

## Memorandum

Date: April 26, 2018

To: West Linn Planning Commission

From: Darren Wyss, Associate Planner

Subject: CDC-18-02 Worksession

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At its May 2, 2018 meeting, the Planning Commission will receive a briefing and have the opportunity to ask questions/discuss the proposed Community Development Code (CDC) amendments and Comprehensive Plan (Comp Plan) definition amendment proposed by the Willamette Neighborhood Mixed-Use Transitional Zone Working Group (MU Working Group). The MU Working Group's proposal and associated memo is attached.

The MU Working Group was appointed by City Council and assigned two specific purposes and a goal statement. These are attached, as well as a list of the members. The group met four times and fulfilled its directive by making the attached recommendations, as well as recommending some potential actions/amendments to undertake in the near future. Staff will provide a more detailed recap of the MU Working Group process at the May 2<sup>nd</sup> worksession, but in the meantime, all of the MU Working Group background/meeting materials can be found at the following link:

<https://westlinnoregon.gov/planning/willamette-neighborhood-mixed-use-transitional-zone-working-group>

The Willamette Neighborhood Mixed-Use Transitional Zone standards are found in Chapter 59 of the CDC. A copy of the complete chapter is attached for reference. The proposed amendments found in the MU Working Group's final recommendations are formatted as ~~removals~~ and **additions**. The majority of the recommended amendments were moving conditional uses to either permitted uses or permitted under prescribed conditions. A number of conditional uses were also recommended for removal because there was no associated definition for the use and the use easily fit into another defined use. An example is the removal of "boutiques" as it was not defined and will fit under the "general retail services" use definition. Again, staff will go into more detail at the meeting, but if you have questions about the format or the recommendations, please feel free to contact me.

Following the Commission's worksession, the remainder of the legislative process will follow the schedule outlined below.

June 6, 2018 – Planning Commission public hearing to make recommendation to City Council on proposed amendments

June 18, 2018 – City Council worksession to receive briefing on Planning Commission recommendation

July 9, 2018 – City Council public hearing to make decision on the recommended amendments

Please feel free to contact me prior to the meeting at [dwyss@westlinnoregon.gov](mailto:dwyss@westlinnoregon.gov) or 503-742-6064 with any questions regarding the materials or process.

## Memorandum

Date: April 16, 2018

To: West Linn Planning Commission

From: Willamette Neighborhood Mixed-Use Transitional Zone Working Group

Subject: Final Recommendations

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The Willamette Neighborhood Mixed-Use Transitional Zone Working Group (MU Working Group), appointed by the West Linn City Council on November 7, 2017, has reached consensus on a final recommendation related to the two purposes assigned by City Council:

1. To review and update as necessary the list of permitted and conditional uses in the Willamette Neighborhood Transitional Zone (Chapter 59: MU Zone).
2. Consider a definition of mixed-use.

The MU Working Group met four times from early January to late March 2018. The meetings were well organized and the discussions efficient and effective. A good number of property owners attended the meetings, which was not only helpful to them, but assisted the group in further understanding the current limitations of the zone. The full text of recommendations for the two purposes are attached, but here is a brief description of what is ready to proceed through the legislative process:

- Minor amendment to definition of “mixed-use” that is located in the West Linn Comprehensive Plan and add this amended definition to the West Linn Community Development Code (CDC) Chapter 2: Definitions.
- Amendments to the Permitted, Accessory, Permitted with Prescribed Conditions, and Conditional Uses found in CDC Chapter 59: MU Zone.
- Minor amendments to four current use definitions, and the addition of one new use definition, into CDC Chapter 2: Definitions.
- Addition of a new accessory use in CDC Chapter 19: General Commercial Zone to provide consistency with the recommendation to CDC Chapter 59: MU Zone.


In addition, the MU Working Group discussed other changes related to Chapter 59: MU Zone. These discussions were a natural extension of the group’s purpose and intended to identify additional measures to improve the function and economic potential of the zone. The topics were tied to the location of all 30 properties currently in the MU Zone, the transitional purpose of the zone, and the design/dimensional restrictions in the zone.

Based on the discussions, the MU Working Group reached consensus on a set of recommendations for future consideration by City Council. The group proposes these recommendations be added to the planning docket for further evaluation and potential changes in the near future. They are as follows:

- Consider rezoning the properties along 8<sup>th</sup> Avenue, between 10<sup>th</sup> and 13<sup>th</sup> Streets, from Mixed-Use to General Commercial as they don't meet the transitional purpose of the zone. Staff contacted the property owners for feedback and seven of the eight responded in support of a potential change.
- Consider rezoning the properties along 8<sup>th</sup> Avenue, between 13<sup>th</sup> and 14<sup>th</sup> Streets, from R-10: Single-Family Detached Residential to at least Mixed-Use, if not some to General Commercial as these properties actually meet the transitional purpose of the zone. Staff contacted the property owners for feedback and four of the six on the south side responded in support and one each responded in support and not in support out of the five properties on the north side of 8<sup>th</sup> Avenue.
- Evaluate more appropriate zoning for MU Zone properties separated from the historic commercial core (Properties 1-2, 3-4, and 27-30 on attached map) as they do not meet the transitional purpose of the zone. This could be undertaken at the same time as 8<sup>th</sup> Avenue.
- Consider changes to the dimensional/design standards for Chap. 59: MU Zone to make them more flexible for potential redevelopment of properties in the future. Some ideas for potential changes: allowing a zero lot line at the front yard and side yard abutting a street, move from maximum building size to lot coverage standard, making maximum FAR 0.45, eliminating maximum lot size, and removing the residential style design standards.
- Consider evaluating how parking is managed in the Willamette Main Street area, especially the on-site parking exemptions found in CDC Chapter 58: Willamette Falls Drive Commercial Design District.

On behalf of the MU Working Group, we would like to thank City Council for the opportunity to develop these recommendations for consideration.

Respectfully,



Shannen Knight  
Chair, MU Working Group

# MU Working Group

## City of West Linn

### March 22, 2018 Final Recommendation for Immediate Changes

#### CDC CHAPTER 59: WILLAMETTE NEIGHBORHOOD MIXED-USE TRANSITIONAL ZONE

##### 59.030 PERMITTED USES

The following are uses permitted outright in this zone:

1. Single-family detached dwelling;
2. Multi-family dwelling;
3. Common-wall single-family dwellings above a permitted use;
4. Residential use of the second floor or a portion of the ground floor of a permitted use;
5. Residential home;
6. Family day care;
7. Bed and breakfast lodging.

**8. Animal sales and services, grooming.**

**9. Business support services.**

**10. Cultural exhibits and library services.**

**11. General retail services.**

**12. Medical and dental services.**

**13. Personal service facilities.**

**14. Professional and administrative services.**

**15. Transportation facilities (Type I).**

**16. Utility, minor.**

##### 59.040 ACCESSORY USES

**1.** Accessory uses are allowed in this zone as provided by Chapter [34](#) CDC.

**2. Manufacture or repackaging of goods for on-site sale.**

##### 59.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

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

1. Signs, subject to the following provisions:

...

2. Temporary use, subject to the provisions of Chapter [35](#) CDC.

3. Home occupations, subject to the provisions of Chapter [37](#) CDC.
- 4. Consumer repair services, as prescribed with no exterior storage.**
- 5. Animal sales and services: veterinary (small animals), as prescribed with no exterior runs or storage.**
- 6. Financial and insurance, as prescribed with no drive-through service.**
- 7. Building maintenance services, as prescribed with no exterior storage.**
- 8. Wireless communication facilities, subject to the provisions of Chapter [57](#) CDC.**

59.060 CONDITIONAL USES

Only the following conditional uses are allowed in this zone subject to the provisions of Chapter [60](#) CDC, Conditional Uses:

1. Children’s day care center.
2. Community **building** center for civic or cultural events.
- ~~3. Small appliance repair services.~~
- ~~4. Governmental offices.~~
- ~~5~~ **3.** Religious institution.
- ~~6~~ **4.** Senior or community center.
- ~~7~~ **5.** Public support and public safety facilities, including public parking lots.
- ~~8~~ **6.** Nursery.
- ~~9~~ **7.** Parks and open space.
- ~~10. Boutiques.~~
- ~~11. Small Business equipment sales and service.~~
- ~~12. Craft shops.~~
- ~~13. Cultural exhibits and library services.~~
- ~~14~~ **8.** Eating and drinking establishments.
- ~~15. Retail sales and service, except no drive-through service.~~
- ~~16. Professional and administrative services.~~
- ~~17. Medical or dental offices or clinics.~~
- ~~18. Financial, insurance, and real estate services, except no drive-through service.~~
- 9. Food and beverage retail sales.**
- 11. Hotel/motel.**
- 12. Construction sales and services.**
- 13. Parking Facilities.**

## CDC CHAPTER 19: GENERAL COMMERCIAL, GC

### 19.040 ACCESSORY USES

~~Repealed by Ord. 1622.~~

#### **1. Manufacture or repackaging of goods for on-site sale.**

## CDC CHAPTER 2: DEFINITIONS

Business support services. Establishments primarily engaged in the provision of service, **including instructional**, of a clerical, employment, protective, or minor processing nature to firms rather than individuals and where the storage of goods other than samples is prohibited. Typical uses include: secretarial services, telephone answering services, or blueprint services.

Convenience sales and personal services. Small neighborhood-oriented retail businesses (retail commercial and personal services) which provide for the daily needs of nearby residents. It includes uses such as grocery stores, drug stores, laundromats, **and** dry cleaners, ~~barber shops and beauty salons.~~

Hotel/motel. Establishments primarily engaged in the provision of lodging on a temporary basis with incidental food, drink, and other sales and services intended for the convenience of guests. ~~Typical uses include hotels, motels, or bed and breakfast houses.~~

**Manufacture or repackaging of goods for on-site sale. Small-scale manufacturing use, limited to 5,000 square feet of building area, and commonly associated with general retail services where products are sold on-site.**

**Mixed-use development. A combination of different types of uses that are complementary and integrated. This refers to allowing residential and businesses to be located in the same area (e.g. apartments over shops or other businesses or apartments adjacent to grocery stores or other commercial establishments).**

Personal service facilities. Establishments primarily engaged in the provision of informational, instructional, personal improvement, and similar services ~~of a non-professional nature. Typical uses include:~~ **It includes uses such as** photography studios, **barbershops, salons,** ~~driving schools and trade schools, or~~ **and fitness studios** ~~reducing salons.~~

## WEST LINN COMPREHENSIVE PLAN INTRODUCTION: GLOSSARY

Mixed-use development. A combination of different types of uses **that are complementary and integrated**. This ~~most frequently~~ refers to allowing ~~homes~~ **residential** and businesses to be located in the same area (e.g. apartments over shops or other businesses or apartments adjacent to grocery stores or other commercial establishments).

- MU Zoning
- Comp Plan Designation
- Commercial
- Industrial
- Low Density Residential
- Medium Density Residential
- Medium High Density Residential
- Mixed Use
- WF Dr Comm Design District
- Historic District - Local
- Historic District - National

Properties 1 & 2

Properties 3 & 4

Property 12

Properties 5 - 11

Property 13

Properties 14 - 20

Properties 21 - 26

Properties 27 - 30



GIS Disclaimer: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.  
 Data Sources: City of West Linn, Clackamas County, Metro  
 Cartography: West Linn Planning - July 2016





# Working Group Purposes & Goal

## Community Development Code Chapter 59: Willamette Neighborhood Mixed-Use Transitional Zone

The Working Group was appointed by the West Linn City Council and prescribed the following tasks on November 7, 2017.

### First Purpose

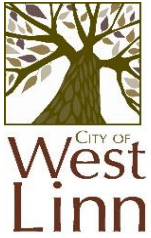
To review and update as necessary the list of permitted and conditional uses in the Willamette Neighborhood Mixed Use Transitional Zone (MU Zone - Chapter 59).

### Second Purpose

Consider a definition of mixed use.

### Goal

Updated lists are needed to reflect current business culture and categories (terminology or categories of uses) and to facilitate compatible mixed use, commercial and residential uses. Updated lists will support community and economic goals and will assure appropriate transition between the Historic Willamette commercial core and surrounding Willamette neighborhood.



# Working Group Membership

## Community Development Code Chapter 59: Willamette Neighborhood Mixed-Use Transitional Zone

Name	Organization	Contact Info
Russ Williams	West Linn Chamber of Commerce	
Jim Farrel	West Linn Planning Commission	
Shannen Knight	West Linn Economic Development Committee	
Noelle Brooks	Historic Willamette Main Street	
Gail Holmes	Willamette Neighborhood Assn.	
Rishi Bansal	Savanna Oaks Neighborhood Assn.	
Roger Straus	Bolton Neighborhood Assn.	
Jim O'Toole	Robinwood Neighborhood Assn.	
David Lawrence	Property Owner	

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**Chapter 59**  
**WILLAMETTE NEIGHBORHOOD MIXED USE TRANSITIONAL ZONE**

**Sections:**

- 59.010 PURPOSE**
- 59.020 PROCEDURES AND APPROVAL PROCESS**
- 59.030 PERMITTED USES**
- 59.040 ACCESSORY USES**
- 59.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS**
- 59.060 CONDITIONAL USES**
- 59.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS**
- 59.080 ADDITIONAL USE REQUIREMENTS**
- 59.090 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES**
- 59.100 OTHER APPLICABLE DEVELOPMENT STANDARDS**

**59.010 PURPOSE**

The purpose of the mixed use/transitional zone is to provide for a transitional area between commercial and residential zones with a desirable mix of residential land uses with limited commercial land uses. The limited commercial uses allowed in this district are selected for their compatibility with residential uses and their ability to meet the needs of the neighborhood. Uses in this district are intended to be compatible with the design and aesthetic qualities of the adjacent neighborhood. This zone is intended to implement the Willamette neighborhood plan as authorized by the policies set forth in the Comprehensive Plan. (Ord. 1515, 2005; Ord. 1547, 2007)

**59.020 PROCEDURES AND APPROVAL PROCESS**

- A. A use permitted outright, CDC 59.030, is a use that requires no approval under the provisions of this code. If a use is not listed as a use permitted outright, it may be held to be a similar unlisted use under the provisions of Chapter 80 CDC.**
- B. A use permitted under prescribed conditions, CDC 59.050, is a use for which approval will be granted provided all conditions are satisfied, and:**

1. The Planning Director shall make the decision in the manner provided by CDC [99.060\(A\)\(2\)](#), Administrative Procedures, except that no notice shall be required; and
  2. The decision may be appealed by the applicant to the Planning Commission as provided by CDC [99.240\(A\)](#).
- C. The approval of a conditional use (CDC [59.060](#)) is discretionary with the Planning Commission. The approval process and criteria for approval are set forth in Chapter [60](#) CDC, Conditional Uses. If a use is not listed as a conditional use, it may be held to be a similar unlisted use under the provisions of Chapter [80](#) CDC.
- D. The following code provisions may be applicable in certain situations:
1. Chapter [65](#) CDC, Non-conforming Uses Involving a Structure.
  2. Chapter [66](#) CDC, Non-conforming Structures.
  3. Chapter [67](#) CDC, Non-conforming Uses of Land.
  4. Chapter [68](#) CDC, Non-conforming Lots, Lots of Record.
  5. Chapter [75](#) CDC, Variance. (Ord. 1515, 2005; Ord. 1547, 2007)

#### 59.030 PERMITTED USES

The following are uses permitted outright in this zone:

1. Single-family detached dwelling;
2. Multi-family dwelling;
3. Common-wall single-family dwellings above a permitted use;
4. Residential use of the second floor or a portion of the ground floor of a permitted use;
5. Residential home;
6. Family day care;
7. Bed and breakfast lodging. (Ord. 1515, 2005; Ord. 1547, 2007; Ord. 1604 § 60, 2011)

#### 59.040 ACCESSORY USES

Accessory uses are allowed in this zone as provided by Chapter [34](#) CDC. (Ord. 1515, 2005; Ord. 1547, 2007)

#### 59.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

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

1. Signs, subject to the following provisions:
  - a. Wall signs. Shall not exceed 10 percent of the square footage of the front elevation. The calculation of allowable signage is explained in CDC [52.300](#). The sign(s) shall be proportionate to buildings and signs on adjacent buildings. The 10 percent shall be broken up into multiple signs. The sign(s) shall be mounted or painted on the second floor, on the valance of the awning, on the windows at pedestrian level, or on four-by-four awning posts.
  - b. Ground-mounted signs. One ground-mounted sign is permitted in the front yard with a maximum size of 16 square feet, a maximum height of four feet, and a minimum setback of five feet from the right-of-way.
  - c. No signs shall be the internally lit “can” type. No backlit signs are permitted. Illumination by spotlight is permitted for either sign type. Neon signs are permitted only inside the windows. No flashing signs are allowed. By temporary sign permit only, neon colored lettering or designs painted on windows or on paper or banners in the windows are allowed, but discouraged. Small signs or plaques that describe the building in a historical sense are exempt from the allowable square footage restrictions. Signs cannot project from the building face.
  - d. Temporary signs. Temporary sandwich board signs are permitted without the temporal restrictions of Chapter [52](#) CDC.
  - e. All other provisions of Chapter 52 CDC. Signs are applicable unless they conflict with the provisions of this chapter.
2. Temporary use, subject to the provisions of Chapter [35](#) CDC.
3. Home occupations, subject to the provisions of Chapter [37](#) CDC. (Ord. 1515, 2005; Ord. 1547, 2007)

### **59.060 CONDITIONAL USES**

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

1. Children’s day care center.
2. Community center for civic or cultural events.
3. Small appliance repair services.
4. Governmental offices.
5. Religious institution.
6. Senior or community center.
7. Public support and public safety facilities, including public parking lots.
8. Nursery.
9. Parks and open space.
10. Boutiques.
11. Small business equipment sales and service.
12. Craft shops.
13. Cultural exhibits and library services.
14. Eating and drinking establishments.
15. Retail sales and service, except no drive-through service.
16. Professional and administrative services.
17. Medical or dental offices or clinics.
18. Financial, insurance, and real estate services, except no drive-through service. (Ord. 1515, 2005; Ord. 1547, 2007; Ord. 1655 § 6, 2016)

### **59.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS**

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

1. The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.
2. The average minimum lot width shall be 50 feet.
3. The average minimum lot depth shall not be less than 90 feet.
4. The minimum yard dimensions or minimum building setback area from the lot line shall be:
  - a. For a front yard, 12 feet minimum and 20 feet maximum to the structure, except that a porch, patio, or pedestrian amenity may be six feet from the front property line.
  - b. For an interior side yard, seven and one-half feet.
  - c. For a side yard abutting a street, 12 feet.
  - d. For a rear yard, 20 feet. However, where the use abuts a residential district, the setback distance required in the residential district shall apply, and within the setback area a buffer of at least 10 feet of landscaping in addition to a fence is required.
5. The maximum building height shall be two stories above grade, or 35 feet, whichever is less.
6. Maximum building size for all floors shall not exceed 6,000 square feet above grade excluding porches.
7. The building floor area ratio shall be 0.4, except that the ground floor of the building shall not exceed 5,000 square feet.
8. The minimum lot size shall be 4,500 square feet and the maximum lot size shall be 10,000 square feet, unless defined as an existing lot of record.

B. Design standards. All uses in the mixed-use zone shall comply with the provisions of Chapter 55 CDC, except for CDC 55.100(B)(7)(a), (b), (c), (h), (i), and (j). Further, single-family and duplex residential uses shall also comply with the Class I design review standards. In addition, the design standards described below apply to all uses.

1. Residential-style building with single story porch on the front, and on the side where it abuts a street.
2. New sidewalk construction shall be allowed to match the historical sidewalk standards in this zone.
3. Off-street parking shall be behind, under, or on the side of building.
4. Garages shall not extend any closer to the street than the street-facing facade of the house.
5. There shall be no illuminated outdoor advertising on accessory buildings, equipment, or vending machines
6. These design standards, subsections (B)(1) through (5) of this section, shall not apply to public facilities such as reservoirs, water towers, treatment plants, fire stations, pump stations, power transmission facilities, etc. It is recognized that many of these facilities, due to their functional requirements, cannot readily be configured to meet these design standards. However, attempts shall be made to make the design sympathetic to surrounding properties through compatible architecture, enhanced landscaping, setbacks, buffers, and other reasonable means. (Ord. 1515, 2005; Ord. 1547, 2007; Ord. 1565, 2008)

#### 59.080 ADDITIONAL USE REQUIREMENTS

In addition to all other provisions of this section, the following additional requirements may apply:

- A. Permitted uses may only be open from 6:00 a.m. to 10:00 p.m. and are subject to the noise provisions of Chapter 55 CDC.
- B. Exterior business activity shall not take place beyond the rear wall of the building when the subject property abuts a residential district, except for parking and refuse storage. Refuse storage must be buffered or enclosed and may not abut a property line that adjoins a residential zone. (Ord. 1515, 2005; Ord. 1547, 2007; Ord. 1614 § 11, 2013)

#### 59.090 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES

Except as may otherwise be established by this code, the appropriate lot or parcel size for a conditional use shall be determined by the approval authority at the time of consideration of the application based upon the criteria set forth



in CDC [60.070](#)(A) and (B). (Ord. 1515, 2005; Ord. 1547, 2007; Ord. 1636 § 42, 2014)

#### 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.
  9. Chapter [42](#) CDC, Clear Vision Areas.
  10. Chapter [44](#) CDC, Fences.
  11. Chapter [48](#) CDC, Access, Egress and Circulation.
  12. Chapter [46](#) CDC, Off-Street Parking, Loading and Reservoir Areas, except for the provisions of CDC [46.140](#), apply to all uses.
  13. Chapter [55](#) CDC, Design Review.
  14. Chapter [54](#) CDC, Landscaping.
  15. Chapter [53](#) CDC, Sidewalk Use. (Ord. 1547, 2007; Ord. 1614 § 12, 2013)
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