lands. Existing

residences in excess of this standard may be replaced to their prior dimensions when damaged without the requirement that the homeowner obtain a non-conforming structures permit under Chapter 66 CDC.

SECTION 5. Amendment. West Linn Community Development Code Chapter 9 Single Family Residential-Detached R-20, Section 9.090 Other Applicable Development Standards, is amended and renumbered where needed to read as follows:

09.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

- A. The following standards apply to all development including permitted uses:
1. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.
 2. Chapter 35 CDC, Temporary Structures and Uses.
 3. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.
 - ~~4. Chapter 40 CDC, Building Height Limitations, Exceptions.~~
 - ~~54.~~ Chapter 41 CDC, **Building Height**, Structures on Steep Lots, Exceptions.

...
SECTION 6. Amendment. West Linn Community Development Code Chapter 10 Single Family Residential-Detached R-15, Section 10.070 Dimensional Requirements, Uses Permitted Outright And Uses Permitted Under Prescribed Conditions, is amended to read as follows:

Except as may be otherwise provided by the provisions of this code, the following requirements are the requirements for uses within this zone:

- ...
9. The **maximum** floor area ratio shall be 0.45. Type I and II lands shall not be counted toward lot area when determining allowable floor area ratio, except that a minimum floor area ratio of 0.30 shall be allowed regardless of the classification of lands within the property. That 30 percent shall be based upon the entire property including Type I and II lands. Existing residences in excess of this standard may be replaced to their prior dimensions when damaged without the requirement that the homeowner obtain a non-conforming structures permit under Chapter 66 CDC.

SECTION 7. Amendment. West Linn Community Development Code Chapter 10 Single Family Residential-Detached R-15, Section 10.090 Other Applicable Development Standards, is amended and renumbered where needed to read as follows:

10.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

- A. The following standards apply to all development including permitted uses:
1. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.
 2. Chapter 35 CDC, Temporary Structures and Uses.

3. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.

~~4. Chapter 40 CDC, Building Height Limitations, Exceptions.~~

4. Chapter 41 CDC, **Building Height**, Structures on Steep Lots, Exceptions.

...

SECTION 8. Amendment. West Linn Community Development Code Chapter 11 Single Family Residential-Detached R-10, Section 11.070 Dimensional Requirements, Uses Permitted Outright And Uses Permitted Under Prescribed Conditions, is amended to read as follows:

Except as may be otherwise provided by the provisions of this code, the following are the requirements for uses within this zone:

...

9. The **maximum** floor area ratio shall be 0.45. Type I and II lands shall not be counted toward lot area when determining allowable floor area ratio, except that a minimum floor area ratio of 0.30 shall be allowed regardless of the classification of lands within the property. That 30 percent shall be based upon the entire property including Type I and II lands. Existing residences in excess of this standard may be replaced to their prior dimensions when damaged without the requirement that the homeowner obtain a non-conforming structures permit under Chapter 66 CDC.

SECTION 9. Amendment. West Linn Community Development Code Chapter 11 Single Family Residential-Detached R-10, Section 11.090 Other Applicable Development Standards, is amended and renumbered where needed to read as follows:

11.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

A. The following standards apply to all development including permitted uses:

1. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.

2. Chapter 35 CDC, Temporary Structures and Uses.

3. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.

~~4. Chapter 40 CDC, Building Height Limitations, Exceptions.~~

5-4. Chapter 41 CDC, **Building Height**, Structures on Steep Lots, Exceptions.

...

SECTION 10. Amendment. West Linn Community Development Code Chapter 12 Single Family Residential-Detached and Attached, R-7, Section 12.060 Conditional Uses, is amended to read as follows:

12.060 CONDITIONAL USES

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

1. ~~Children's day care center.~~ **Certified Child Care Center**

...

SECTION 11. Amendment. West Linn Community Development Code Chapter 12 Single Family Residential-Detached and Attached, R-7, Section 12.070 Dimensional Requirements, Uses Permitted Outright And Uses Permitted Under Prescribed Conditions, is amended to read as follows:

Except as may be otherwise provided by the provisions of this code, the following are the requirements for uses within this zone:

...

I. The **maximum** floor area ratio shall be 0.45. Type I and II lands shall not be counted toward lot area when determining allowable floor area ratio, except that a minimum floor area ratio of 0.30 shall be allowed regardless of the classification of lands within the property. That 30 percent shall be based upon the entire property including Type I and II lands. Existing residences in excess of this standard may be replaced to their prior dimensions when damaged without the requirement that the homeowner obtain a non-conforming structures permit under Chapter 66 CDC.

SECTION 12. Amendment. West Linn Community Development Code Chapter 12 Single Family Residential-Detached and Attached, R-7, Section 12.090 Other Applicable Development Standards, is amended and renumbered where needed to read as follows:

12.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

A. The following standards apply to all development including permitted uses:

1. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.
2. Chapter 35 CDC, Temporary Structures and Uses.
3. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.
4. ~~Chapter 40 CDC, Building Height Limitations, Exceptions.~~
54. Chapter 41 CDC, **Building Height**, Structures on Steep Lots, Exceptions.

...

SECTION 13. Amendment. West Linn Community Development Code Chapter 13 Single-Family Residential Detached And Attached/Duplex, R-5, Section 13.060 Conditional Uses, is amended to read as follows:

13.060 CONDITIONAL USES

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

1. ~~Children's day care center.~~ **Certified Child Care Center**

...

SECTION 14. Amendment. West Linn Community Development Code Chapter 13 Single-Family Residential Detached And Attached/Duplex, R-5, Section 13.070 Dimensional Requirements, Uses Permitted Outright And Uses Permitted Under Prescribed Conditions, is amended to read as follows:

Except as may be otherwise provided by the provisions of this code, the following are the requirements for uses within this zone:

...

I. The **maximum** floor area ratio shall be 0.45. Type I and II lands shall not be counted toward lot area when determining allowable floor area ratio, except that a minimum floor area ratio of 0.30 shall be allowed regardless of the classification of lands within the property. That 30 percent shall be based upon the entire property including Type I and II lands. Existing residences in excess of this standard may be replaced to their prior dimensions when damaged without the requirement that the homeowner obtain a non-conforming structures permit under Chapter 66 CDC.

SECTION 15. Amendment. West Linn Community Development Code Chapter 13 Single-Family Residential Detached And Attached/Duplex, R-5, Section 13.090 Other Applicable Development Standards, is amended and renumbered where needed to read as follows:

13.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

A. The following standards apply to all development including permitted uses:

1. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.
2. Chapter 35 CDC, Temporary Structures and Uses.
3. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.
4. ~~Chapter 40 CDC, Building Height Limitations, Exceptions.~~
54. Chapter 41 CDC, **Building Height**, Structures on Steep Lots, Exceptions.

...

SECTION 16. Amendment. West Linn Community Development Code Chapter 14 Single-Family Residential Detached And Attached/Duplex, R-4.5, Section 14.060 Conditional Uses, is amended to read as follows:

14.060 CONDITIONAL USES

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

1. ~~Children's day care center.~~ **Certified Child Care Center**

...

SECTION 17. Amendment. West Linn Community Development Code Chapter 14 Single-Family Residential Detached And Attached/Duplex, R-4.5, Section 14.070 Dimensional Requirements, Uses Permitted Outright And Uses Permitted Under Prescribed Conditions, is amended to read as follows:

Except as may be otherwise provided by the provisions of this code, the following are the requirements for uses within this zone:

...

1. The **maximum** floor area ratio shall be 0.45. Type I and II lands shall not be counted toward lot area when determining allowable floor area ratio, except that a minimum floor area ratio of 0.30 shall be allowed regardless of the classification of lands within the property. That 30 percent shall be based upon the entire property including Type I and II lands. Existing residences in excess of this standard may be replaced to their prior dimensions when damaged without the requirement that the homeowner obtain a "non-conforming structures" permit under Chapter 66 CDC.

SECTION 18. Amendment. West Linn Community Development Code Chapter 14 Single-Family Residential Detached And Attached/Duplex, R-4.5, Section 14.090 Other Applicable Development Standards, is amended and renumbered where needed to read as follows:

14.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

A. The following standards apply to all development including permitted uses:

1. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.
2. Chapter 35 CDC, Temporary Structures and Uses.
3. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.
4. ~~Chapter 40 CDC, Building Height Limitations, Exceptions.~~
5. Chapter 41 CDC, **Building Height**, Structures on Steep Lots, Exceptions.

...

SECTION 19. Amendment. West Linn Community Development Code Chapter 15 Single-Family Residential And Multi Family Residential, R-3, Section 15.060 Conditional Uses, is amended to read as follows:

15.060 CONDITIONAL USES

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

1. ~~Children's day care center.~~ **Certified Child Care Center**

...

SECTION 20. Amendment. West Linn Community Development Code Chapter 15 Single-Family Residential And Multi Family Residential, R-3, Section 15.070 Dimensional Requirements, Uses Permitted Outright And Uses Permitted Under Prescribed Conditions, is amended to read as follows:

Except as may be otherwise provided by the provisions of this code, the following are requirements for uses within this zone:

...

G. The **maximum** floor area ratio for single-family homes shall be 0.45. Type I and II lands shall not be counted toward lot area when determining allowable floor area ratio, except that a minimum floor area ratio of 0.30 shall be allowed regardless of the classification of lands within the property. That 30 percent shall be based upon the entire property including Type I and II lands. Existing residences in excess of this standard may be replaced to their prior dimensions when damaged without the requirement that the homeowner obtain a non-conforming structures permit under Chapter 66 CDC.

SECTION 21. Amendment. West Linn Community Development Code Chapter 15 Single-Family Residential Detached And Multi-Family Residential, R-3, Section 15.090 Other Applicable Development Standards, is amended and renumbered where needed to read as follows:

15.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

A. The following standards apply to all development including permitted uses:

1. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.
2. Chapter 35 CDC, Temporary Structures and Uses.
3. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.
4. ~~Chapter 40 CDC, Building Height Limitations, Exceptions.~~
5. Chapter 41 CDC, **Building Height**, Structures on Steep Lots, Exceptions.

...

SECTION 22. Amendment. West Linn Community Development Code Chapter 16 Single-Family And Multiple-Family Residential, R-2.1, Section 16.060 Conditional Uses, is amended to read as follows:

16.060 CONDITIONAL USES

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

1. ~~Children's day care center.~~ **Certified Child Care Center**

...

SECTION 23. Amendment. West Linn Community Development Code Chapter 16 Single-Family And Multiple-Family Residential, R-2.1, Section 16.070 Dimensional Requirements, Uses Permitted Outright And Uses Permitted Under Prescribed Conditions, is amended to read as follows:

Except as may be otherwise provided by the provisions of this code, the following are requirements for uses within this zone:

...

H. The maximum area ratio for single-family homes shall be 0.45. Type I and II lands shall not be counted toward lot area when determining allowable floor area ratio, except that a minimum floor area ratio of 0.30 shall be allowed regardless of the classification of lands within the property. That 30 percent shall be based upon the entire property including Type I and II lands. Existing residences in excess of this standard may be replaced to their prior dimensions when damaged without the requirement that the homeowner obtain a non-conforming structures permit under Chapter 66 CDC.

SECTION 24. Amendment. West Linn Community Development Code Chapter 16 Single-Family Residential Detached And Multi-Family Residential, R-2.1, Section 16.090 Other Applicable Development Standards, is amended and renumbered where needed to read as follows:

16.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

A. The following standards apply to all development including permitted uses:

1. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.
2. Chapter 35 CDC, Temporary Structures and Uses.
3. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.
4. ~~Chapter 40 CDC Building Height Limitations, Exceptions.~~
54. Chapter 41 CDC, **Building Height**, Structures on Steep Lots, Exceptions.

...

SECTION 25. Amendment. West Linn Community Development Code Chapter 18 Neighborhood Commercial - NC, Section 18.060 Conditional Uses, is amended to read as follows:

18.060 CONDITIONAL USES

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

1. ~~Children's day care center.~~ **Certified Child Care Center**

...

SECTION 26. Amendment. West Linn Community Development Code Chapter 18 Neighbor Hood Commercial - NC, Section 18.090 Other Applicable Development Standards is amended and renumbered where needed to read as follows:

18.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

- A. The following standards apply to all development including permitted uses:
1. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.
 2. Chapter 35 CDC, Temporary Structures and Uses.
 3. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.
 4. ~~Chapter 40 CDC, Building Height Limitations, Exceptions.~~
 54. **Chapter 41 CDC, Building Height, Structures on Steep Lots, Exceptions.**

...

SECTION 27. Amendment. West Linn Community Development Code Chapter 19 General Commercial - GC, Section 19.060 Conditional Uses, is amended to read as follows:

19.060 CONDITIONAL USES

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

1. ~~Children's day care center.~~ **Certified Child Care Center**

...

SECTION 28. Amendment. West Linn Community Development Code Chapter 19 General Commercial - GC, Section 19.090 Other Applicable Development Standards, is amended and renumbered where needed to read as follows:

19.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

- A. The following standards apply to all development including permitted uses:
1. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.
 2. Chapter 35 CDC, Temporary Structures and Uses.
 3. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.
 4. ~~Chapter 40 CDC, Building Height Limitations, Exceptions.~~
 54. **Chapter 41 CDC, Building Height, Structures on Steep Lots, Exceptions.**

SECTION 29. Amendment. West Linn Community Development Code Chapter 21 Office Business Center - OBC, Section 21.060 Conditional Uses, is amended to read as follows:

21.060 CONDITIONAL USES

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

- ~~1. Children's day care center.~~ **Certified Child Care Center**

...

SECTION 30. Amendment. West Linn Community Development Code Chapter 21 Office Business Center - OBC, Section 21.090 Other Applicable Development Standards, is amended and renumbered where needed to read as follows:

21.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

A. The following standards apply to all development including permitted uses:

- Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.
- Chapter 35 CDC, Temporary Structures and Uses.
- Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.
- ~~Chapter 40 CDC, Building Height Limitations, Exceptions.~~
- 54.** Chapter 41 CDC, **Building Height**, Structures on Steep Lots, Exceptions.

...

SECTION 31. Amendment. West Linn Community Development Code Chapter 22 Campus Industrial - CI, Section 22.090 Other Applicable Development Standards, is amended and renumbered where needed to read as follows:

22.100 OTHER APPLICABLE DEVELOPMENT STANDARDS

The following standards apply to all development including permitted uses:

- Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.
- Chapter 35 CDC, Temporary Structures and Uses.
- Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.
- ~~Chapter 40 CDC, Building Height Limitations, Exceptions.~~
- 54.** Chapter 41 CDC, **Building Height**, Structures on Steep Lots, Exceptions.

...

SECTION 32. Amendment. West Linn Community Development Code Chapter 23 General Industrial - GI, Section 23.090 Other Applicable Development Standards is amended and renumbered where needed to read as follows:

23.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

- A. The following standards apply to all development including permitted uses:
 1. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.
 2. Chapter 35 CDC, Temporary Structures and Uses.
 3. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.
 4. Chapter 40 CDC, Building Height Limitations, Exceptions
 5. Chapter 41 CDC, Building Height, Structures on Steep Lots, Exceptions.
- ...

SECTION 33. Amendment. West Linn Community Development Code Chapter 25 Overlay Zones – Historic District Section 25.070 Additional Standards Applicable to Historic Districts, Subsection C - Willamette Historic District general design standards, is amended to read as follows:

- ...
- 6. ~~New lot configuration. In addition to other requirements of the CDC, all new lots in the historic district shall be perpendicular to the street and extend directly from the lot line along the street to the opposite lot line. The primary structure and any other contributing structures on the original property shall not be located on separate lots.~~
- ...

SECTION 34. Amendment. West Linn Community Development Code Chapter 34 **Accessory Structures, Accessory Dwelling Units, And Accessory Uses**, Section 34.040 is amended to read as follows:

34.040 SETBACK PROVISIONS FOR NOISE-PRODUCING ACCESSORY STRUCTURES AND USES
 Noise-producing accessory uses and structures (for example: such as heat pumps, swimming pool motors or filter pumps) shall meet the setback requirements of the zone. may be placed within the side, front or rear yard setback. Those noise-producing accessory uses located in the setback must be screened with fencing or vegetation and but no located no closer than three feet to the property line.

...

SECTION 35. Amendment. West Linn Community Development Code Chapter 37 Home Occupations, Section 37.020.A General Standards, is amended to read as follows:

...

9. ~~a—~~The use of signs shall **meet the requirements of Chapter 52.300 unless modified by this chapter.** ~~be limited to one sign not greater than one foot by six inches in area and flush mounted to the residential dwelling. In the event that the residential dwelling is set back more than 100 feet from the abutting public street, or otherwise obstructed from view due to topography or landscaping, the allowed sign may be located at the driveway access. Freestanding signs shall be mounted on a base equal to, or less than, the width of the sign. The freestanding sign and its base shall not exceed three feet in height. Approval standards in CDC-52.210 governing sign design shall also apply.~~

b—Signs advertising home occupations in the historic district or in a designated historic landmark per Chapter 25-CDC shall be subject to the design standards in CDC-52.210(k).

SECTION 36. Amendment. West Linn Community Development Code Chapter 38 Additional Yard Area Required; Exceptions To Yard Requirements; Storage In Yards; Projections Into Yards, Section 38.020 No Yard Required; Structure Not On Property Line, is amended to read as follows:

38.020 NO YARD REQUIRED; STRUCTURE NOT ON PROPERTY LINE

In zones where a side yard or a rear yard setback is not required, a structure which is not to be built on the property line shall be set back from the property line by at least three feet, **except as prescribed in CDC 58.090.C.1.**

SECTION 37. Amendment. West Linn Community Development Code Chapter 43 Side Wall Transitions, Section 463.040 General Provisions, is amended to read as follows:

43.040 GENERAL PROVISIONS

New house construction or remodels to the side wall of existing homes shall transition to homes on either side by one of two methods, subsection A or B of this section, or satisfy one of the exemptions, subsections (C)(1) through (6) of this section.

A. The side elevation of the house must be divided into smaller areas or planes to minimize the appearance of bulk when viewed from the neighboring properties or a side street. When the side elevation of the house is more than 700 square feet in area, the elevation must be divided into distinct planes of 700 square feet or less. For the purpose of this standard, a distinct plane is created when there is a recessed or projecting section of the structure that projects or recedes at least two feet, for a length of at least six feet **(see example in Figure 1).**

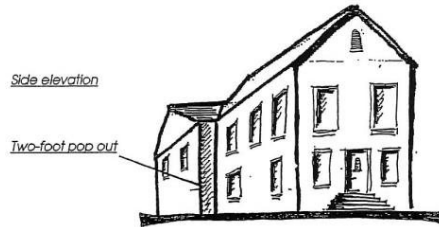


Figure 1

700 square foot of vertical space on side elevation (any combination of height X width) requires a two foot indentation or pop out

B. The height of the sidewall shall not exceed 22 feet as measured from grade at the mid-point of the sidewall to the eaves. Sidewall can resume vertically after minimum seven and one-half foot setback.

Sidewalls less than 22 feet high to eaves from average grade are exempt from pop out/indentation requirement. Sidewall can resume vertically if set back seven and one-half feet.

C. Exemptions.

1. Exempt the side of homes that are built 20 feet or more from the side lot line.
2. Exempt homes on steep lots where the peak of the roof would be no more than 24 feet above the average street grade.
3. Exempt homes on narrow lots 50 feet wide or less shall be allowed a minimum side-to-side width of 30 feet for floors above the first floor. The 30-foot-wide floor shall be able to accommodate a nine-foot floor-to-ceiling measurement on the second floor.
4. Exempt homes whose side yards are contiguous to an open space, unbuildable area, or non-residentially zoned lands are exempt. (No exemption if adjacent to a park.)
5. Exempt houses that have the gable end facing the side lot line.
6. Replacement in kind of building materials on the sidewall of an existing house shall be exempt. For example, the replacement of siding would be exempt.
- 7. The height of the sidewall shall not exceed 22 feet as measured from grade at the mid-point of the sidewall to the eaves. Sidewall can resume vertically after minimum seven-and-one-half-foot setback (See example in Figure 2).**

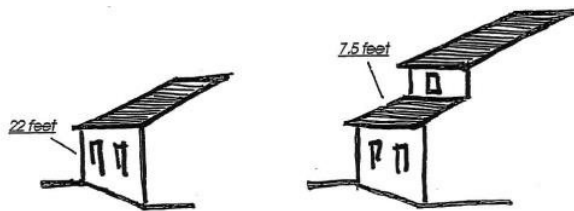


Figure 2

SECTION 38. Amendment. West Linn Community Development Code Chapter 46 Off-Street Parking, Loading and Reservoir Areas, Section 46.090 Minimum Parking Space Requirements, is amended to read as follows:

46.090 MINIMUM OFF-STREET PARKING SPACE REQUIREMENTS

A. Residential parking space requirements.

1. Single-family residences (attached or detached). 1 ~~off-street~~ space for each dwelling unit; may or may not be in garage or carport.
2. Two-family residences and duplexes. 1 ~~off-street~~ space for each dwelling unit; may or may not be in garage or carport.
3. Multi-family residences:
 - a. 500 square feet or less. 1 ~~off-street~~ space for each unit.
 - b. 1 bedroom apartment. 1.25 ~~off-street~~ spaces for each unit. Stacking one car behind the other is permitted only when the parking spaces are allocated to specific apartments.
 - c. 2 bedroom apartments. 1.5 ~~off-street~~ spaces for each dwelling unit. Stacking one car behind the other is permitted only when the parking spaces are allocated to specific apartments.
 - d. 3 (or more) bedroom apartment. 1.75 ~~off-street~~ spaces for each dwelling unit. Stacking one car behind the other is permitted only when the parking spaces are allocated to specific apartments.
 - e. Visitor parking for multi-family residences. 1 ~~off-street~~ space for every 3 apartment units evenly distributed throughout the complex. These spaces shall be clearly identified and signed as visitor spaces only. This number may be reduced by 1 space for every 18 feet of project abutting public street frontage where on-street parking is allowed.
4. Residential hotel, rooming and boarding houses. 1 ~~parking~~ space per 1,000 square feet of gross leasable area.

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5. Correctional institutions. 1 space for each 3 beds or patients, plus 1 space for each 2 employees.

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6. Manufactured/mobile home. Same as single-family.

7. Adult foster care, residential care facility, assisted living facility. 1 ~~off-street~~ space for each 3 units plus 1 space for each employee working during the time period with the greatest number of employees on site.

B. ...

C. Commercial.

1. Restaurants: Eating and drinking establishments.

...

SECTION 39. Amendment. West Linn Community Development Code Chapter 46 Off Street Parking, Loading And Reservoir Areas, Section 46.140. Exemptions To Parking Requirements, is amended to read as follows:

...

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 **minimum parking and off-street loading** requirements ~~for off-street parking~~ as identified in this chapter. Any off-street parking **or loading** spaces **voluntarily** provided ~~and all bicycle parking spaces~~ shall be designed and installed per the dimensional standards of this code. (Ord. 1463, 2000; Ord. 1638 § 3, 2015)

SECTION 40. Amendment. West Linn Community Development Code Chapter 48 Access, Egress and Circulation, Section 48.025.B Access Control Standards, is amended to read as follows:

...

B. Access control standards.

1. Traffic impact analysis requirements. The City or other agency with access jurisdiction may require a traffic study prepared by a qualified professional to determine access, circulation and other transportation requirements. (See also CDC 55.125, Traffic Impact Analysis.)
2. The City or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system. Access to and from off-street parking areas shall not permit backing onto a public street.
3. Access options. When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (planned access shall be consistent with adopted public works standards and TSP). These methods are "options" ~~to the developer/subdivider~~ as approved selected by the City Engineer.

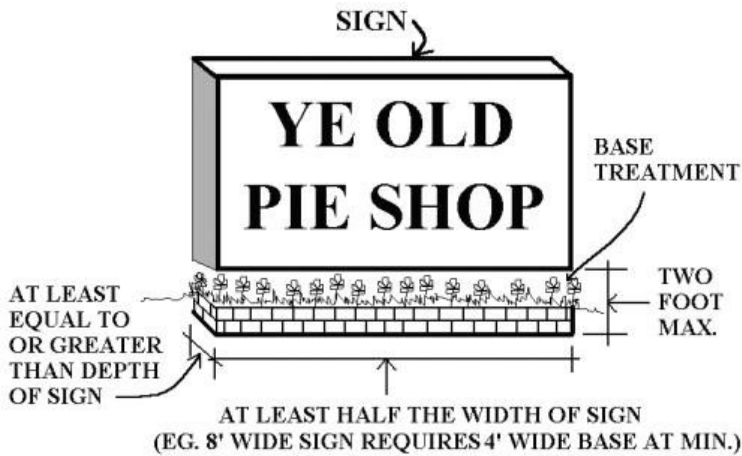
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SECTION 41. Amendment. West Linn Community Development Code Chapter 52 - Signs, Section 52.210 Approval Standards, is amended to read as follows:

52.210 APPROVAL STANDARDS
 All signs shall meet the following standards:

...

- 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. The sign height includes any portion of the base located above street grade (Also refer to Sign Definitions – Grade.)
 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.

...

SECTION 42. Amendment. West Linn Community Development Code Chapter 54, Section 54.070 Specification Summary, is amended to read as follows:

54.070 SPECIFICATION SUMMARY

Area/Location	Landscaping Req'd.
1. Between parking lot and R-O-W. <u>54.020.E.3.d</u>	10 ft.
2. Between parking lot and other lot. <u>54.020.E.3.b</u>	5 ft.
3. Between parking lot and R-O-W if parking lot comprises more than 50 percent of main R-O-W frontage. <u>54.020.E.3.e</u>	15 ft.
4. Percentage of residential/multi-family site to be landscaped. <u>54.020.E.1</u>	25%
5. Percentage of non-residential (commercial/industrial/office) site to be landscaped. <u>54.020.E.2</u>	20%

6.	Percentage of 10 – 25 <u>20</u> car parking lot to be landscaped (excluding perimeter). <u>54.020.E.3.a.</u>	5%
7.	Percentage of 1 – 9 car parking lot to be landscaped (excluding perimeter). <u>54.020.E.3.a.</u>	0%
8.	Percentage of 26 <u>20</u> + car parking lot to be landscaped (excluding perimeter). <u>54.020.E.3.a.</u>	10%

Chapter 54 LANDSCAPING

54.070 SPECIFICATION SUMMARY

	Area/Location	Landscaping Req'd.
1.	Between parking lot and R-O-W. <u>54.020.E.3.d</u>	10 ft.
2.	Between parking lot and other lot. <u>54.020.E.3.b</u>	5 ft.
3.	Between parking lot and R-O-W if parking lot comprises more than 50 percent of main R-O-W frontage. <u>54.020.E.3.e</u>	15 ft.
4.	Percentage of residential/multi-family site to be landscaped. <u>54.020.E.1</u>	25%
5.	Percentage of non-residential (commercial/industrial/office) site to be landscaped. <u>54.020.E.2</u>	20%
6.	Percentage of 10 – 25 <u>20</u> car parking lot to be landscaped (excluding perimeter). <u>54.020.E.3.a.</u>	5%
7.	Percentage of 1 – 9 car parking lot to be landscaped (excluding perimeter). <u>54.020.E.3.a.</u>	0%
8.	Percentage of 26 <u>20</u> + car parking lot to be landscaped (excluding perimeter). <u>54.020.E.3.a.</u>	10%

SECTION 43. Amendment. West Linn Community Development Code Chapter 55 Design Review, Section 55.025 Exemptions, is amended to read as follows:

55.025 EXEMPTIONS

The following activities are exempt from the provisions of this chapter:

- A. Detached single-family residential construction; **except as indicated otherwise in the base zone or in this chapter.**
- B. Accessory structures;
- C. One to two duplexes or single-family attached structures except as indicated otherwise **in the base zone or** in this chapter;
- D. Architectural replacements in kind, or replacement of building materials that are equal or superior to existing materials (in terms of performance or quality) but that do not alter the architectural style of the structure. Retrofitted awnings, changes in color schemes, wall art, and freestanding statuary or art under five feet tall are exempt from design review, but shall be subject to Planning Director review under the provisions of CDC 99.060(A)(2), prescribed conditions, and the approval criteria of CDC 55.100(B)(6)(a) and (b). (Ord. 1408, 1998; Ord. 1604 § 51, 2011)

SECTION 44. Amendment. West Linn Community Development Code Chapter 55 Design Review, Section 55.090 Approval Standards – Class I Design Review, is amended to read as follows:

55.090 APPROVAL STANDARDS – CLASS I DESIGN REVIEW

The Planning Director shall make a finding with respect to the following criteria when approving, approving with conditions, or denying a Class I design review application:

- A. The provisions of the following sections shall be met:
 - 1. CDC 55.100(B)(1) through (4), Relationship to the natural and physical environment, shall apply except in those cases where the proposed development site is substantially developed and built out with no remaining natural physical features that would be impacted.
 - 2. CDC 55.100(B)(5) and (6), architecture, et al., shall only apply in those cases that involve exterior architectural construction, remodeling, or changes.
 - 3. Pursuant to CDC 55.085, the Director may require additional information and responses to additional sections of the approval criteria of this section depending upon the type of application.

4. The design standards or requirements identified in the base zone, shall apply.

- B. An application may be approved only if adequate public facilities will be available to provide service to the property at the time of occupancy.
- C. The Planning Director shall determine the applicability of the approval criteria in subsection A of this section. (Ord. 1408, 1998; Ord. 1544, 2007)

SECTION 45. Amendment. West Linn Community Development Code Chapter 55 Design Review, Section 55.100 Approval Standards – Class II Design Review is amended and renumbered where needed to read as follows:

55.100 APPROVAL STANDARDS – CLASS II DESIGN REVIEW

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:

- A. The provisions of the following chapters shall be met:
 1. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.
 2. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.
 - ~~3. Chapter 40 CDC, Building Height Limitations, Exceptions.~~
 - 43.** Chapter 41 CDC, **Building Height**, Structures on Steep Lots, Exceptions.

SECTION 46. Amendment. West Linn Community Development Code Chapter 56 Parks and Natural Area Design Review, Section 56.100 Approval Standards – Class II Design Review, is amended to read as follows:

56.100 APPROVAL STANDARDS – CLASS II DESIGN REVIEW

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

...

- K. Miscellaneous criteria. Selected elements of the following chapters shall be met. It is not necessary to respond to all the submittal standards or approval criteria contained in these chapters, only those elements that are found to be applicable by the Planning Director at the pre-application conference pursuant to CDC 99.030(B) and (C):
 1. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.
 2. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.
 - ~~3. Chapter 40 CDC, Building Height Limitations, Exceptions.~~
 - 3. Chapter 41 CDC, Building Height**, Structures on Steep Lots, Exceptions.

SECTION 47. Amendment. West Linn Community Development Code Chapter 58 Willamette Falls Drive, Commercial Design District, Section 58.090 Standards, is amended to read as follows:

...

C. The following standards shall apply to new construction and remodels.

1. Dimensional standards.

a. Front: zero-foot setback. Building may not be set back from the property line unless it is consistent with predominant building line.

b. Side and side street: zero-foot setback. Building may not be set back from the side property line except for side passageway, accessway, or stairway unless fire codes dictate otherwise. The setback shall not exceed six feet. ~~The setback should be consistent with the rhythm of adjacent structures, or at least not deleterious to it.~~

...

SECTION 48. Amendment. West Linn Community Development Code Chapter 59 Willamette Neighborhood Mixed Use Commercial Zone, Section 59.060 Conditional Uses, is amended to read as follows:

59.060 CONDITIONAL USES

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

1. ~~Children's day care center.~~ **Certified Child Care Center**

...

SECTION 49. Amendment. West Linn Community Development Code Chapter 59 Willamette Neighborhood Mixed Use Commercial Zone, Section 59.100 Approval Standards – Class II Design Review, is amended and renumbered where needed to read as follows:

CHAPTER 59 WILLAMETTE NEIGHBORHOOD MIXED USE TRANSITIONAL ZONE

59.100 OTHER APPLICABLE DEVELOPMENT STANDARDS

The following standards apply to all development including permitted uses:

1. Chapter 28 CDC, Willamette and Tualatin River Protection.
2. Chapter 36 CDC, Manufactured Homes.
3. Chapter 32 CDC, Water Resource Area Protection.
4. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.
5. Chapter 35 CDC, Temporary Structures and Uses.
6. Chapter 37 CDC, Home Occupations.
7. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.
8. ~~Chapter 40 CDC, Building Height Limitations, Exceptions.~~
89. Chapter 41 CDC, **Building Height**, Structures on Steep Lots, Exceptions.

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SECTION 50. Amendment. West Linn Community Development Code Chapter 59 Willamette Neighborhood Mixed Use Transitional Zone, Section 59.070 Dimensional Requirements, Uses Permitted Outright And Uses Permitted Under Prescribed Conditions, is amended to read as follows:

A. Except as may be otherwise provided by the provisions of this code, the following are the requirements for uses within this zone:

...

7. The maximum building floor area ratio shall be 0.4, except that the ground floor of the building shall not exceed 5,000 square feet. Type I and II lands shall not be counted toward lot area when determining allowable floor area ratio, except that a minimum floor area ratio of 0.30 shall be allowed regardless of the classification of lands within the property. That 30 percent shall be based upon the entire property including Type I and II lands. Existing residences in excess of this standard may be replaced to their prior dimensions when damaged without the requirement that the homeowner obtain a non-conforming structures permit under Chapter 66 CDC.

SECTION 51. Amendment. West Linn Community Development Code Chapter 68 Non-Conforming Lots, Section 68.040 Status, is amended to read as follows:

A. A substandard lot of record in any residential zoning district except the Willamette Historic District, as regulated in Chapter 25 CDC, may be developed for a use allowed within the applicable zone provided:

...

3. All applicable code provisions including lot dimensional requirements are met except for single-family detached or attached dwellings in the R-10, R-7, R-5, R-4.5, R-3 and R-2.1 zones where the following lot dimensional requirements shall apply:

- a. The minimum front lot line shall be 30 feet.
- b. The average minimum lot width shall be ~~45~~ 35 feet.

SECTION 52. Amendment. West Linn Community Development Code Chapter 81 Boundary Changes, Section 81.050 Approval Criteria, is amended to read as follows:

81.050 APPROVAL CRITERIA

The City Council shall approve a boundary change proposal based on findings and conclusions that the proposal complies with the criteria of Metro Code Section 3.09.050(D) and

1. West Linn Municipal Code Sections 2.920 Step 1 Land Use Decision.

- a. The application of the Zoning Designation shall follow the criterial in CDC Section 81.055.

2. The West Linn Municipal Code Section 2.930 Step 2 Policy Decision. (Ord. 1442, 1999; Ord. 1635 § 29, 2014)

SECTION 53. Amendment. West Linn Community Development Code Section 85 Land Division Section 85.200, Approval Criteria, is amended to read as follows:

...

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

...

7. On land with slopes in excess of 12 percent, cuts and fills shall be regulated as follows:

- a. Toes of cuts and fills shall be set back from the boundaries of separate private ownerships at least three feet, plus one-fifth of the vertical height of the cut or fill. Where an exception is required from that requirement, slope easements shall be provided.
- b. Cuts shall not remove the toe of any slope where a severe landslide or erosion hazard exists ~~(as described in subsection (G)(5) of this section).~~

...

SECTION 54. Amendment. West Linn Community Development Code Section 85 Land Division Section 85.210, Property Line Adjustment – Approval Standards, is amended to read as follows:

85.210 PROPERTY LINE ADJUSTMENTS – APPROVAL STANDARDS

A. The Director shall approve or deny a request for a property line adjustment based on the criteria stated below:

1. An additional lot or parcel shall not be created by the property line adjustment.
2. The existing property shall not be reduced in size by the adjustments below the minimum lot or parcel size established by the approved zoning for that district. The property line adjustment shall not be enlarged, increased or extended the a-non conformity of ing-a non conforming lot or non conforming structure.

3. Property line adjustments shall be either:

- a. a straight line,
- b. a line with maximum of two 45 to 90 degrees turns; or,
- c. a maximum of three turns less than 45 degrees.

(The following figures are only intended as examples.)

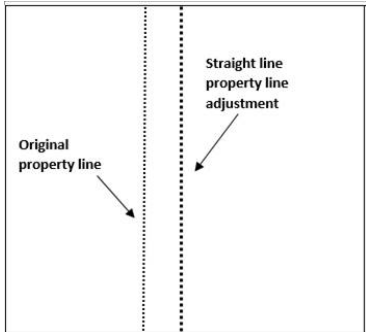


Figure 2

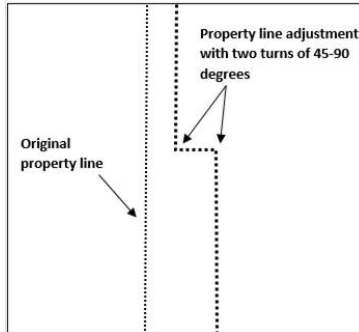


Figure 1+2

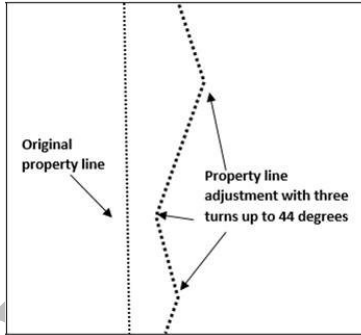
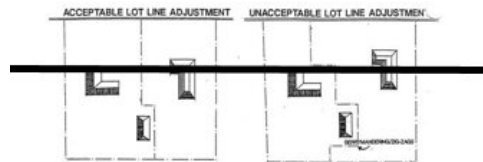


Figure 3

34. Reducing the lot or parcel size ~~parcel size~~ **The property line adjustment** shall not **create a lot or parcel that** violates the **applicable** site development regulations. ~~for that district. For example, the property line adjustment shall not result in an overall loss of density below 70 percent except as allowed by CDC 85.200(J)(7).~~

45. The property line adjustment is as defined by ORS Chapter 92.



5. The ~~lot~~ property line line adjustment will not adversely affect existing easements or existing utilities unless an easement vacation is obtained, replacement easements are ~~dedicated~~ established, or any required utility relocations are paid for by the applicant.

6. Proposed property line adjustments that cannot meet these standards are subject to review under CDC 99.060.B.7.

7. Any appeal must be filed in accordance with CDC 99.240.

B. The provisions of CDC 85.070 shall also apply to ~~lot~~ property line adjustments.

SECTION 55. Amendment. West Linn Community Development Code Chapter 99 Procedures For Decision Making: Quasi-Judicial , Section 99.030 Application Process: Who May Apply, Pre-Application Conference, Requirements, Refusal of Application, Fees, is amended to read as follows:

...

B. Pre-application conferences.

1. Subject to subsection (B)(4) of this section, a pre-application conference is required for, but not limited to, each of the following applications:

- a. Boundary changes, per Chapter 81 CDC;
- b. Amendments to the Comprehensive Plan;
- c. Amendments to the Zoning Map;
- d. Conditional uses;
- e. Design review (Class I and Class II);
- f. Historic design review (Class II);
- g. Designation of a historic resource or removal of a historic resource designation;
- 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.

t. Extensions of Approval with Modifications to Original Approval

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.

j. Extensions of Approval with No modification to Original Approval

SECTION 56. Amendment. West Linn Community Development Code Chapter 99 Procedures For Decision Making: Quasi-Judicial , Section 99.170 Hearing Procedures , is amended to read as follows:

...

F. If requested, an applicant shall be granted an additional period of at least seven days after the record is closed to all other parties to submit final written arguments in support of the application. The applicant's final submittal shall be considered part of the record, but shall not include any new evidence. Any such time period granted to the applicant shall not be subject to the time limit provisions of ORS Chapter 227 215-ORS regarding local government ~~decision making~~ **hearing procedures found in ORS 227.170 for** on quasi-judicial applications.

SECTION 57. Amendment. West Linn Community Development Code Chapter 99 Procedures For Decision Making: Quasi-Judicial , Section 99.325 Extensions of Approval, is amended to read as follows:

99.325 EXTENSIONS OF APPROVAL

A. The Planning Director ~~An extension may be granted an extension by the original decision making body by an additional two years~~ **An extension may be granted an extension by the original decision making body by an additional two years** from the effective date of approval of ~~two years~~ pertaining to applications listed in CDC 99.060(A)**(B)(C)(D) or (E), as applicable** upon finding that:

- 1. The applicant has demonstrated, ~~and staff and the Planning Commission concur,~~ that the application is in conformance with applicable CDC provisions and relevant approval criteria enacted since the application was initially approved; and
- 2. There are no demonstrated material misrepresentations, errors, omissions, or changes in facts that directly impact the project, including, but not limited to, existing conditions, traffic, street alignment and drainage; or

3. The applicant has modified the approved plans to conform with current approval criteria and remedied any inconsistency with subsection (A)(2) of this section, in conformance with any applicable limits on modifications to approvals established by the CDC.

~~B. The Planning Commission may grant an extension from the effective date of approval of two years pertaining to applications listed in CDC 99.060(B), consistent with subsections (A)(1) through (3) of this section.~~

~~C. The Historic Review Board may grant an extension from the effective date of approval of two years for applications listed in CDC 99.060(D), consistent with subsections (A)(1) through (3) of this section.~~

D. *Repealed by Ord. 1635.*

E. Extension procedures.

1. The application for extension of approval **with modifications to the original approval** may be submitted only after a pre-application meeting under CDC 99.030(B). **If no modifications are made to the original approval, a pre-application conference is not required.**

2. The application **for extension of approval with modifications to the original approval** shall satisfy the neighborhood meeting requirements of CDC 99.038 for those cases that require compliance with that section. **If no modifications are made to the original approval, no neighborhood meeting is required.**

3. Applications for extensions must be submitted along with the appropriate deposit to the Community Development Department.

4. Applications for extensions will be processed if the initial approval lapses prior to issuance of a decision, consistent with subsection (D)(2) of this section.

5. Notice of the decision shall be issued consistent with CDC 99.080.

6. The decision shall not become effective until resolution of all appeal periods, including an opportunity for City Council call-up pursuant to this chapter. (Ord. 1589 § 1 (Exh. A), 2010; Ord. 1621 § 25, 2014; Ord. 1635 § 43, 2014)

SECTION 58. 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 59. 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 60. 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 4-6) need not be codified and

the City Recorder or his/her designee is authorized to correct any cross-references and any typographical errors.

SECTION 61. 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 _____, 2018, and duly PASSED and ADOPTED this ____ day of _____, 2018.

RUSSELL B. AXELROD, MAYOR

KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

PC DRAFT