

**ORDINANCE NO. 1686**

**AN ORDINANCE RELATING TO THE AMENDMENT OF WEST LINN COMMUNITY DEVELOPMENT CODE CHAPTERS 2, 19, AND 59 TO IMPLEMENT THE RECOMMENDATIONS FROM THE CITY COUNCIL APPOINTED WILLAMETTE NEIGHBORHOOD MIXED-USE TRANSITIONAL ZONE WORKING GROUP**

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

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

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

**WHEREAS**, the City Council held a worksession with the Economic Development Committee and Planning Commission on July 17, 2017 and discussed the need to evaluate the permitted and conditional uses in the Willamette Neighborhood Mixed-Use Transitional Zone; and

**WHEREAS**, the City Council directed the Community Development Department to prioritize an evaluation of the Willamette Neighborhood Mixed-Use Transitional Zone and work with the Citizen Involvement Committee to recommend a working group per Community Development Code Chapter 98.035; and

**WHEREAS**, the Committee for Citizen Involvement discussed the working group at meetings in September and October 2017 and forwarded its recommendation to City Council; and

**WHEREAS**, the City Council appointed the Willamette Neighborhood Mixed-Use Transitional Zone Working Group at its November 14, 2017 meeting and assigned specific purposes and goals; and

**WHEREAS**, the Willamette Neighborhood Mixed-Use Transitional Zone Working Group met four times between January and April 2018 to discuss, hear from property owners, and reach final consensus on a set of recommendations to forward to the Planning Commission; and

**WHEREAS**, the Planning Commission held a worksession on May 2, 2018 and a public hearing on June 6, 2018 where it voted unanimously to recommend the City Council adopt the proposed amendments;

**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:

**2.030 SPECIFIC WORDS AND TERMS**

...

**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,~~ and fitness studios ~~reducing salons.~~

...

**SECTION 2. Amendment.** West Linn Community Development Code Chapter 19: General Commercial, Section 19.040, Accessory Uses, is amended to read as follows:

19.040 ACCESSORY USES

*Repealed by Ord. 1622.*

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

**SECTION 3. Amendment.** West Linn Community Development Code Chapter 59: Willamette Neighborhood Mixed-Use Transitional Zone, Section 59.030, Permitted Uses, is amended to read as follows:

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.**

**SECTION 4. Amendment.** West Linn Community Development Code Chapter 59: Willamette Neighborhood Mixed-Use Transitional Zone, Section 59.040, Accessory Uses, is amended to read as follows:

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.**

**SECTION 5. Amendment.** West Linn Community Development Code Chapter 59: Willamette Neighborhood Mixed-Use Transitional Zone, Section 59.050, Uses and Development Permitted Under Prescribed Conditions, is amended to read as follows:

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.**

**SECTION 6. Amendment.** West Linn Community Development Code Chapter 59: Willamette Neighborhood Mixed-Use Transitional Zone, Section 59.060, Conditional Uses, is amended to read as follows:

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.~~ **Certified Child 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.**

**SECTION 7. 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 8. 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.

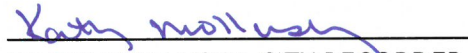
**SECTION 9. Codification.** Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however

that any Whereas clauses and boilerplate provisions (i.e. Sections 7-10) need not be codified and the City Recorder or his/her designee is authorized to correct any cross-references and any typographical errors.


**SECTION 10. Effective Date.** This ordinance shall take effect on the 30<sup>th</sup> day after its passage.

The foregoing ordinance was first read by title only in accordance with Chapter VIII, Section 33(c) of the City Charter on the 9th day of July, 2018, and duly PASSED and ADOPTED this 9<sup>th</sup> day of July, 2018.

  
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RUSSELL B. AXELROD, MAYOR

  
\_\_\_\_\_  
KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

  
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CITY ATTORNEY