

**ORDINANCE NO. 1736**

**AN ORDINANCE ADOPTING TEXT AMENDMENTS TO THE WEST LINN COMMUNITY DEVELOPMENT CODE CHAPTERS 2, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 21, 24, 43, 46, 55, 59, AND 60 IN ORDER TO COMPLY WITH OREGON HOUSE BILL 2001 AND OREGON ADMINISTRATIVE RULES CHAPTER 660 DIVISION 46.**

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

**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**, in 2019, in response to the state's housing crisis, the Oregon Legislature enacted House Bill 2001 to promote the development of housing choices in single-family detached neighborhoods; and

**WHEREAS**, in 2020 the Land Conservation and Development Commission adopted Oregon Administrative Rules Chapter 660 Division 46 to implement House Bill 2001; and

**WHEREAS**, the City of West Linn initiated a two-phase project, including extensive community outreach, to implement the requirements of House Bill 2001; and

**WHEREAS**, the City Council appointed a working group in Phase 1 that identified policy questions to be answered in Phase 2 of the project; and

**WHEREAS**, the City Council appointed a working group in Phase 2 to make a recommendation on a proposed HB2001 Code Amendment Package to comply with the administrative rules, which they did on April 27, 2022; and

**WHEREAS**, the West Linn Planning Commission (PC) held a work session on May 4, 2022; and

**WHEREAS**, the PC held a public hearing, which was noticed in accordance with City standards, on May 18, 2022, and recommended approval of the proposed HB2001 Code Amendment Package; and

**WHEREAS**, the West Linn City Council held a public hearing, which was noticed in accordance with City standards, on June 13, 2022, to consider the Planning Commission recommendation, receive public testimony, and evaluate the decision-making criteria; and

**WHEREAS**, the Council's decision is based on the findings contained in these Whereas Clauses, together with findings, conclusions, and substantial evidence found in the associated land use record file CDC-22-02, which is incorporated by this reference.

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

**SECTION 1. Amendments.** The West Linn Community Development Code Chapters 2, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 21, 24, 43, 46, 55, 59, and 60 are amended to include new text and rescind existing text as shown in Exhibit A.

**SECTION 2. 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 3. 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 4. 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 2-4) need not be codified and the City Recorder or the designee is authorized to correct any cross-references and any typographical errors.

**SECTION 9. Effective Date.** Conditions in the City of West Linn are such that this Ordinance is necessary for the immediate preservation of the public health, peace, welfare and safety. An emergency is declared to exist because the City of West Linn must adopt code amendments to comply with House Bill 2001 by June 30, 2022 or implement the model code; therefore, this Ordinance shall be in full force and effect on July 1, 2022.

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 \_\_\_\_\_, 2022, and duly PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
JULES WALTERS, MAYOR

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

**Chapter 02**  
**DEFINITIONS**

Sections:

- 02.010 INTERPRETATION
- 02.030 SPECIFIC WORDS AND TERMS

**02.010 INTERPRETATION**

For the purpose of this code, certain terms or words used herein shall be interpreted as follows.

- A. The word “shall” is mandatory, the word “may” is permissive.
- B. The words “used” or “occupied” shall include the words “intended, designed, or arranged to be used or occupied.”
- C. The word “lot” or “parcel” includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- D. Words not specifically defined herein shall have the meaning specified in Webster’s Third New International Dictionary of the English Language, Unabridged. (Ord. 1604 § 1, 2011; Ord. 1636 § 2, 2014)

**02.030 SPECIFIC WORDS AND TERMS**

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

Accessory dwelling unit (ADU). Attached or detached dwelling unit which is secondary to the primary dwelling unit and intended to provide convenient and affordable housing opportunities.

Accessory structure. A subordinate structure with a maximum area of 1,500 square feet, except for agricultural buildings, located on a lot or parcel with a principal use, the use of which is clearly incidental to and associated with the principal use. Examples of accessory structures include, but are not limited to, the following:

1. Greenhouse or hothouse;
2. Swimming pools;
3. Children’s playhouses and structures;
4. Sheds;
5. Barns;
6. Gazebos;
7. Solar and wind energy systems;

8. Garages;
9. Dog houses for up to four dogs, bird feeders, or other pet shelters;
10. Appurtenances such as mailboxes and heat pumps; and
11. Similar structures as determined by the Planning Director.

Accessory use. A use which is incidental and subordinate to the principal use.

Acres, gross. All of the land area owned by the applicant under consideration. See "Tract."

Acres, net. The total gross acres less the public right-of-way and other acreage deductions, as applicable.

Adequate public facilities. Public facilities that must be adequate for an application for new construction, remodeling, or replacement of an existing structure to be approved are transportation, water, sewer, and storm sewer facilities. To be adequate, on-site and adjacent facilities must meet City standards, and off-site facilities must have sufficient capacity to (1) meet all existing demands, (2) satisfy the projected demands from projects with existing land use approvals, plus the additional demand created by the application, and (3) remain compliant with all applicable standards.

For purposes of evaluating discretionary permits in situations where the level-of-service or volume-to-capacity performance standard for an affected City or State roadway is currently failing or projected to fail to meet the standard, and an improvement project is not programmed, the approval criteria shall be that the development avoids further degradation of the affected transportation facility. Mitigation must be provided to bring the facility performance standard to existing conditions at the time of occupancy.

Administrator. The City Manager of West Linn, Oregon, or a duly authorized representative.

Agricultural building. A structure located on a farm and used in the operation of such farm for the storage, maintenance or repair of farm machinery and equipment or for the raising, harvesting and selling of crops or in the feeding, breeding management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees, or for dairying and sale of dairy products or any other agricultural or horticultural use, or animal husbandry or any combination thereof, including the preparation and storage of products raised on such farm for man's use and animal use and disposal by marketing or otherwise.

Agricultural sales. Sale from the premises of feed, grain, fertilizers, pesticides, and similar goods. Typical uses include nurseries and hay, feed, and grain stores.

Agricultural services. Establishments or places of business engaged in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include tree and lawn service firms.

Agriculture. The tilling of the soil, the raising of crops, dairying and/or animal husbandry, but not including the keeping or raising of fowl, pigs, or fur-bearing animals unless such is clearly incidental to the principal use of the property for the raising of crops.

Alley. A minor way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

Alteration. A change in construction or a change of occupancy. When the term is applied to a change in construction, it is intended to apply to any change, addition, or modification in construction. When the term is used in connection with a change of occupancy, it is intended to apply to changes of occupancy from one trade or use to another or from one division of trade or use to another.

Alteration, structural. Any change or repair which would tend to prolong the life of the supporting members of a building or structure, such as alteration of girders. In addition, any change in the external dimensions of the building shall be considered a structural alteration.

Amusement enterprise. Establishments or places primarily engaged in the provision of entertainment or recreation which require less personal physical activity than those uses included in indoor participant sports and recreation. Typical uses include: billiard parlors, bowling alleys, arcades, and electronic game room facilities or movie theaters.

Anchor-secured docks. Docks that are held in place by cables that are then attached to the riverbed or shoreline by an anchoring system.

Animal sales and services. Establishments or places of business primarily engaged in animal-related sales and services. The following are animal sales and services use types:

Animal sales and services, grooming. Grooming of dogs, cats, and similar small animals. Typical uses include dog bathing and clipping salons or pet grooming shops.

Animal sales and services, kennels. Kennel services for dogs, cats, and similar small animals. Typical uses for a business venture include boarding kennels or dog training centers. Kennels will be further defined as any property where more than four dogs are kept, whether such animals are kept as personal property of the property owner or as a business venture, is deemed to be a kennel. A person may have more than four dogs and not be deemed a kennel, if one of the dogs is a female with a litter under the age of six months.

Animal sales and services, veterinary (large animals). Veterinary services for large animals. Typical uses include animal hospitals for large animals (horses, sheep) or veterinary hospitals for large animals.

Animal sales and services, veterinary (small animals). Veterinary services for small animals. Typical uses include pet clinics, dog and cat hospitals, or animal hospitals for small animals.

Antenna(s). A device commonly in the form of a metal rod, wire panel, or dish, for transmitting or receiving electromagnetic radiation. An antenna is typically mounted on a supporting tower, pole, mast, or building.

Appeal. A request that a final decision by the Director be considered by a higher authority either on the basis of a de novo hearing or with the inclusion of evidence in addition to that considered by the maker of the initial decision.

Approval authority. Either the Director, the initial hearing body, or the Council, depending on the context in which the term is used.

Approval or approved. A determination by the City of West Linn approval authority that the provisions of this code have been met.

Arterial. A street whose primary function is to provide for the movement of through traffic between areas and across portions of the City or region, and having the subordinate function of providing direct access to abutting land. Depending on the nature and location of an arterial street, it may be designed to the standards of a minor arterial street or a major arterial street.

Authorized. Having been granted written permission from the property owner(s) to act on their behalf.

Authorized area. The area within the preference rights area, as determined by DSL, where the applicant may place their water-dependent structure (e.g., dock) is called the authorized area. (Also see "Preference rights" definition.)

Automotive and equipment. Establishments or places of business primarily engaged in motorized vehicle-related sales or services. The following are automotive and equipment use types:

Automotive and equipment, cleaning. Washing and polishing of automobiles. Typical uses include auto laundries or car washes.

Automotive and equipment, fleet storage. Fleet storage of vehicles used regularly in business operation and not available for sale or long-term storage of operating vehicles. Typical uses include taxi fleet, mobile catering truck storage, or auto storage garages.

Automotive and equipment; repairs, heavy equipment. Repair of trucks, etc., as well as the sale, installation, or servicing of truck or automotive equipment and parts together with body repairs, painting, and steam cleaning. Typical uses include truck transmission shops, body shops, or motor freight maintenance groups.

Automotive and equipment; repairs, light equipment. Repair of automobiles and the sale, installation, and servicing of automobile equipment and parts but excluding body repairs and painting. Typical uses include muffler shops, auto or motorcycle repair garages, or auto glass shops.

Automotive and equipment; sales/rentals, heavy equipment. Sale, retail or wholesale, and/or rental from the premises of heavy construction equipment and trucks together with incidental maintenance. Typical uses include boat dealers, heavy construction equipment dealers, or truck dealers.

Automotive and equipment; sales/rentals, light equipment. Sale, retail or wholesale, and/or rental from the premises of autos, non-commercial trucks, motorcycles, motorhomes, and trailers with less than a 10,000 gross cargo weight together with incidental maintenance. Typical uses include automobile dealers, car rental agencies, or recreational vehicle sales and rental agencies.

Automotive and equipment; storage, recreational vehicles and boats. Storage of recreational vehicles and boats. Typical uses include the collective storage of personal recreational vehicles or boats.

Bankfull stage. The level of stream flow where water reaches or exceeds the top of channel or otherwise inundates the adjacent floodplain on a frequency of approximately every 1.5 to two years. This is sometimes known as ordinary high water (OHW). In some high gradient or incised streams, the 1.5- to two-year floods may be restricted to the deepened channel. Conversely, in low gradient streams, where the grades adjacent to the streams are in the zero to 15 percent range, the bankfull stage/OHW is likely to be at the outer edge of adjacent floodplain areas. The bankfull stage or OHW level of stream systems is typically delineated in the field by:

1. The outer extent of facultative or obligate plants;
2. The upper elevation of float debris (litter of branches, twigs and organic material);
3. The lower elevation of woody vegetation (e.g., willow and alder species);
4. Textural change of depositional sediment or changes in the character of the soil (e.g., from silts, sand, cobble and gravel to upland soils);
5. Top of the zone of washed or exposed roots;
6. A clear natural line impressed on the bank; or
7. A break or change in slope angle.

For the purpose of this code, the terms “bankfull stage” and “OHW” may be used interchangeably and are illustrated and further defined in Table 32-3.

Basement. Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

Bed and breakfast. Overnight accommodations and a morning meal in a dwelling unit provided to transient guests for compensation.

Bike path. A way designed for and improved with a hard surface, and signed for use by bicycle traffic.

Block length. The distance measured along all that part of one side of a street which is between the centerline of two intersecting or intercepting streets, or between an intersecting or intercepting street, undivided acreage, or other major barrier.

Boat house. Roofed structure to store and protect a boat. Boat houses may also include roofed open-sided boat shelters.

Building. Any structure used or intended for supporting or sheltering any use or occupancy.

Building line. A line on a plat indicating the limit beyond which buildings or structures may not be erected.

Building maintenance services. Establishments primarily engaged in the provision of maintenance and custodial services. Typical uses include janitorial, landscape maintenance, or window cleaning services.

Business equipment sales and services. Establishments or places of business primarily engaged in the sale, rental or repair of equipment and supplies used by office, professional, and service establishments to the firms themselves rather than to individuals, but excludes automotive, construction, and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops, or hotel equipment and supply firms.

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.

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.

Certified professional in erosion and sediment control. A person who has been so determined by the Soil and Water Conservation Society and the International Erosion Control Association (Urban Watershed Institute).

Channel. The channel is the physical confine of a stream within the "bankfull stage" and "OHW."

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

City. The City of West Linn, Oregon.

City Engineer. The City Engineer of West Linn, Oregon, or their authorized agent.

Clear vision area. An area which consists of a triangular area, two sides of which are property lines measured from the corner intersection of the access point lot lines for a distance specified in this regulation.

Co-location. The placement of two or more antenna systems or platforms by separate Federal Communications Commission (FCC) license holders on a structure such as a support structure, building, water tank, or utility pole.

Collector. A street supplementary to the arterial street system and a means of circulation between arterials and local streets; used to some extent for access to abutting properties and may be used to a limited extent for through traffic.

Commission. The Planning Commission of West Linn, Oregon.

Communications services. Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms but excludes those classified as utilities. Typical uses include: television studios, telecommunication service centers, or telegraph service offices.

Community building. A building operated by the public or a non-profit group, neighborhood or association for public assembly for meetings, arts, crafts or similar uses. Examples of a community building are a senior center or arts center.

Community recreation. Recreational, social, or multi-purpose uses typically associated with parks, play fields, or golf courses.

Comprehensive Plan. The official document of West Linn that includes goals and policies that direct how West Linn will develop. It also may include action measures or strategies for implementing the goals and policies. The Comprehensive Plan is adopted by ordinance, and thus, has the force of law and is the basis for the Community Development Code.

Conditional use. A use which may be permitted by the approval authority following a public hearing, upon findings by the authority that the approval criteria have been met or will be met upon satisfaction of conditions of approval.

Construction sales and services. Establishments or places of business primarily engaged in construction activities and incidental storage on lots other than construction sites as well as the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures. Typical uses include: building materials stores, tool and equipment rental or sales, and building contracting/construction offices.

Consumer repair services. Establishments primarily engaged in the provision of repair services to individuals and households rather than firms, but excluding “automotive and equipment” use types. Typical uses include: appliance repair shops, apparel repair firms, musical instrument repair firms and small repair shops.

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.

Corner lot. A lot or parcel abutting on two intersecting streets other than an alley, excluding lots or parcels with boundary line angles greater than 135 degrees.

Cottage Cluster. A grouping of at least four detached dwelling units per acre. Dwelling units have a building footprint of less than 900 square feet per dwelling unit that includes a common courtyard with at least 150 square feet per cottage. Units may be located on a single Lot or Parcel, or on individual Lots or Parcels. A maximum of 8 cottages shall be permitted per courtyard. For example, 150 square feet of common courtyard area for 8 cottages equals 1,200 square feet of common courtyard area.

Cottage Cluster Project. A development site with one or more cottage clusters. Each cottage cluster as part of a cottage cluster project must have its own common courtyard.

Council. The City Council of West Linn, Oregon.

Critical facility. A facility for which even a slight chance of flooding might be too great. Critical facilities include but are not limited to schools, nursing homes, hospitals, police stations, fire and emergency response installations, and installations which produce, use or store hazardous materials or hazardous waste.

Cul-de-sac. A street or streets having one end open to traffic and the other end or ends terminating in a vehicle turnaround.

Cultural exhibits and library services. Museums, exhibition of objects in one or more of the arts and sciences, gallery exhibition of works of art, or library collection of books, manuscripts, etc., for study and reading.

Cut or excavation. Any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced, or relocated.

Dedication. The legal conveyance of land, typically from a private property owner to the City.



Developer. The owner of land proposed to be developed or partitioned, or representative. Consent shall be required from the legal owner of the premises for any proposed development or division of land as provided in this code. Within the flood management area, this term shall include storage of equipment or materials.

Development. Any manmade change defined as the construction of buildings or other structures, mining, dredging, paving, filling, grading or site clearing, and grubbing in amounts greater than 10 cubic yards on any lot, parcel, or lot of record. Within the flood management area, this term shall also include storage of equipment or materials. Within the Willamette and Tualatin River Protection Areas, this term shall also include any change of use or intensification of the use of land or water, including construction of structures (such as houses, structures, docks and associated pilings or piers), significant grading, or removal or addition of vegetation and groundcover unless specifically exempted per CDC 28.040. Development shall not include grading, site clearing, grubbing or filling where it is part of a submitted land use application that includes the restoration of grades and replanting the affected area with native vegetation per a re-vegetation plan. This definition is distinct and separate from previously disturbed areas (PDAs) and temporarily disturbed areas (TDAs).

Director. The Planning Director of West Linn, Oregon, or authorized agent.

Disturbance. For the purpose of this code, the terms “disturbance” and “development” may be used interchangeably.

Disturbed areas. Areas that have been subjected to disturbance or development. For the purpose of this code, the terms “disturbance” and “development” may be used interchangeably.

Division of land. The process of dividing a tract, lot or parcel by subdividing or partitioning. See “Partition land” and “Subdivide land.” A division of land shall be deemed to have occurred at the time when the final approved plat is recorded with the County Recorder’s office.

Dock. Dock/float means an individual secured and stationary or floating structure (other than a mooring buoy) used exclusively for mooring boats and for similar uses. Dock can also refer to water-dependent uses generically unless otherwise indicated from the context.

Drainageways. The channel of a drainage course, or other water course and the adjacent land areas that must be reserved in order to discharge surface runoff water.

Drive-through restaurant. An eating and drinking establishment organized so that motorists may order and pick up orders without the necessity of leaving the vehicle.

Drop box, trailer, or structure of similar function. A drop box, truck trailer or structure of similar function intended for the collection of donations which may include newspaper, household goods, clothes, cardboard, and other items. These drop boxes shall be operated by registered non-profit benevolent organizations, groups, associations or religious orders.

DSL. Department of State Lands.

Duplex residential units. ~~Two attached or detached dwelling units on a Lot or Parcel in any configuration. Two dwelling units placed so that some structural parts are in common and are located on a single lot, parcel or tract.~~

Dwelling unit. One or more rooms designed for occupancy by one family for living purposes providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Easement. A grant of the right to use a strip of land for a specific purpose.

Eating and drinking establishments. Establishments or places of business that are not drive-through restaurants and primarily engage in the sale of prepared or produced food and beverages for on-premises consumption, on-premises sale, or take out service. On-premises sales do not include sales to secondary retailers or wholesalers. Typical uses include, but are not limited to: fast food establishments, restaurants, delicatessens, brew-pubs, coffee shops, taverns, bars and lounges.

Emergency. Any manmade or natural event or circumstance causing or threatening loss of life, injury to person or property, and includes, but is not limited to, fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or releases of oil or hazardous material, contamination, utility or transportation disruptions, and disease.

Engineer. The City Engineer of West Linn, Oregon, or a duly authorized representative.

Enhancement. See “Mitigation.”

Ephemeral streams. A stream or reach of a stream which flows only in direct response to precipitation and whose channels are always above groundwater or water table levels. Ephemeral streams typically drain sub basins of under 20 acres, have slopes of less than 10 percent as measured laterally from the stream thread and often traverse surficially with no recognizable drainage channel.

Erosion. The process in which, by the actions of wind or water, soil particles are displaced and transported.

Erosion control, post-construction. The reestablishment of groundcover or landscaping prior to the removal of temporary erosion control measures.

Erosion prevention and sediment control. Measures that are required for construction sites where the ground surface will be disturbed with clearing, grading, fills, excavations, and other construction activities, in order to prevent and/or control eroded material and sediment from leaving the construction site and entering the City storm system and/or a water quality resource area.

Erosion, visible or measurable. Visible or measurable erosion includes, but is not limited to: deposits of mud, dirt, sediment, or similar material, exceeding one-half cubic foot in volume on public or private streets, adjacent property, or into the storm and surface water system, either by direct deposit, dropping discharge, or as a result of the action of erosion; evidence of concentrated flows of water over bare soils, turbid or sediment-laden flows, or evidence of on-site erosion such as rivulets on bare soil slopes where the flow of water is not filtered or captured on the site; and/or earth slides, mudflows, earth sloughing, or other earth movement that leaves the property.

Expedited land division. A type of land division application for subdivision or partitioning of land for residential development that meets all of the definitional requirements of expedited land division, as defined by ORS 197.360.

Extended-hour businesses. Businesses which are open to the public 17 or more hours a day on any given day of the week, or open between midnight and 6:00 a.m., including, but not limited to: eating and drinking establishments, convenience sales and personal services, drive-through restaurants, amusement enterprises, food and beverage retail sales, and general retail sales.

Fact-finding body. A body sitting for the purpose of determining the facts. The decision of the body is not discretionary.

Family. Two or more persons related by blood, marriage, legal adoption, or guardianship; or a group of not more than five persons all or part of whom are not so related by blood or marriage living together as a single housekeeping unit in a dwelling unit.

Family day care. Duties and rules of the Office of Child Care are identified in ORS 329A.010 through 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 provider’s 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:

1. No more than six may be younger than school age; and
2. 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.

**Fee simple.** Land which is owned, typically by the owner of the house or building that occupies the land.

**Fence.** A vertical barrier for the purpose of screening, security and/or property delineation.

**Fill.** Placement of any soil, sand, gravel, clay, mud, debris and refuse, or any other material, organic or inorganic.

**Final action, final decision, or final order.** A determination reduced to writing, signed and filed under CDC 99.110(F) by the appropriate approval authority.

**Financial and insurance.** Establishments primarily engaged in the provision of financial, insurance, or securities brokerage services. Typical uses include: banks, savings and loans, or insurance agencies.

**Findings.** A written statement of the facts determined at a public hearing. The findings are applied to the relevant approval criteria or standards by the approval authority as the basis for making its decision.

**Flag lot.** A lot complying with all other provisions of the Community Development Code which does not meet the minimum street frontage requirement of 35 feet, and which gains access to the public right-of-way via an access strip no less than 15 feet in width.

#### FLOODPLAIN DEFINITIONS.

**Area of shallow flooding.** A designated AO or AH zone as seen on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

**Area of special flood hazard.** The land in the floodplain subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

**Base flood.** The flood having a one percent chance of being equated or exceeded in any given year. Also referred to as the "100-year flood." Designation on maps always includes the letters A or V.

**Base flood elevation.** The base flood elevation is the elevation (normally in feet above sea level) which the base flood is expected to reach.

**Below-grade crawlspace.** An enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lower adjacent exterior grade. The height of the crawlspace, as measured from the interior grade of the crawlspace to the top of the crawlspace foundation, may not exceed four feet at any point.

**Design flood elevation.** The elevation of the 100-year storm as defined in FEMA Flood Insurance Studies or, in areas without FEMA floodplains, the elevation of the 25-year storm, or the edge of mapped floodprone soils or similar methodologies.

**FEMA (Federal Emergency Management Agency).** The agency which administers the National Flood Insurance Program.

**Flood Insurance Rate Map (FIRM).** The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**Flood Insurance Study.** The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary Floodway Map, and the water surface elevation of the base flood.

**Flood management areas.** All lands contained in the Flood Management Area Overlay Zone, which include: lands within the 100-year floodplain, flood area, and floodway as shown on the FEMA flood insurance map dated June 17, 2008; the area of inundation for the February 1996 flood; and lands which have documented evidence of flooding.

**Flood or flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, and/or the unusual and rapid accumulation of runoff of surface waters from any source.

**Flood, base.** The flood having a one percent chance of being equaled or exceeded in any given year.

**Floodplain.** Land subject to periodic flooding, including the 100-year floodplain as mapped by FEMA Flood Insurance Studies or other substantial evidence of actual flood events.

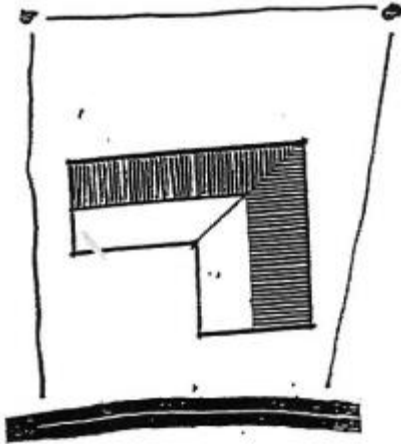
**Floodway.** The portion of a watercourse required for the passage or conveyance of a given storm event as identified and designated by the City. The floodway includes the channel of the watercourse and the adjacent floodplain that must be reserved in an unobstructed condition in order to discharge the base flood.

**Floodway fringe.** The area of the floodplain, lying outside the floodway, which does not contribute appreciably to the passage of floodwater, but serves as a retention area.

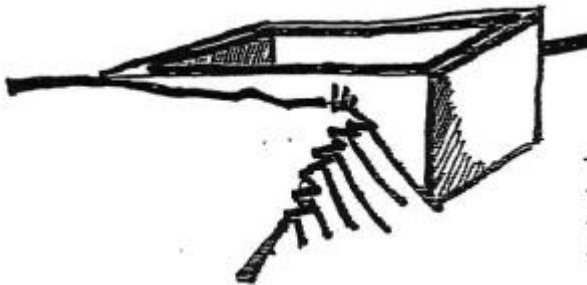
**Lowest floor.** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Chapter 27 CDC.

**Floor area.** The area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. Attic spaces and unfinished basements shall not count for the purpose of determining parking requirements.

**Floor area ratio (FAR).** The FAR is that percentage of the total lot size that can be built as habitable space. A FAR of 0.45 means that the square footage of the lot is multiplied by 0.45 to yield the total habitable square footage of the house including accessory dwelling units. For example, on a 10,000-square-foot lot, an FAR of 0.45 will allow a 4,500-square-foot house ( $10,000 \times 0.45 = 4,500$ ). The FAR does not include or apply to attached garages. The FAR does not apply to detached garages, accessory dwelling units and accessory structures except that these detached structures may not individually exceed the height or square footage of the principal dwelling. The FAR does not include basement areas that average less than 50 percent of the basement perimeter exposed above grade. Uninhabitable space such as crawlspaces, attics, and spaces designed under the Flood Management Area Permit program to allow the passage of floodwaters are also exempt.

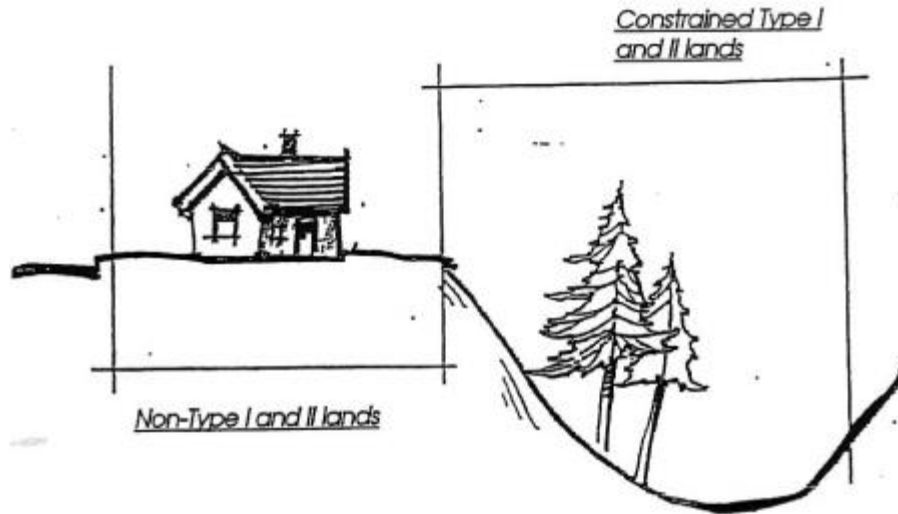


*FAR applied to a 10,000-square-foot lot yields a 4,500-square-foot house. The bigger the lot, the bigger the house. FAR excludes attached garage, detached garages and accessory structures, uninhabitable spaces, basements predominantly below grade, and spaces required to meet Flood Management Permit standards. Accessory structures cannot exceed the height or square footage of the principal dwelling.*



*Basements are exempt from FAR if less than 50 percent of basement is exposed above grade.*

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.



Type I and II lands are excluded from FAR calculations. But the property owner is guaranteed at least a FAR of 0.30 (30 percent) for the total site including Type I and II lands.

Food and beverage retail sales. Establishments or places of business primarily engaged in the retail sale of food and beverages for home consumption. Typical uses include: groceries, delicatessens, or liquor stores, and excludes eating and drinking establishments.

Frontage. Property abutting on a street.

Frontage road. A minor street parallel and adjacent to arterial street providing access to abutting properties, but protected from through traffic.

Functions and values. Ecological functions describe the numerous functions that WRAs perform including water quality improvement, floodwater storage, terrestrial or aquatic habitat, aquifer recharge, etc. WRA values express the relative efficacy of the resource in meeting specific functions.

Gangway/Ramp. A variably sloped structure intended to provide pedestrian access from the shore to a dock.

General retail services. The sale or rental of commonly used goods, and merchandise for personal or household use, but excludes those classified as agricultural sales, animal sales and services, automotive and equipment, business equipment sales and service, construction sales and services, food and beverage retail sales, and vehicle fuel sales. Typical uses include: department stores, apparel stores, furniture stores, pet stores or book stores.

Glare. Light that causes visual discomfort or disability, and the wattage and/or light distribution is excessive for the purposes for which the illumination is necessary.

Grade. The finished ground level adjoining the building at all exterior walls.

Grade, street. The slope of a road, street, other public way, or sidewalk specified in terms of percentage of slope.

Ground disturbing activity. Any activity that exposes soil through the use of motorized equipment.

Group residential. The residential occupancy of living units by groups of more than five persons who are not related by blood, marriage, or adoption, and where communal kitchen/dining facilities are provided. Typical uses include occupancy of retirement homes, boarding houses, cooperatives, and halfway houses, but excluding residential facility and residential home as specified below.

Habitable floor. Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a habitable floor.

Habitat conservation areas (HCA). Areas identified on the Habitat Conservation Areas Map and subject to the standards found in Chapter 28 CDC, Willamette and Tualatin River Protection.

Habitat Conservation Areas Map (“HCA Map”). A map adopted by the Metro Council September 29, 2005, amended December 8, 2005, and which was incorporated into the CDC by the West Linn City Council on September 25, 2008. The HCA Map, as amended by the City, serves as the official map used by the City to determine the location and designations of Habitat Conservation Areas regulated under Chapter 28 CDC, Willamette and Tualatin River Protection.

Heliport. A place specially designed and used for the landing and take-off of helicopters.

**HISTORIC DEFINITIONS.** The following terms and phrases shall have the meanings given to them below with regard to Chapter 25 CDC, Historic Resources:

**Addition.** Expansion or physical modification of the exterior of a historic resource that includes the expansion of the building footprint. Additions do not include painting and color selection or ordinary maintenance or repair of the resource.

**Alteration.** Physical modification of the exterior of a historic resource that does not include an expansion of the building footprint. Partial demolition of a structure is an alteration. Alterations do not include painting and color selection or ordinary maintenance or repair of the resource.

**Building.** A structure created to shelter any form of human activity, such as a house, barn, church, hotel, or similar structure. Building may refer to a historically related complex such as a courthouse and jail or a house and barn.

**Demolition.** The entire removal of a structure. Demolition of a portion of a structure is an alteration.

**Demolition by neglect.** The gradual deterioration of a building when routine or major maintenance is not performed. This includes any structural deficiency or a deficiency in a building part, which when left unrepaired could lead to deterioration of the building’s structural frame and/or if it is open to entry by vandals or vagrants.

**Eligible contributing.** A building, structure, object, or site originally constructed within the applicable period of significance that retains and exhibits sufficient integrity (location, design, setting, materials, workmanship, feeling, and association) to convey a sense of history.

**Historic district.** A geographically definable area containing a significant concentration, linkage, or continuity of buildings, structures, sites, or objects united historically or aesthetically by plan or physical development, and listed as a historic district in the National Register or designated as a local historic district by the City Council. A historic district may also comprise individual elements separated geographically but linked by association or history.

**Historic landmark.** A building, structure, site, or object listed individually on the National Register or designated as a local historic landmark by the City Council.

**Historic preservation.** Preservation, restoration, or rehabilitation of a historic resource.

**Historic resource.** A historic landmark or historic district listed on the National Register or designated as a local historic landmark or historic district by the City Council.

**National Register of Historic Places.** The nation’s official list of buildings, structures, sites, objects, and districts important in the nation’s history and maintained by the National Park Service in Washington, D.C., and hereinafter referred to as the “National Register.”

**Non-contributing.** A building, structure, object, or site originally constructed within the applicable period of significance that does not retain or exhibit sufficient integrity (due to its location, design, setting, materials, workmanship, feeling, and association) to convey a sense of history. These properties do not strengthen the historic integrity of an existing or potential historic district in their current condition.

**Not in period.** A building, structure, object, or site that was originally constructed outside a historic district's applicable period of significance.

**Not in period compatible.** A building, structure, object or site built after the period of significance with a degree of craftsmanship that is compatible with the architecture of the district.

**Not in period noncompatible.** A building, structure, object or site built after the period of significance that is generally incompatible with the architecture of the district.

**Object.** A material thing of functional, aesthetic, cultural, historic or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

**Original.** A component that was constructed on or added to the building during the period of significance.

**Period of significance.** The dates stated in the official designation of a historic district that identify the period or periods of time when the geographic area attained the characteristics which qualify it for designation as a historic district.

**Primary facade.** That part of a historic resource where the main entry is located. On a corner lot each wall fronting a street shall be considered a primary facade.

**Primary structure.** The principal structure on a site, typically a residence or a commercial building.

**Property pending designation.** A building, structure, site, or object for which a formal application for local historic designation has been initiated, or for which an application has been submitted to the State Historic Preservation Office for nomination to the National Register, or a building, structure, site, or object within a proposed historic district for which a formal application for historic designation has been submitted, but which has not yet been reviewed by the Keeper of the National Register, or has been reviewed by the Keeper and determined to be "eligible."

**Rehabilitation.** The process of returning a historic resource to a state of utility through repair, alterations, and additions, which makes possible an efficient use while preserving those portions or features of the historic resource that convey its historic significance.

**Site.** The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archaeological value regardless of the value of any existing structure.

**Visible.** The resource or a portion of the resource that can be seen from the public right-of-way. For example, typically the primary facade of a historic resource can be seen from the public right-of-way.

**Home occupation.** Any activity carried out for gain by a resident and conducted as a customary, incidental, and accessory use in the resident's dwelling unit. Standards for home occupations are set forth in Chapter 37 CDC.

**Horticulture.** The cultivation of plants, garden crops, trees and/or nursery stock.

**Hospitals.** An institution where the ill or injured may receive medical, surgical or psychiatric treatment; and nursing, food and lodging during their stay.

**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.

**Household hazardous waste depot.** A depot intended to receive, classify, then transfer elsewhere hazardous wastes that are typically found in a household such as paint, motor oil, household cleaners and solvents, etc.

**Implementing ordinance.** An ordinance adopted to carry out the Comprehensive Plan.



**Initial hearing body.** The decision-making body that renders the first decision in a land use case or legislative hearing.

**Intentional.** To act with a conscious objective to cause the result achieved or to engage in the conduct.

**Intermittent streams.** A stream that flows only during certain times of the year when it receives water from springs or surface sources such as precipitation. The term may be restricted to a stream that flows continuously during periods of at least one month; also may be a stream that does not flow continuously as when water losses from evaporation or seepage exceed the available stream flow. For the purpose of this code, intermittent and perennial streams are protected identically.

**Intersection.** A place where a street and access point adjoin each other.

**Joint-use boat docks.** These structures are designed for, and shall be used exclusively by, two or more riverfront property owners. Typically, two adjacent riverfront property owners share the joint dock. Owners of non-riverfront property may be co-applicants for a joint boat dock.

**Knowing.** To act with an awareness of the action committed.

**Landscaping.** An area covered by grass, trees, bushes, and other vegetative material. Bark mulch may only be allowed when trees, plants, or shrubs are planted in that area so that the drip line of the trees and shrubs covers 75 percent of the bark mulch, or can be expected to do so within two growing cycles or years. Patio areas, decks and walkways may only comprise 25 percent of the landscaped area. Walkways and sidewalks not adjacent to vegetative landscaped areas cannot be considered to be part of the landscaping.

**Large wood (recruitment).** Large wood comprises trees that have fallen down in the WRA due to chronic mortality, disease, windstorms, landslides, erosion, flooding, etc., which in turn may provide aquatic and terrestrial habitat opportunities, modify stream velocities, channel depths and flow patterns and stabilize banks in the WRA. "Large wood recruitment" describes forested WRAs of sufficient size that have the potential to supply these trees which ultimately become "large wood."

**Laundry services.** Establishments primarily engaged in the provision of laundering, dry cleaning, or dyeing services other than those classified as "personal services." Typical uses include: commercial laundry agencies, diaper services, or linen supply services, but excluding laundromats and dry cleaners.

**Legislative.** Any proposed action which would result in a change in City policy including:

1. A change to the Comprehensive Plan text.
2. A change to the Comprehensive Plan Map which involves a number of lots or parcels of land.
3. A change to the text of an implementing ordinance.
4. A change to the zoning map which involves a number of lots or parcels of land.
5. A change to any land use plan or map which represents a change in City land use policy.

**Limited duration.** A temporary ground disturbing activity where water quality standards may be violated briefly, but not of sufficient duration to cause acute or chronic effects on beneficial uses.

**Loading space.** An off-street space or berth on the same lot, or parcel, with a building or use, or contiguous to a group of buildings or uses, for the temporary parking of a vehicle which is loading or unloading persons, merchandise, or materials, and which space or berth abuts upon a street, alley, or other appropriate means of access or egress.

**Local street.** A street which functions primarily to provide access to abutting land, serving local traffic movements and not intended to accommodate through traffic.

Lodge, fraternal, community center and civic assembly. Meetings and activities primarily conducted for the members of a particular group. Excluded from this use type are uses classified as “group residential,” “residential care facilities,” “senior centers,” and “transient lodging.” Typical uses include meeting places for civic clubs, community centers, lodges, or fraternal or veteran organizations.

Lot.

1. A single unit of land that is created by a subdivision of land.
2. As a general term (lot) is retained to define characteristics or dimensional attributes of a lot or parcel (i.e., flag lot, lot area, lot coverage, lot line).

Lot area. The total area of a unit of land measured in a horizontal plane within the property lines exclusive of public and private roads, and easements of access to other property or the private driveway area of a flag lot.

Lot, coverage. The area covered by a building or buildings, expressed as a percentage of the total land area. For residential uses, these buildings shall include the principal residence or house, any accessory dwelling unit, and accessory structures requiring a building permit.

Lot, depth. The average horizontal distance between the front and rear property lines.

Lot, double-frontage. A unit of land having frontage on two streets.

Lot line. The property line bounding a lot.

Lot line, front.

1. The lot line(s) common to the lot and a street (other than an alley) that separates the lot from the street.
2. For a corner lot, the shortest lot line along a street (other than an alley) that separates the lot from the street, or as determined by the City.

Lot line, rear.

1. A line separating one lot from another on the opposite side of the lot from the front lot line.
2. For a corner lot, the line opposite the front lot line, as determined by the City.

Lot line, side. Any lot line that is not a front or rear lot line. An interior side lot line is a lot line separating more than one lot, or separating a lot and an alley. An exterior side lot line is a lot line separating a lot and a street other than an alley.

Lot of record. A unit of land created as follows:

1. A lot in an existing, duly recorded subdivision;
2. A parcel in an existing, duly recorded major or minor land partition;
3. An existing unit of land for which a survey has been duly filed which conformed to all applicable regulations at the time of filing; or
4. Any unit of land created prior to zoning and partitioning regulations by deed or metes and bounds description, and recorded with the County Clerk.

Lot width. The horizontal distance between side lot lines, measured at the building line.

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.

**Manufactured home.** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term “manufactured home” also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term “manufactured home” does not include park trailers, travel trailers, and other similar vehicles.

**Manufactured home park or subdivision.** Two or more manufactured home lots for rent or sale or a subdivision pursuant to ORS 92.830 to 92.845.

**Manufacturing of finished products (heavy industrial).** Manufacturing, processing, or assembling of semi-finished or finished products from raw materials.

**Manufacturing of finished products (light industrial).** The manufacturing of finished products from previously prepared material (excluding raw materials).

**Massing.** The overall size and shape of a structure or building.

**Maximum disturbed area (MDA).** The MDA, as measured in square feet, is the maximum area within a WRA that can be disturbed in hardship cases under Chapter 32 CDC, Water Resource Area Protection.

**Medical and dental services.** Establishments primarily engaged in the provision of personal health services ranging from prevention, diagnosis and treatment (including outpatient surgery), or rehabilitation services provided by physicians, dentists, nurses, and other health personnel as well as the provision of medical testing and analysis services, but excludes those classified as any civic use or group residential use types. Typical uses include: medical offices, eye care offices, dental offices and laboratories, or health maintenance organizations.

**Minor modification.** A change in the approved design that is equal to or less than a 10 percent increase in the length, width or height of the facility. A change of location by under 20 feet laterally for any part of the structure, ramp, dock, etc., also constitutes a minor modification.

**Mitigation.** Mitigation is creating, restoring or enhancing WRAs (including wetlands) to replace or compensate for the WRA lost. Creation entails constructing a WRA in an area that never supported WRAs historically. Restoration entails re-establishing WRA hydrology and vegetation to sites that have lost most of their function and value such as a site that was historically a WRA but dried out by draining or filling. Enhancement entails improving an existing but degraded WRA by correcting the conditions that cause it to be degraded. This might include providing more water to the site or the removal of invasive plant species and replacement with appropriate native plant material and trees.

**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).

**Mulch.** Application of plant residue, netting, plastic, sheeting or other suitable materials to the land surface to conserve moisture, hold soil in place and aid in establishing plant cover. Plastic mulch may be used only temporarily, during construction activities.

**Multiple family residential units.** A structure containing ~~three~~ **five** or more attached dwelling units in any vertical or horizontal arrangement **and located on a single lot or parcel.**

**Native vegetation.** Any vegetation native to the Portland metropolitan area or listed on the Metro Native Plant list as adopted by Metro Council resolution.

**Natural resource.** A functioning natural system such as a wetland or stream.

**Natural resource area.** The land containing the natural resource to be protected.

**Negotiate.** Any activity preliminary to the execution of a binding agreement for the sale of land in a subdivision or partition, including but not limited to advertising, solicitation, and promotion of the sale of such land.

New construction. Structures for which the start of construction commenced on or after the effective date of this code.

Non-conforming lot. A lot or parcel which does not meet the requirements of the applicable zone in terms of required area, width, or depth.

Non-conforming structure or use. A lawful existing structure or use, at the time the ordinance codified in this title or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.

Non-conforming use of land. A lawful use of land which existed prior to the effective date of this code where the use involves no structure or building other than a single minor accessory structure of sign(s) and which would not be permitted by the applicable regulations of this code.

Nursery. The propagation of trees, shrubs, vines or flowering plants for transplanting, sale, or for grafting or budding; planting of seeds or cuttings; grafting and budding one variety on another; spraying and dusting of plants to control insects and diseases, and buying and selling the above plant stock at wholesale or retail. Seasonal labor may be employed. The term "nursery" contemplates the sale of products of the nursery. The conduct of a nursery business presumes parking places for these functions. However, the use does not include the business of manufacturing and selling products composed of raw materials purchased off the premises. Plant-related products manufactured elsewhere may be resold on the premises.

Nursing home. A home, place or institution, or part thereof, in which convalescent and/or chronic care is rendered to two or more patients in exchange for compensation. Convalescent and/or chronic care includes, but is not limited to, the procedures commonly employed in nursing and caring for the sick; persons who are acutely ill or are surgical or maternity cases are excluded; qualified personnel and a consulting physician are available at all times; and isolation facilities are provided.

ODFW. Oregon Department of Fish and Wildlife.

Open space. Land that is undeveloped and that is planned to remain so indefinitely. The term encompasses parks, forests, and farm land. It may also refer only to land zoned as being available to the public, including playgrounds, watershed preserves, and parks.

Ordinary high water (OHW) mark (or "line"). The line on the bank or shore to which the water ordinarily rises in season. Also known as OHWM.

Ordinary low water (OLW) mark (or "line"). The line on the bank or shore to which the water ordinarily recedes in season. Also known as OLWM.

Owner. Any person, agent, firm, or corporation having a legal or equitable interest in the property.

Packaging and processing. The production, processing, assembling, packaging, or treatment of products from previously processed materials; or production, processing, assembling, and packaging of finished products from previously prepared materials.

Parcel. A unit of land that is created by a partitioning of land.

Parking facilities. Parking services involving garages and lots, and may exclude required parking lots within the same lot of record of a particular development or use.

Parking space. A space as defined by the standards set forth in Chapter 46 CDC.

Parkway (parking strip). That portion of street right-of-way lying between the curb line of the improved roadway and the adjacent private property line.

Participant sports and recreation. Establishments or places primarily engaged in the provision of sports or recreation by and for participants. Any spectators would be incidental and on a non-recurring basis. The following are participant sports and recreation use types:

Participant sports and recreation, indoor. Those uses conducted totally within an enclosed building. Typical uses include: indoor tennis courts, racketball courts, swimming pools, or physical fitness centers.

Participant sports and recreation, outdoor. Those uses conducted in open facilities. Typical uses include: driving ranges, miniature golf courses, tennis courts or swimming pools.

Partition. Either an act of partitioning land or an area or tract of land partitioned.

Partition land. To divide land to create not more than three parcels of land within a calendar year.

Party. A person who has the right to pursue appeal or review of a decision of an approval authority.

Passive-oriented parks. Passive-oriented parks are more natural sites that provide trail-related recreation opportunities and passive outdoor activities such as wildlife watching, nature interpretation and picnicking. Accessory uses can also be (but not limited to) provided in this type of park, such as picnic areas, nature play features, trailheads, and environmental education facilities, provided they are accessory to the park's passive uses. Amenities should be limited to those appropriate for the numbers and types of visitors the area can accommodate, while retaining its resource value, natural character, and the intended level of solitude.

Pedestrian way. A right-of-way for pedestrian traffic.

Permeable parking surface. A parking surface with proper base and subgrade preparation designed to incorporate pervious areas into paving systems, using either concrete or plastic products. A 100 percent gravel parking surface does not qualify as a permeable parking surface.

Permit. An official document issued by the City of West Linn authorizing performance of a specified activity.

Person. Any person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit.

Personal service facilities. Establishments primarily engaged in the provision of informational, instructional, personal improvement, and similar services. It includes uses such as photography studios, barbershops, salons, and fitness studios.

Petition for review. A review of a land use decision made by the Planning Commission or Hearings Officer.

Pilings. Plastic, wood, steel, or composite poles that are driven into, or otherwise attached to, the river bed to hold a dock in place or to support a pier.

Plat. The final map, diagram, drawing, replat or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision which the subdivider submits for approval and intends in final form to record.

Postal services. Mailing services and processing as traditionally operated or leased by the United States Postal Service, United Parcel Service and other postal services.

Potentially severe erosion hazard area. Surface areas where erosion can be easily caused by removal of vegetation cover, stripping topsoil or by placement of fill, whether by natural causes such as streams or surface runoff or by development activities. The placement of any new fill or severe cuts in such an area shall be considered as creating a potentially severe erosion hazard.

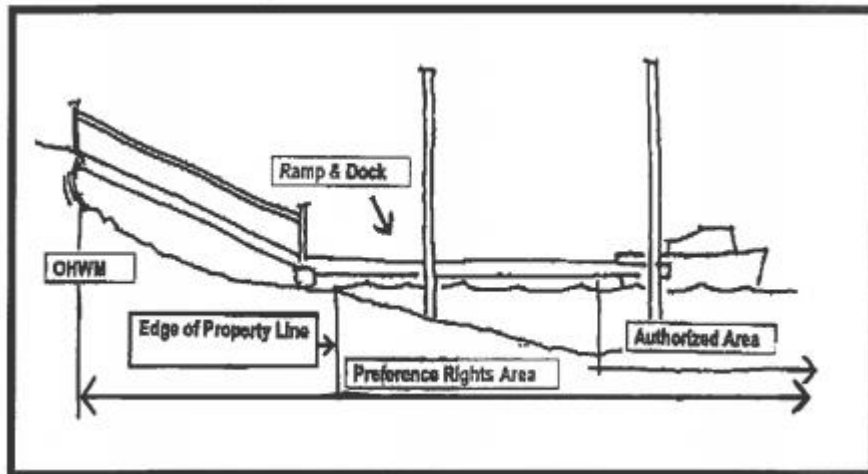
Potentially severe landslide hazard area. Areas where earth movement or failure, such as slumps, mud flows, debris slides, rock falls or soil falls, is likely to occur as a result of development activities. These activities include

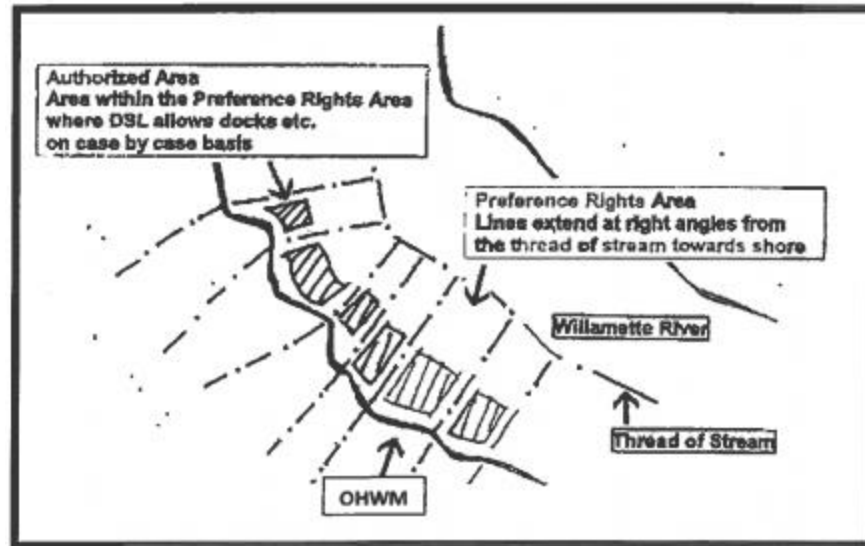
excavation which removes support of soils by changes in runoff, or groundwater flow or vibration loading such as pile driving or blasting.

Practicable. Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purpose.

Pre-application conference. A meeting between City staff and a prospective applicant, who is not necessarily the property owner but has the written permission of the property owner to schedule the conference, prior to the submittal of an application for a development permit.

Preference rights. The preference rights area represents the water surface that is allocated to each riverfront property owner by the Department of State Lands (DSL). Starting with the center thread of the river, DSL extends lines at right angles from that thread towards the OHW mark of the respective properties along the shoreline. (Because the thread of the river twists and turns, the line extending to shore can vary also in its angle.) The area within the preference rights area that the applicant may place their water-dependent structure (e.g., dock) is called the authorized area. (Also see “Authorized area” definition.)





Previously disturbed areas (PDA). Areas, such as old driveways, trails, gardens, graded areas, old abandoned structural foundations, storm water outfalls and intakes, manholes, utilities, etc. that existed and were altered or modified before January 1, 2006, typically as a result of clearing, grubbing, grading, excavation or construction whereby the topography, ground cover and vegetation have been modified from their original or natural state and not re-established or returned to their natural state. The burden shall be on the applicant to date the PDA through photographs or other credible evidence. The PDA definition applies to Chapter 32 CDC and is distinct and separate from temporarily disturbed areas (TDAs) and maximum disturbed areas (MDAs).

Principal structure. The structure that represents the main use of the property; to which all other structures on the property serve an incidental or subordinate purpose.

Private railed launch facilities. These are rail lines that usually extend from an on-shore boat storage facility above OHW, across the beach and into the water below OLW for the purpose of launching a boat.

Private street. An accessway which is under private ownership.

Professional and administrative services. Offices of private firms or organizations which are primarily used for the provision of professional, executive, management, or administrative offices, legal offices, architectural or engineering firms, or real estate firms.

Property line. The division line between two units of land.

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.

Protected water feature. A wetland identified in the West Linn Local Wetlands Inventory or any major or minor open channel drainageway identified by the most recently adopted West Linn Surface Water Management Plan, except for small manmade open roadside drainage swales in residential areas, or any drainage course identified by the West Linn Riparian Corridor Inventory as significant (not including the Willamette or Tualatin Rivers).

Protection area. Collective term to describe areas within the Willamette River Greenway boundary and/or Tualatin River Protection Area boundary.

Public right-of-way. The area between the boundary lines of a street, pedestrian way or bicycle path.

Public safety facilities. Providing protection pursuant to fire, life, and safety code sections together with the incidental storage and maintenance of necessary vehicles. Typical uses include fire stations, police stations, and ambulance services.

Public support facilities. Public services that deal directly with citizens, to include meeting and hearing rooms, together with incidental storage and maintenance of necessary vehicles, and exclude commercial use type “professional and administrative services.” Typical use types are associated with governmental offices.

Quadplex residential units. Four attached or detached dwelling units on a Lot or Parcel in any configuration.

Quasi-judicial action. An action which involves the application of adopted policy to a specific development application or amendment, as provided in this chapter.

Reasonable use. Uses, similar in size, intensity and type, to uses allowed on other properties in the City, that have the same zoning designation as the subject property.

Recreational vehicle. A vehicle that is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recycle collection center (civic). A place where recyclable materials are deposited by the residents and sorted for transport to processing plants. Yard debris depots shall also fall into this classification. (Yard debris is organic material: leaves, grass clippings, weeds, etc.)

Recycling collection center (commercial). A facility where glass, cans, and papers, or similar recyclable materials are collected for the purpose of being transferred to a paper salvage or recycling facility.

Religious institutions. A building constructed or utilized primarily for worship, together with its accessory uses, and buildings where persons regularly assemble for religious worship and which is controlled by a religious body organized to sustain worship.

Remodeling. The alteration of the physical condition of more than 50 percent of the floor area of an existing structure. Remodeling does not include normal maintenance or repair.

Research services. Establishments primarily engaged in research of an industrial or scientific nature which is generally provided as a service or which is conducted by and for a private firm, but excludes medical testing and analysis. Typical uses include: electronics research laboratories, environmental research and development firms, or pharmaceutical research labs.

Residential facility. A facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training, or a combination thereof, for six to 15 individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

Residential home. A home licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.825 which provides residential care alone or in conjunction with treatment or training, or a combination thereof for five or fewer individuals who need not be related. This definition includes facilities categorized as “adult foster homes” under ORS 443.700 to 443.825. Staff persons required to meet the Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

Restoration. The process of returning a disturbed or altered area or feature to a previously existing natural condition. Restoration activities reestablish the structure, function, and/or diversity to that which occurred prior to impacts caused by human activity.

Review. A request that a final decision by the initial approval authority be considered by a higher authority as set forth in Chapter 99 CDC.

Riparian. Those areas associated with streams, lakes, and wetlands where vegetation communities are predominately influenced by their association with water.



Riparian corridor. Any area within and adjacent to a WRA on the West Linn WRA Map for its vegetative, forested and habitat values.

Riparian vegetation. Plants native to the riparian areas.

Roadway. The portion of a street right-of-way developed for vehicular traffic.

Rough proportionality. The allowed relationship between an exaction imposed to comply with a City code standard and the impact of the proposed development that is alleviated through imposition of the exaction. The measure of rough proportionality involves the following steps:

1. Identify the public problem caused or exacerbated by the proposed development which the proposed exaction is designed to address.
2. Measure the impact of the proposed development upon the identified public problem.
3. Analyze how the proposed exaction solves or alleviates the identified public problem.
4. Analyze the proportionality of the proposed exaction to that part of the problem created or exacerbated by the proposed development.

Routine repair and maintenance. Activities directed at preserving an existing allowed use or facility, without expanding the development footprint or site use.

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

Scrap operations, salvage. Places of business primarily engaged in the storage, sale, dismantling, or processing of used or waste materials which are not intended for reuse in their original form. Typical uses include automotive wrecking yards, junk yards, or paper salvage yards.

Sediment. Any organic or mineral material that is in suspension, is being transported or has been moved from its site of origin by water, wind, or gravity as a product of erosion.

Senior center. Facility that provides meetings and activity space primarily for senior citizens. Ancillary uses that support the senior center are also permitted.

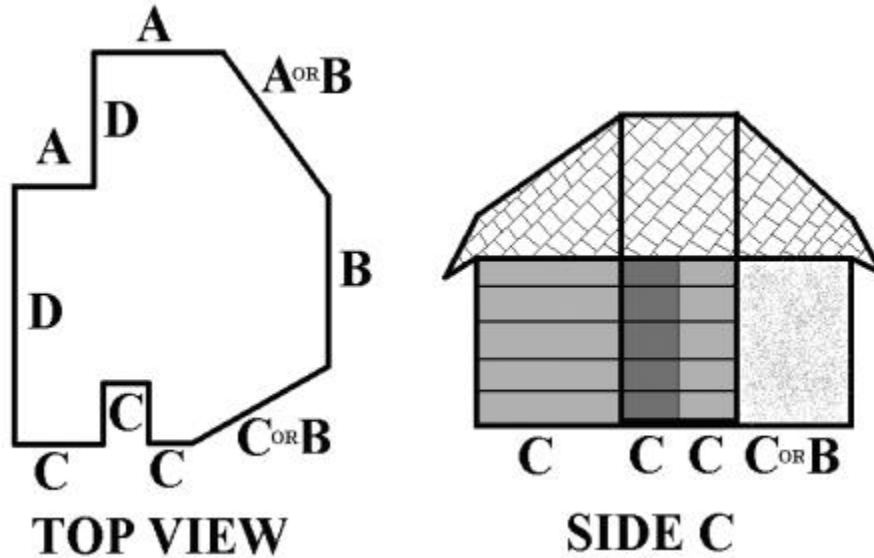
Senior citizen/handicapped housing facilities. Living facilities which provide living units, congregate dining, recreational facilities and other services and requiring 24-hour staffing assistance.

Sidewalk. A pedestrian walkway with permanent surfacing built to City standards.

**SIGN DEFINITIONS.** The following terms and phrases shall have the meanings given to them below with regard to Chapter 52 CDC, Signs:

Billboard sign. A freestanding sign in excess of the maximum size allowed for freestanding signs.

Building face. The area of a single side of a structure used for computing allowable signage for that structure. More specifically, the building face is the height from grade to the roof eaves multiplied by the width of all walls facing the same direction on a single side of a structure. See illustration below.



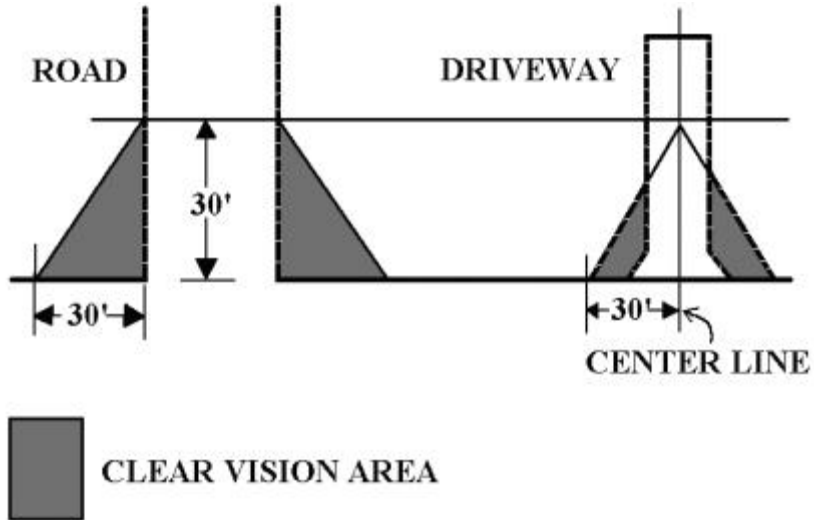
Note: For angled walls, walls cannot be double counted. In other words, to calculate the building face of side “C,” you would add C+C+(C or B), while side “B” would then consist of B+(A or B) only.

**Business.** A commercial, office, or industrial development of one or more buildings on one or more tax lots in which there may be shared facilities such as parking, pedestrian mall, or common ownership of real property upon which the development is located.

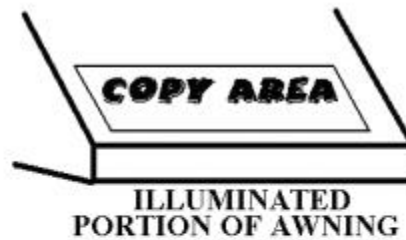
**Business center.** A commercial or industrial area planned and built as a unit containing two or more commercial or industrial establishments on a fully developed site of four acres or more in size, associated by common agreement or under common ownership, which comprise a single commercial or industrial unit with common parking, limited access, and a minimum frontage of 200 lineal feet. A large independent store or business on a fully developed site greater than 10 acres in size may also be considered as a shopping center for the purpose of outdoor advertising.

**City sign.** Signs which are erected and maintained by the City. This shall include temporary signs which are specifically approved by the City for placement in the public right-of-way in accordance with a resolution adopted pursuant to CDC 52.109(D).

**Clear vision area.** An area of unobstructed visibility which must be maintained for corner lots and driveways as specified in CDC 42.050. See illustration below.



Copy area. The smallest rectangular area which encompasses a business logogram or message. This is used to compute the sign area for, among others, channelized letter signs. The copy area for backlit awning signs shall consist of the area which is illuminated. Depending on the emphasis of the sign structure, the materials on which the sign is placed may be included in the copy area calculations. See illustration below.



Double-faced signs. Signs which have only two sign surfaces back to back. Allowable sign square footage applies to only one side of double-faced signs.

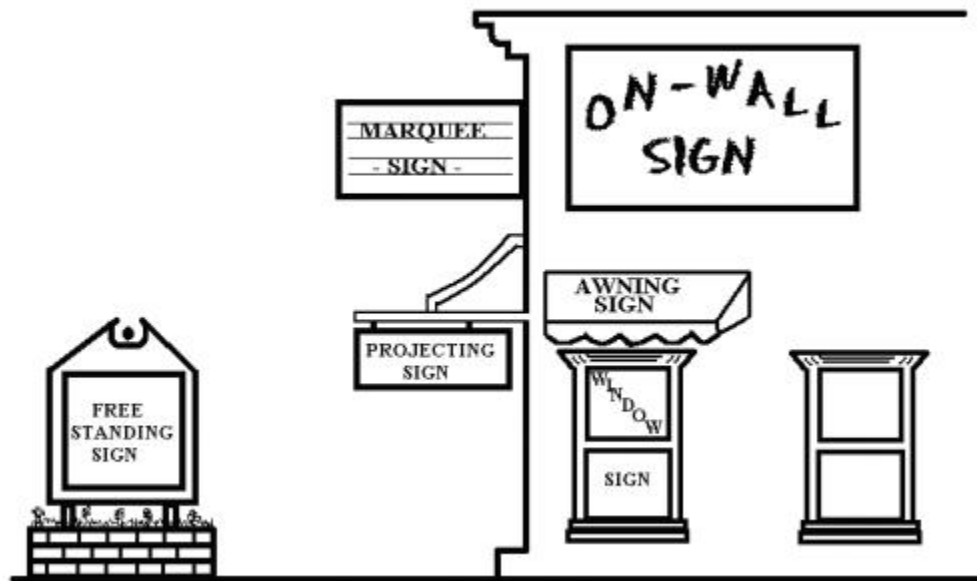
Grade. For the purpose of establishing the height of freestanding signs, the centerline of the nearest street shall be considered grade. The height of all signs mounted on a building shall be measured from the same point considered to be the grade of the building.

Incombustible material. Flame-resistant material as defined in the Uniform Building Code, Chapter 43, Fire-Resistive Standards.

Maintain. To permit a sign, sign structure, or part thereof to continue; or to repair or refurbish a sign, sign structure, or part thereof.

**Projecting sign.** A double-faced sign which projects more than 18 inches from the building wall to which it is attached.

**Sign.** Any description, words, numbers, or illustration, which is affixed directly or indirectly upon a building, vehicle, structure, or land, which directs attention to a product, place, activity, person, institution, or business, and which is visible from any public street, waterway, alley, or private area open to public vehicular travel. National flags and flags of political subdivisions shall not be construed as signs. See illustration below.



**Sign base.** The structure beneath a freestanding sign which houses the upright supports for that sign.

**Sign face or faceplate.** The material on which a design, message, or logogram is printed or otherwise affixed. "Faceplate change" includes any change to an existing sign display.

**Sign structure.** The supports, braces, and framework of the sign.

**Sign, A-frame.** A temporary, freestanding, and portable form of advertising, also known as a sandwich board.

**Sign, attached.** A sign which is mounted to the walls of a building and may either be flat against or projecting from the wall.

**Sign, awning.** A sign painted, stamped, perforated, stitched, or otherwise applied on the valance of an awning.

**Sign, changeable copy.** A sign designed such that the copy can be readily altered as described below:

**Changeable copy sign (automatic).** A sign on which the copy changes automatically on a lampbank or through mechanical means; e.g., electronic or electrical time and temperature units.

**Changeable copy sign (manual).** A sign on which copy is changed manually in the field; e.g., readerboards with changeable letters.

**Sign, electric.** Any sign containing electrical wiring but does not include signs illuminated by an exterior floodlight source.

Sign, entryway. A freestanding sign placed at the entry to a commercial or industrial property that does not exceed 30 inches in height above grade and does not obstruct vision of motorists at driveway or street intersections.

Sign, freestanding. A sign which is ground-supported only and has no support other than one or more columns placed on a foundation designed to withstand the maximum movement developed by the sign in high wind without lateral bracing or support. Right-of-way setback distance to freestanding signs is measured to the closest part of the sign and/or support structures to the right-of-way.

Sign, freeway-oriented. A sign primarily designed to be read by a motorist traveling on a highway designated by the Oregon State Highway Department as a freeway or expressway; specifically, this shall be Interstate 205 and shall not include Highway 43.

Sign, illuminated. A sign which uses a light source to make recognizable its message or image in darkness. This definition shall include internally and externally lighted signs as well as reflectorized, glowing, or radiating signs.

Sign, marquee. Any sign affixed to or constructed in a permanent roofed structure projecting over a pedestrian or vehicular travel way from the side of a building.

Sign, non-conforming. Any sign lawfully installed prior to the effective date of this code, or any subsequent amendment thereto, which does not meet the current applicable standards for compliance.

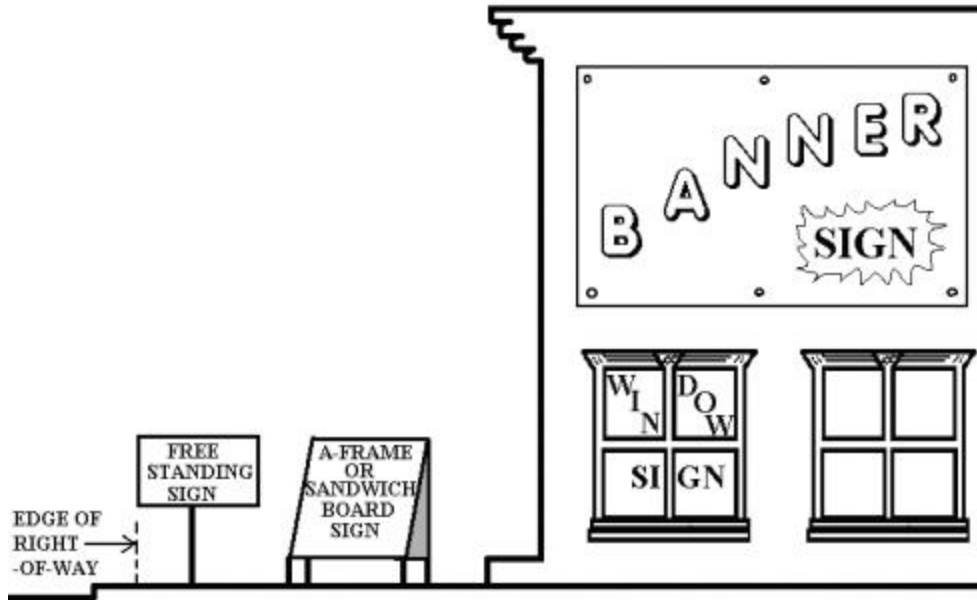
Sign, permanent. A sign constructed of durable materials such as wood, plastic, or metal which can withstand the deteriorating effects of weathering (e.g., tearing, cracking, peeling, warping) for a period of not less than six years. See illustration for "Sign."

Sign, roof. A sign erected upon or above a roof or parapet wall of a building and which is wholly or partially supported by said building.

Sign, subdivision monument. A sign at the entry to a subdivision on land owned by the homeowners association or the developer.

Sign, Sunday. A temporary A-frame sign allowed within City right-of-way on Sundays, subject to the requirements of CDC 52.109(E).

Sign, temporary. Any sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials, with or without frames, intended to be displayed for a limited period of time. See illustration below.



Single-faced signs. Signs which have one advertising surface and only one side is visible to public right-of-way or private areas open to public vehicular travel, though not always placed flat against the surface of a wall.

Total sign area. The accumulated amount of signage from several locations. Total allowable sign area may normally be divided among two or more signs.

Wall sign (flat). A sign which is painted or which is attached so its surface is parallel with the mounting wall and is readable from one side only.

Significant tree. A tree is determined to be significant by the City Arborist based on its size, health, species, location, proximity to other significant trees, and other characteristics.

Single-family attached residential units. Two or more dwelling units attached side by side with some structural parts in common at a common property line on separate lots or parcels. This may be further defined as a Duplex, Triplex, or Quadplex.

Single-family detached residential units. One dwelling unit, freestanding and structurally separated from other dwelling units or buildings, located on a lot or parcel. This may be further defined as a Duplex, Triplex, or Quadplex.

Slope. Measurement of the deviation of a non-level land feature from the horizontal, measured as a percent calculated as maximum rise divided by minimum horizontal run. Example: a rise of one foot divided by a run of 10 feet equals slope of 10 percent. Slope shall be measured in intervals corresponding with slope analysis requirements in the Community Development Code. Slope shall be measured at a right angle from the mapped elevation interval lines.

Slope determination (for WRAs). Slope (e.g., rise over run) is the average slope in the first 50 feet as measured at right angle from the OHW mark, the edge of bankfull stage or outer edge of wetland.

Soil infiltration. The process by which water on the surface enters the soil and replenishes below ground water tables.

Start of construction. The first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings, or any work beyond the stage of excavation. Permanent construction does not include land preparation such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations, or the erection of

temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a structure (other than manufactured home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure, or any part thereof, on its piling or foundation. For manufactured homes not within a manufactured home subdivision, "start of construction" means the affixing of the manufactured home to its permanent site. For manufactured homes within manufactured home subdivisions, "start of construction" is the date on which the manufactured home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

Stealth designs. The use of structures, etc., to accommodate and conceal a WCF, particularly as it may be seen from the adjoining right-of-way. An example would be the use of a cupola or clock tower to hide a WCF. Stealth designs can be either inside or outside a building.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or unused under floor space is more than six feet above grade as defined herein for more than 50 percent of the total perimeter, or is more than 12 feet above grade as defined herein at any point, such basement or unused under floor space shall be considered as a story.

Story, first. The lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor shall be classified as a first story, provided such floor level is not more than four feet below grade, as defined herein, for more than 50 percent of the total perimeter, or more than eight feet below grade, as defined herein, at any point.

Story, half. A story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.

Stream. A body of water with a current or flow confined within the OHW mark or the edge of bankfull stage. (See also ephemeral stream or water resource.)

Stream centerline or thread. The starting point of measurement for ephemeral streams which often lack an identifiable bankfull stage or OHW mark.

Street. A public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land, and the placement of utilities and including the terms "road," "highway," "lane," "avenue," "alley," "place," "court," "way," "circle," "drive," or similar designations.

Stripping. Any activity which disturbs vegetated or otherwise stable soil surface, including clearing and grubbing operations.

Structure. Anything built or constructed.

Subdivide land. To divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

Subdivision. Either an act of subdividing land or an area or a tract of land subdivided as defined in this chapter.

Substantial construction. An approved application shall have undertaken substantial construction when any of the following have taken place: utilities have been installed to serve the project; approved grading has been undertaken representing at least 25 percent of all the required preliminary grading; foundation excavation has occurred; foundation or building construction has occurred; street improvements are being installed; or a major physical improvement, required as part of the approved permit, has clearly begun. Substantial construction is not satisfied by simply having approved pre-construction plans or building permits, or by site clearing and grubbing. Actual physical improvements as identified above must have taken place.

**Substantial damage.** Within the flood management area, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before damage occurred.

**Substantial improvement.** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

**Super stores.** Large box-like or monolithic retail and associated commercial use structures of 40,000 square feet or more in size. Stores over 40,000 square feet that are broken up into separate and distinct architectural buildings or separate and distinct elements, but still under the same ownership or operated by the same company, are also defined as super stores.

**Temporarily disturbed areas (TDA).** Area impacted by clearing, grubbing, grading, excavation, storage of building materials, building equipment, construction activity or other temporary activity whereby the area is modified from its original state but is subsequently fully restored in terms of soil character and grades and re-vegetated. TDAs will not have any new structures or other physical improvements built on them, but they may have buried utilities approved consistent with Chapter 32 CDC. The TDA definition is distinct and separate from disturbed areas, PDAs and MDAs. TDAs shall not include significant trees or wetlands that cannot be replicated in a timely way through restoration.

**Temporary use.** A use which, by its nature, will last under two years, with the exception of drop boxes and structures/trailers serving a similar function and construction related uses and facilities. Examples of temporary uses include, but are not limited to: uses associated with the sale of goods for a specific holiday, activity or celebration, such as the sale of Christmas trees and fireworks; uses associated with construction; seasonal uses, such as the sale of fresh fruits, produce, and flowers; uses associated with festivals, celebrations or special promotional events; a real estate office within a development limited to the sale of real estate in the development; and portable outdoor storage units or similar structures as are typically used for storing items in conjunction with a move, minor remodel or construction project. Temporary uses do not include businesses seeking a temporary or interim location.

**Townhouse.** A dwelling unit that is part of a row of two or more attached dwelling units, where each unit is located on an individual Lot or Parcel and shares at least one common wall with an adjacent dwelling unit.

**Townhouse Project.** One or more townhouse structures constructed, or proposed to be constructed, together with the development site where the land has been divided, or is proposed to be divided, to reflect the Townhouse property lines and any commonly owned property.

**Tract.** A lot or parcel, or more than one contiguous lot or parcel, in a single ownership.

**Trailhead.** A trail access point as identified in the Comprehensive Plan. The purpose of the trailhead is to provide access to a trail and trail information, and to provide parking for trail users that do not live in the immediate area of the trail, or choose to arrive by automobile.

**Transition area.** The land around the edge of the natural resource area that constitutes a buffer, or transition, to protect the resource from conflicting development and activities.

**Transportation facilities.** Facilities and amenities that are used for transporting people and goods. Typical uses include streets, highways, sidewalks, transit stops and stations, bicycle and pedestrian facilities, bike lanes, and operation, maintenance, preservation, and construction of these facilities. There are two classifications of transportation facilities (Type I and Type II):



1. Transportation facilities (Type I) are those which are designated in the adopted TSP or are part of an approved, active development order. Type I facilities are permitted uses in all zoning districts.
2. Transportation facilities (Type II) are those which are not designated in the adopted TSP or part of an approved, active development order. Type II transportation facilities are allowed in all zoning districts subject to conditional use approval and the additional criteria of CDC 60.090.

Triplex residential units. Three attached or detached dwelling units on a Lot or Parcel in any configuration.

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

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

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

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

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

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

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

Unhealthy or disturbed state. Defines an area of a WRA that is dominated by non-native vegetation and/or grading which is an appropriate candidate for restoration to its natural condition.

Unlisted use. A use that is not listed as either a use permitted outright or a conditional use in a particular zone.

Urgent care. A facility which provides emergency medical care on a non-appointment basis, but does not have overnight sleeping facilities.

Use. The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

Utilities. All lines, facilities and services related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication and telephone cable, and includes facilities for the generation of electricity, or similar service. There are two classes of utilities – major and minor:

Utility, major. A major utility facility or service includes, but is not limited to: a substation; pump station; water storage tank; sewerage treatment plant; water treatment plant; and transmission lines for water, drainage or sewerage collection systems, gas or electric, or other similar use.

Utility, minor. A minor utility facility or service includes, but is not limited to: overhead or underground electric, telephone or cable television poles and wires, and distribution lines for electric, gas, water, drainage or sewerage collection systems, or other similar use.

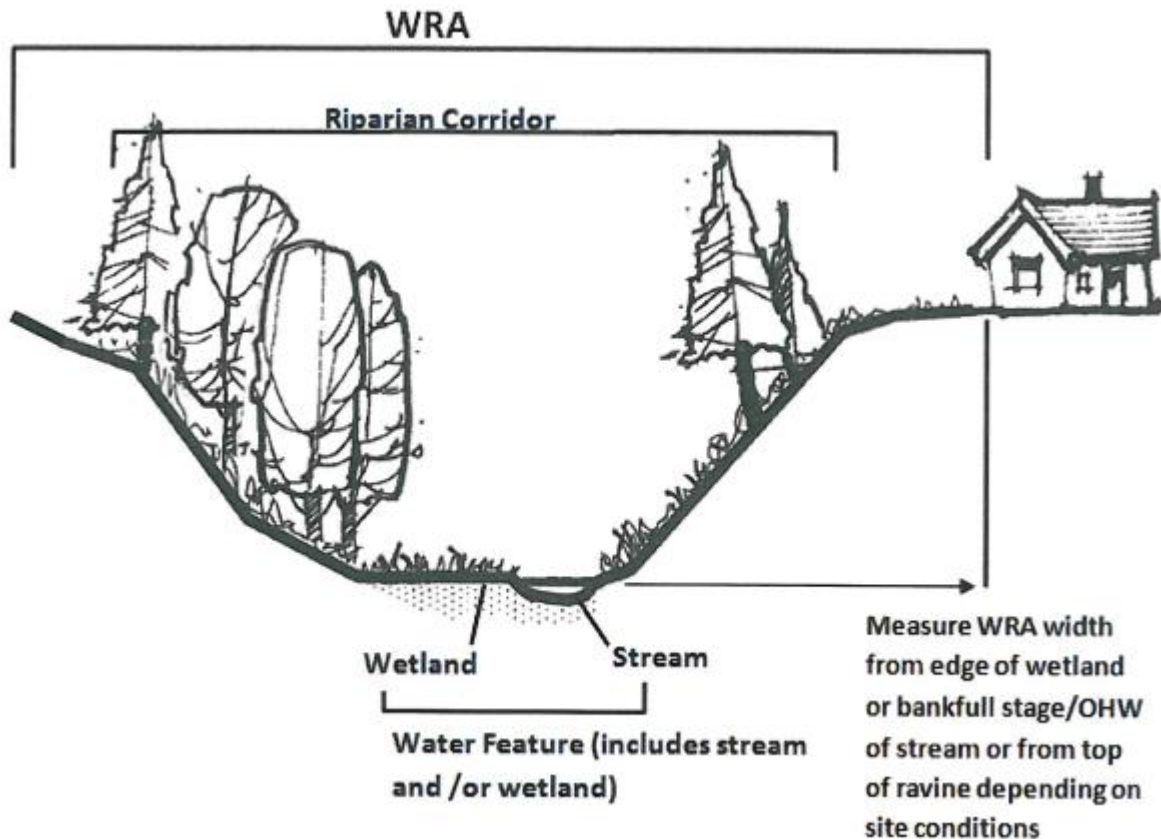
Variance. A discretionary decision to permit modification of the terms of an implementing ordinance based upon specific findings delineated in the Community Development Code.

Vehicle fuel sales. Establishments or places of business primarily engaged in the retail sale, from the premises, of petroleum products with incidental sale of tires.

Walkway/boardwalk. A floating or non-floating platform that either provides pedestrian access along a shoreline or within a riparian area; it may also act as a bridge between two bodies of land.

Water-dependent uses. Any use that requires access to, or use of, the rivers.

Water resource area (WRA). Any water resource or riparian area identified in the West Linn WRA Map and the adjacent area of varying widths, established pursuant to Chapter 32 CDC, in which development activities are restricted in order to protect the functions and values of the associated water resource (see graphic below).



Water resource area transition and setback area. The land adjacent to the protected water feature that constitutes a buffer, or transition, to protect the resource from conflicting development and activities.

Water resource (or feature). Any stream or wetland identified on the West Linn WRA map.

Wetlands. Those areas inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands are also defined by the subcategories of "high quality wetlands" and "locally significant wetlands."

Wholesale, storage, and distribution. Establishments or places of business primarily engaged in wholesaling, storage, distribution, and handling of materials and equipment other than live animals and plants. The following are wholesaling, storage, and distribution use types:

Wholesaling, storage and distribution (heavy industrial). Open air storage, distribution, and handling of materials and equipment. Typical uses include monument or stone yards, or grain elevators.

Wholesaling, storage and distribution (light industrial). Wholesaling, storage, and warehousing services within enclosed structures. Typical uses include wholesale distributors, storage warehouses, or moving and storage firms.

Wholesale, storage, and distribution, mini-warehouses. Storage and warehousing service within a building(s) primarily for individuals to store personal effects and by businesses to store materials for operation of an industrial or commercial enterprise located elsewhere. Incidental uses in a mini-warehouse may include the repair and maintenance of stored materials by the tenant, but in no case may storage spaces in a mini-warehouse facility function as an independent retail, wholesale business, or service use.

Spaces shall not be used for workshops, hobbyshops, manufacturing, or similar uses and human occupancy of said spaces shall be limited to that required to transport, arrange, and maintain stored materials.

Willamette River Greenway Area. The area designated by the City of West Linn Comprehensive Plan as within the Willamette River Greenway and thus subject to the provisions of Goal 15 (Willamette Greenway) of the Oregon Statewide Planning Program.

Wireless communication facility (WCF). An unstaffed facility for the transmission or reception of radio frequency (RF) signals, usually consisting of an equipment shelter, cabinet, or other enclosed structure containing electronic equipment, a support structure, antennas, or other transmission and reception devices. It may also include stealth designs.

Wireless communication facility (WCF), attached. A wireless communication facility that is affixed to an existing structure; e.g., an existing building wall or roof, mechanical equipment, tower or pole, water tank, utility pole, or light pole. It cannot include an additional new wireless communication support structure.

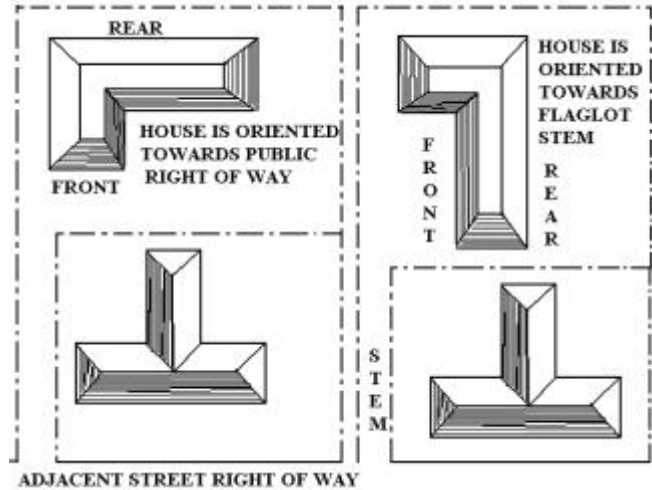
Wireless communication support structure. A new structure, tower, pole, or mast erected to support wireless communication antennas and connecting appurtenances. Support structure types include, but are not limited to, monopoles, lattice towers, wood poles, and guyed towers.

Yard. A required area of land unoccupied and unobstructed by any structure that is 30 inches or more above the general ground level, with the exception of fences, walkways/staircases, retaining walls, poles, posts, customary yard accessories, appurtenances, ornaments, furniture and accessory structures or uses permitted subject to the provisions of this code. (See Figure A below.)



Figure A

Yard, front. A yard between side lot lines and measured horizontally at right angles to the front lot line from the lot line to the nearest point of the building. In the case of flag lots, the front yard may either face an adjacent street right-of-way or the access driveway along the flag lot stem. The front of the house or dwelling faces the front yard. (See Figure B.)



**Figure B**

Yard, rear. A yard between side lot lines or between a street side yard and opposite side lot line and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of a main building. The rear of the house or dwelling faces the rear yard. In the case of corner lots, the rear yard is not always on the opposite side of the house or dwelling as the front yard. (See Figure A.)

Yard, side. A yard between the front and rear yard measured horizontally and at right angles from the side lot line to the nearest point of the building. The side of the house or dwelling faces the side yard. (See Figure A.)

Yard, side street. For dwellings or homes on corner lots, this is the yard on the side of the house that faces a street right-of-way and does not include the front of the house or front yard. (See Figure A). (Ord. 1604 § 2, 2011; Ord. 1613 § 1, 2013; Ord. 1614 § 1, 2013; Ord. 1622 §§ 22, 29, 2014; Ord. 1623 § 2, 2014; Ord. 1635 § 3, 2014; Ord. 1636 § 3, 2014; Ord. 1647 § 1, 2016; Ord. 1655 § 1, 2016; Ord. 1662 § 1, 2017; Ord. 1675 § 1, 2018; Ord. 1686 § 1, 2018; Ord. 1694 § 1, 2019)

## Chapter 08

### ~~SINGLE-FAMILY RESIDENTIAL DETACHED~~, R-40

Sections:

- 08.010 PURPOSE
- 08.020 PROCEDURES AND APPROVAL PROCESS
- 08.030 PERMITTED USES
- 08.040 ACCESSORY USES
- 08.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS
- 08.060 CONDITIONAL USES
- 08.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS
- 08.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES
- 08.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

#### 08.010 PURPOSE

The purpose of this district is to provide for development where there are some available services, but the services will not support the development of land at more urban densities. The intent of the zone is to allow development at a level based on the existing service level, but in a manner which does not adversely impact environmentally sensitive areas. This zone may also be applied to areas where public harm to wildlife habitats may result if developed at a higher density.

#### 08.020 PROCEDURES AND APPROVAL PROCESS

A. A use permitted outright, CDC 08.030, is a use which 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 08.050, is a use for which approval will be granted provided all the 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;
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 08.060) 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.

#### **08.030 PERMITTED USES**

The following uses are permitted outright in this zone:

1. Community recreation.
- ~~2.~~ Cottage Cluster
- ~~32.~~ Family day care.
- ~~43.~~ Public support facilities.
- ~~54.~~ Residential home.
- ~~65.~~ Single-family attached or detached residential unit.
  - ~~a.~~ Duplex residential units
  - ~~b.~~ Triplex residential units
  - ~~c.~~ Quadplex residential units
- ~~7.~~ Townhouse
- ~~86.~~ Utilities, minor.
- ~~97.~~ Manufactured housing.
- ~~108.~~ Transportation facilities (Type I). (Ord. 1354, 1994; Ord. 1500, 2003; Ord. 1584, 2008)

#### **08.040 ACCESSORY USES**

Accessory uses are allowed in this zone as provided by Chapter 34 CDC.

#### **08.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS**

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

1. Home occupations, subject to the provisions of Chapter 37 CDC.
2. Sign, subject to the provisions of Chapter 52 CDC.

3. Temporary use subject to the provisions of Chapter 35 CDC.
4. Agricultural or horticultural use; provided, that no retail or wholesale business sales office is maintained on the premises; and provided, that poultry or livestock shall not be permitted within 100 feet of any residence other than a dwelling on the same lot, nor on a lot less than one acre or which has less than 20,000 feet per head of livestock. These uses are subject to the nuisance provisions found in Section 5.400 et seq. of the West Linn Municipal Code. (Ord. 1565, 2008; Ord. 1624 § 2, 2014)

**08.060 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. Cultural exhibits and library services.
2. Lodge, social, community center and civic assembly.
3. Public safety facilities.
4. Recycle collection center.
5. Religious institution.
6. Schools.
7. Utilities, major.
8. Aggregate extraction except aggregate extraction on submersible land subject to valid permits from the U.S. Army Corps of Engineers and the Oregon State Land Board.
9. Transportation facilities (Type II). See CDC 60.090 for additional approval criteria. (Ord. 1538, 2006; Ord. 1565, 2008; Ord. 1584, 2008; Ord. 1604 § 4, 2011)

**08.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED**

**UNDER PRESCRIBED CONDITIONS**

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

<u>STANDARD</u>	<u>REQUIREMENT</u>	<u>ADDITIONAL NOTES</u>
<u>Minimum lot size</u>	<u>40,000 SF</u>	<u>For a single-family attached or detached unit.</u>
<u>Average min. Lot or Parcel size for a Townhouse Project</u>	<u>1,500 SF</u>	
<u>Minimum lot width at front lot line</u>	<u>150 ft</u>	<u>Does not apply to Townhouses or Cottage Clusters.</u>



<u>Average Minimum lot width</u>	<u>150 ft</u>	<u>Does not apply to Townhouses or Cottage Clusters.</u>
<u>Minimum Yard Dimensions or Minimum building setbacks</u>		<u>Front, rear, and side yard setbacks for a Cottage Cluster Project are 10 ft. There are no additional setbacks for individual structures on individual lots, but minimum distance between structures shall follow applicable building code requirements.</u>
<u>Front Yard</u>	<u>30 ft</u>	<u>Except for steeply sloped lots where the provisions of CDC 41.010 shall apply.</u>
<u>Interior Side Yard</u>	<u>10 ft</u>	<u>Townhouse common walls that are attached may have a 0 ft side setback.</u>
<u>Street Side Yard</u>	<u>30 ft</u>	
<u>Townhouse Street Side Yard</u>	<u>15 ft</u>	
<u>Rear Yard</u>	<u>30 ft</u>	
<u>Maximum Building Height</u>	<u>40 ft</u>	<u>Except for steeply sloped lots in which case the provisions of Chapter 41 CDC shall apply.</u>
<u>Maximum Lot Coverage</u>	<u>25%</u>	<u>Maximum lot cover does not apply Cottage Clusters. However, the maximum building footprint for a Cottage Cluster is less than 900 sf per dwelling unit.</u> <ul style="list-style-type: none"> <li>• <u>This does not include detached garages, carports, or accessory structures.</u></li> <li>• <u>A developer may deduct up to 200 sf for an attached garage or carport.</u></li> </ul>
<u>Minimum Accessway Width to a lot which does not abut a street or a flag lot</u>	<u>20 ft</u>	
<u>Maximum Floor Area Ratio</u>	<u>0.45</u>	<u>Max FAR does not apply to Cottage Clusters.</u>  <u>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.</u>

1. ~~The minimum lot size shall be 40,000 square feet for a single-family detached unit.~~
2. ~~The minimum front lot line length or the minimum lot width at the front lot line shall be 150 feet.~~
3. ~~The average minimum lot width shall be 150 feet.~~

~~4.— Repealed by Ord. 1622.—~~

~~5.— The minimum yard dimensions or minimum building setback areas from the lot line shall be:~~

~~a.— For the front yard, 30 feet, except for steeply sloped lots where the provisions of CDC 41.010 shall apply.~~

~~b.— For an interior side yard, 10 feet.~~

~~c.— For a side yard abutting a street, 30 feet.~~

~~d.— For a rear yard, 30 feet.~~

~~6.— The maximum building height shall be 40 feet, except for steeply sloped lots in which case the provisions of Chapter 41 CDC shall apply.~~

~~7.— The maximum lot coverage shall be 25 percent.~~

~~8.— The minimum width of an accessway to a lot, which does not abut a street or a flag lot, shall be 20 feet.~~

~~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.~~

~~10.—~~ The sidewall provisions of Chapter 43 CDC shall apply. (Ord. 1377, 1995; Ord. 1622 § 24, 2014; Ord. 1675 § 2, 2018)

#### **08.080 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. 1636 § 5, 2014)

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

5. Chapter 42 CDC, Clear Vision Areas.
6. Chapter 44 CDC, Fences.
7. Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas.
8. Chapter 48 CDC, Access, Egress and Circulation.
9. Chapter 52 CDC, Signs.
10. Chapter 54 CDC, Landscaping.

B. The provisions of Chapter 55 CDC, Design Review, apply to all uses except attached and/or detached single-family dwellings, residential homes and residential facilities. (Ord. 1590 § 1, 2009; Ord. 1675 § 3, 2018)

## Chapter 09

### ~~SINGLE-FAMILY RESIDENTIAL DETACHED~~, R-20

Sections:

- 09.010 PURPOSE
- 09.020 PROCEDURES AND APPROVAL PROCESS
- 09.030 PERMITTED USES
- 09.040 ACCESSORY USES
- 09.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS
- 09.060 CONDITIONAL USES
- 09.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS
- 09.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES
- 09.090 OTHER APPLICABLE DEVELOPMENT STANDARDS
- 09.100 REDIVISION PLAN REQUIRED

#### 09.010 PURPOSE

The purpose of this district is to provide for development flexibility at a range of densities where urban services are available. The intent of the zone is to allow development at a level which recognizes and preserves natural features of the area. This zone may also be applied to areas where public harm to wildlife habitats may result if developed at a higher density. (Ord. 1308, 1991)

#### 09.020 PROCEDURES AND APPROVAL PROCESS

- A. A use permitted outright, CDC 09.030, is a use which 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 09.050, 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 09.060) 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.

#### **09.030 PERMITTED USES**

The following are uses permitted outright in this zoning district:

1. Community recreation.
- ~~2.~~ Cottage Cluster
- ~~32.~~ Family day care.
- ~~43.~~ Residential home.
- ~~54.~~ Single-family attached or detached residential unit.
  - ~~a.~~ Duplex residential units
  - ~~b.~~ Triplex residential units
  - ~~c.~~ Quadlex residential units
- ~~6.~~ Townhouse
- ~~75.~~ Utilities, minor.
- ~~86.~~ Transportation facilities (Type I).
- ~~97.~~ Manufactured home. (Ord. 1226, 1988; Ord. 1500, 2003; Ord. 1584, 2008; Ord. 1635 § 4, 2014)

#### **09.040 ACCESSORY USES**

Accessory uses are allowed in this zone as provided by Chapter 34 CDC.

#### **09.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS**

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

1. Home occupations, subject to the provisions of Chapter 37 CDC.

2. Sign, subject to the provisions of Chapter 52 CDC.
3. Temporary use, subject to the provisions of Chapter 35 CDC.
4. Agricultural or horticultural use; provided, that no retail or wholesale business sales office is maintained on the premises; and provided, that poultry or livestock shall not be permitted within 100 feet of any residence other than a dwelling on the same lot, nor on a lot less than one acre, or which has less than 20,000 feet per head of livestock. These uses are subject to the nuisance provisions found in Section 5.400 et seq. of the West Linn Municipal Code.
5. Wireless communication facilities, subject to the provisions of Chapter 57 CDC. (Ord. 1298, 1991; Ord. 1308, 1991; Ord. 1408, 1998; Ord. 1565, 2008; Ord. 1624 § 3, 2014; Ord. 1635 § 5, 2014)

### **09.060 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. Cultural exhibits and library services.
2. Lodge, social, community center and civic assembly.
3. Public safety facilities.
4. Public support facilities.
5. Recycle collection center.
6. Religious institution.
7. Schools.
8. Senior center.
9. Utilities, major.
10. Aggregate extraction except aggregate extraction on submersible land, subject to valid permits from the U.S. Army Corps of Engineers and the Oregon State Land Board.
11. Transportation facilities (Type II). See CDC 60.090 for additional approval criteria. (Ord. 1172, 1985; Ord. 1378, 1995; Ord. 1411, 1998; Ord. 1565, 2008; Ord. 1584, 2008; Ord. 1604 § 5, 2011)

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

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

<u>STANDARD</u>	<u>REQUIREMENT</u>	<u>ADDITIONAL NOTES</u>
<u>Minimum lot size</u>	<u>20,000 SF</u>	<u>For a single-family attached or detached unit.</u>
<u>Average min. Lot or Parcel size for a Townhouse Project</u>	<u>1,500 SF</u>	
<u>Minimum lot width at front lot line</u>	<u>100 ft</u>	<u>Does not apply to Townhouses or Cottage Clusters.</u>
<u>Average Minimum lot width</u>	<u>100 ft</u>	<u>Does not apply to Townhouses or Cottage Clusters.</u>
<u>Minimum Yard Dimensions or Minimum building setbacks</u>		<u>Front, rear, and side yard setbacks for in a Cottage Cluster Project are 10 ft. There are no additional setbacks for individual structures on individual lots, but minimum distance between structures shall follow applicable building code requirements.</u>
<u>Front Yard</u>	<u>20 ft</u>	<u>Except for steeply sloped lots where the provisions of CDC 41.010 shall apply.</u>
<u>Interior Side Yard</u>	<u>7.5 ft</u>	<u>Townhouse common walls that are attached may have a 0 ft side setback.</u>
<u>Street Side Yard</u>	<u>15 ft</u>	
<u>Rear Yard</u>	<u>20 ft</u>	
<u>Maximum Building Height</u>	<u>40 ft</u>	<u>Except for steeply sloped lots in which case the provisions of Chapter 41 CDC shall apply.</u>
<u>Maximum Lot Coverage</u>	<u>25%</u>	<u>Maximum lot cover does not apply to Cottage Clusters. However, the maximum building footprint for a Cottage Cluster is less than 900 sf per dwelling units.</u> <ul style="list-style-type: none"> <li>• <u>This does not include detached garages, carports, or accessory structures.</u></li> <li>• <u>A developer may deduct up to 200 sf for an attached garage or carport.</u></li> </ul>
<u>Minimum Accessway Width to a lot which does not abut a street or a flag lot</u>	<u>15 ft</u>	
<u>Maximum Floor Area Ratio</u>	<u>0.45</u>	<u>Maximum FAR does not apply to Cottage Clusters.</u> <u>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.</u>

- ~~1.—The minimum lot size shall be 20,000 square feet for a single family detached unit.~~
- ~~2.—The minimum front lot line length or the minimum lot width at the front lot line shall be 150 feet.~~
- ~~3.—The average minimum lot width shall be 150 feet.~~
- ~~4.—Repealed by Ord. 1622.—~~
- ~~5.—The minimum yard dimensions or minimum building setback areas from the lot line shall be:
 
  - ~~a.—For the front yard, 20 feet, except for steeply sloped lots where the provisions of CDC 41.010 shall apply.~~
  - ~~b.—For an interior side yard, seven and one half feet.~~
  - ~~c.—For a side yard abutting a street, 15 feet.~~
  - ~~d.—For a rear yard, 20 feet.~~~~
- ~~6.—The maximum building height shall be 40 feet, except for steeply sloped lots in which case the provisions of Chapter 41 CDC shall apply.~~
- ~~7.—The maximum lot coverage shall be 25 percent.~~
- ~~8.—The minimum width of an accessway to a lot which does not abut a street or a flag lot shall be 15 feet.~~
- ~~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.~~
10. The sidewall provisions of Chapter 43 CDC shall apply. (Ord. 1298, 1991; Ord. 1377, 1995; Ord. 1538, 2006; Ord. 1622 § 24, 2014; Ord. 1675 § 4, 2018)

#### **09.080 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. 1636 § 6, 2014)

#### **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 41 CDC, Building Height, Structures on Steep Lots, Exceptions.
  5. Chapter 42 CDC, Clear Vision Areas.
  6. Chapter 44 CDC, Fences.
  7. Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas.
  8. Chapter 48 CDC, Access, Egress and Circulation.
  9. Chapter 52 CDC, Signs.
  10. Chapter 54 CDC, Landscaping.
- B. The provisions of Chapter 55 CDC, Design Review, apply to all uses except attached and/or detached single-family dwellings, residential homes and residential facilities. (Ord. 1308, 1991; Ord. 1590 § 1, 2009; Ord. 1675 § 5, 2018)

### **09.100 REDIVISION PLAN REQUIRED**

- A. Where the property being developed is in excess of multiples of 20,000 square feet and additional dwelling units could be developed, a redevelopment plan shall be required as a condition of approval for a single-family dwelling building permit, partition or subdivision.
- B. The redevelopment plan is a sketch plan, and a land survey and engineering drawing is not required except where there are unique soil, topographic or geologic conditions. Under the provisions of CDC 99.035, Administrative Procedures, the Planning Director may require additional information.
- C. The applicant shall submit a topographic map based on available information, and a subdivision layout in accordance with standards set forth in Chapter 85 CDC, Land Division, and the Low Density Residential, R-20 zone.
- D. A building permit issued shall be for a specified future lot or parcel and the building shall meet the setback provisions of the Low Density Residential, R-20 zone.
- E. The redivision plan is considered a guide. Its purpose is to assure the efficient use of land and orderly growth. At such time as the property owner applies to redivide the land, a different proposal may be submitted for approval provided it meets all of the requirements. The redivision plan is not binding on the applicant or the City at the time a formal application is submitted under the land division chapter.
- F. The Planning Director shall approve the redivision plan in the manner set forth in CDC 99.060(A)(2), except that no notice shall be given. The applicant may appeal the Planning Director's decision as provided by CDC 99.240(A).
- G. The Planning Director's decision shall be based on the following findings:
1. The redivision plan complies with the applicable requirements of the land division chapters and Low Density Residential, R-20 zone.
  2. The sub-surface sewage system has been approved.

3. There is adequate water for the proposed use. (Ord. 1308, 1991; Ord. 1636 § 7, 2014)

## Chapter 10

### **SINGLE-FAMILY RESIDENTIAL DETACHED, R-15**

#### Sections:

- 10.010 PURPOSE
- 10.020 PROCEDURES AND APPROVAL PROCESS
- 10.030 PERMITTED USES
- 10.040 ACCESSORY USES
- 10.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS
- 10.060 CONDITIONAL USES
- 10.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS
- 10.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES
- 10.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

#### **10.010 PURPOSE**

The purpose of this zone is to provide for development at levels which relate to the site development limitations. This zone is applicable to areas having steep slopes, areas subject to high erosion potential, areas which will cause serious off-site drainage problems, areas subject to movement, or areas with other types of limitations which require a minimum amount of disturbance to the natural features.

#### **10.020 PROCEDURES AND APPROVAL PROCESS**

- A. A use permitted outright, CDC 10.030, is a use which 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 10.050, 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 10.060) 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.
- 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.

### **10.030 PERMITTED USES**

The following uses are permitted outright in this zoning district:

1. Community recreation.
- ~~2.~~ Cottage Cluster.
- ~~3.~~ Family day care.
- ~~4.~~ Residential home.
- ~~5.~~ Single-family attached or detached residential unit.
  - ~~a.~~ Duplex residential units
  - ~~b.~~ Triplex residential units
  - ~~c.~~ Quadplex residential units
- ~~5.~~ Townhouse.
- ~~6.~~ Utilities, minor.
- ~~7.~~ Transportation facilities (Type I).
- ~~8.~~ Manufactured home. (Ord. 1226, 1988; Ord. 1500, 2003; Ord. 1584, 2008; Ord. 1590 § 1, 2009; Ord. 1635 § 6, 2014)

### **10.040 ACCESSORY USES**

Accessory uses are allowed in this zone as provided by Chapter 34 CDC.

### **10.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS**

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

1. Home occupations, subject to the provisions of Chapter 37 CDC.

2. Sign, subject to the provisions of Chapter 52 CDC.
3. Temporary use, subject to the provisions of Chapter 35 CDC.
4. Agricultural or horticultural use; provided, that no retail or wholesale business sales office is maintained on the premises; and provided, that poultry or livestock shall not be permitted within 100 feet of any residence other than a dwelling on the same lot, nor on a lot of less than one acre, or which has less than 20,000 feet per head of livestock. These uses are subject to the nuisance provisions found in Section 5.400 et seq. of the West Linn Municipal Code.
5. Wireless communication facilities, subject to the provisions of Chapter 57 CDC. (Ord. 1298, 1991; Ord. 1308, 1991; Ord. 1408, 1998; Ord. 1565, 2008; Ord. 1624 § 4, 2014; Ord. 1635 § 7, 2014)

**10.060 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. Cultural exhibits and library services.
2. Lodge, social, community center and civic assembly.
3. Public safety facilities.
4. Public support facilities.
5. Recycle collection center.
6. Religious institution.
7. Schools.
8. Senior center.
9. Utilities, major.
10. Transportation facilities (Type II). See CDC 60.090 for additional approval criteria. (Ord. 1377, 1995; Ord. 1378, 1995; Ord. 1411, 1998; Ord. 1565, 2008; Ord. 1584, 2008; Ord. 1604 § 6, 2011)

**10.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS**

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

<u>STANDARD</u>	<u>REQUIREMENT</u>	<u>ADDITIONAL NOTES</u>
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<u>Minimum lot size</u>	<u>15,000 SF</u>	<u>For a single-family attached or detached unit.</u>
<u>Average min. Lot or Parcel size for a Townhouse Project</u>	<u>1,500 SF</u>	
<u>Minimum lot width at front lot line</u>	<u>45 ft</u>	<u>Does not apply to Townhouses or Cottage Clusters</u>
<u>Average Minimum lot width</u>	<u>80 ft</u>	<u>Does not apply to Townhouses or Cottage Clusters</u>
<u>Minimum Yard Dimensions or Minimum building setbacks</u>		<u>Front, rear, and side yard setbacks for in a Cottage Cluster Project are 10 ft. There are no additional setbacks for individual structures on individual lots, but minimum distance between structures shall follow applicable building code requirements.</u>
<u>Front Yard</u>	<u>20 ft</u>	<u>Except for steeply sloped lots where the provisions of CDC 41.010 shall apply.</u>
<u>Interior Side Yard</u>	<u>7.5 ft</u>	<u>Townhouse common walls that are attached may have a 0 ft side setback.</u>
<u>Street Side Yard</u>	<u>15 ft</u>	
<u>Rear Yard</u>	<u>20 ft</u>	
<u>Maximum Building Height</u>	<u>40 ft</u>	<u>Except for steeply sloped lots in which case the provisions of Chapter 41 CDC shall apply.</u>
<u>Maximum Lot Coverage</u>	<u>30%</u>	<u>Maximum lot cover does not apply Cottage Clusters. However, the maximum building footprint for a Cottage Cluster is less than 900 sf per dwelling unit.</u> <ul style="list-style-type: none"> <li>• <u>This does not include detached garages, carports, or accessory structures.</u></li> <li>• <u>A developer may deduct up to 200 sf for an attached garage or carport.</u></li> </ul>
<u>Minimum Accessway Width to a lot which does not abut a street or a flag lot</u>	<u>15 ft</u>	
<u>Maximum Floor Area Ratio</u>	<u>0.45</u>	<u>Max FAR does not apply to Cottage Clusters.</u>  <u>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.</u>

~~1. The minimum lot size shall be 15,000 square feet for a single family detached unit.~~

- ~~2.—The minimum front lot line length or the minimum lot width at the front lot line shall be 45 feet.~~
- ~~3.—The average minimum lot width shall be 80 feet.~~
- ~~4.—Repealed by Ord. 1622.—~~
- ~~5.—The minimum yard dimensions or minimum building setback areas from the lot line shall be:~~
- ~~a.—For the front yard, 20 feet, except for steeply sloped lots where the provisions of CDC 41.010 shall apply.~~
- ~~b.—For an interior side yard, seven and one half feet.~~
- ~~c.—For a side yard abutting a street, 15 feet.~~
- ~~d.—For a rear yard, 20 feet.~~
- ~~6.—The maximum building height shall be 40 feet, except for steeply sloped lots in which case the provisions of Chapter 41 CDC shall apply.—~~
- ~~7.—The maximum lot coverage shall be 30 percent.~~
- ~~8.—The minimum width of an accessway to a lot which does not abut a street or a flag lot shall be 15 feet.~~
- ~~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.~~
10. The sidewall provisions of Chapter 43 CDC shall apply. (Ord. 1377, 1995; Ord. 1538, 2006; Ord. 1622 § 24, 2014; Ord. 1675 § 6, 2018)

### **10.080 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. 1636 § 8, 2014)

### **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 41 CDC, Building Height, Structures on Steep Lots, Exceptions.
5. Chapter 42 CDC, Clear Vision Areas.
6. Chapter 44 CDC, Fences.
7. Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas.
8. Chapter 48 CDC, Access, Egress and Circulation.
9. Chapter 52 CDC, Signs.
10. Chapter 54 CDC, Landscaping.

B. The provisions of Chapter 55 CDC, Design Review, apply to all uses except attached and/or detached single-family dwellings, residential homes and residential facilities. (Ord. 1590 § 1, 2009; Ord. 1675 § 7, 2018)



## Chapter 11

### **~~SINGLE-FAMILY RESIDENTIAL DETACHED, R-10~~**

Sections:

- 11.010 PURPOSE
- 11.020 PROCEDURES AND APPROVAL PROCESS
- 11.030 PERMITTED USES
- 11.040 ACCESSORY USES
- 11.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS
- 11.060 CONDITIONAL USES
- 11.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS
- 11.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES
- 11.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

#### **11.010 PURPOSE**

The purpose of this zone is to provide for urban development at levels which relate to the site development limitations, proximity to commercial development and to public facilities and public transportation. This zone is intended to implement the Comprehensive Plan policies and locational criteria, and is applicable to areas designated as Low Density Residential on the Comprehensive Plan Map and Type I and Type II lands identified under the Buildable Lands Policy.

#### **11.020 PROCEDURES AND APPROVAL PROCESS**

A. A use permitted outright, CDC 11.030, is a use which 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 11.050) 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. A conditional use (CDC 11.060) is a use the approval of which 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:

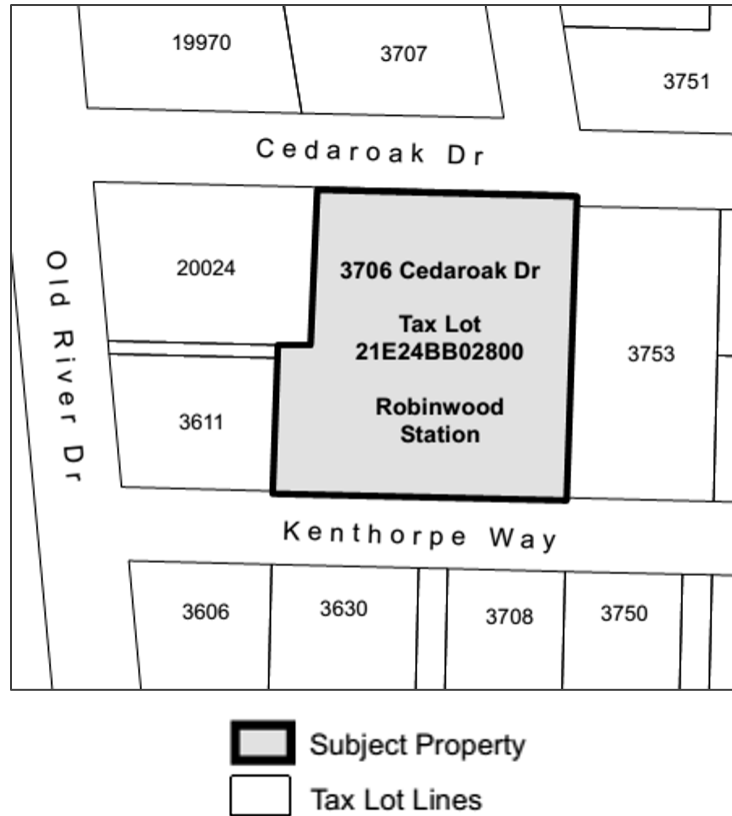
1. Chapter 65 CDC, Non-conforming Uses Involving a Structure.

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.

### 11.030 PERMITTED USES

The following are uses permitted outright in this zoning district:

1. Single-family attached or detached residential unit.
  - a. Duplex residential units.
  - b. Triplex residential units.
  - c. Quadplex residential units.
2. Cottage Clusters.
3. Townhouse.
43. Community recreation.
53. Family day care.
64. Residential home.
75. Utilities, minor.
86. Transportation facilities (Type I).
97. Manufactured home.
108. Community building on City-owned property at 3706 Cedaroak Drive and indicated on the map below.



(Ord. 1226, 1988; Ord. 1500, 2003; Ord. 1584, 2008; Ord. 1635 § 8, 2014; Ord. 1661 § 1, 2017)

**11.040 ACCESSORY USES**

Accessory uses are allowed in this zone as provided by Chapter 34 CDC.

**11.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS**

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

1. Home occupations, subject to the provisions of Chapter 37 CDC.
2. Sign, subject to the provisions of Chapter 52 CDC.
3. Temporary uses, subject to the provisions of Chapter 35 CDC.
4. Water-dependent uses, subject to the provisions of Chapters 28 and 34 CDC.

5. Agricultural or horticultural use; provided, that no retail or wholesale business sales office is maintained on the premises; and provided, that poultry or livestock shall not be permitted within 100 feet of any residence other than a dwelling on the same lot, nor on a lot of less than one acre, or which has less than 20,000 feet per head of livestock. These uses are subject to the nuisance provisions found in Section 5.400 et seq. of the West Linn Municipal Code.
6. Wireless communication facilities, subject to the provisions of Chapter 57 CDC. (Ord. 1298, 1991; Ord. 1308, 1991; Ord. 1408, 1998; Ord. 1565, 2008; Ord. 1624 § 5, 2014; Ord. 1635 § 9, 2014)

**11.060 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. Cultural exhibits and library services.
2. Lodge, social, community center and civic assembly.
3. Public safety facilities.
4. Public support facilities.
5. Recycle collection center.
6. Religious institution.
7. Schools.
8. Senior center.
9. Utilities, major.
10. Transportation facilities (Type II). See CDC 60.090 for additional approval criteria. (Ord. 1172, 1985; Ord. 1377, 1995; Ord. 1378, 1995; Ord. 1411, 1998; Ord. 1565, 2008; Ord. 1584, 2008; Ord. 1604 § 7, 2011)

**11.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS**

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

<u>STANDARD</u>	<u>REQUIREMENT</u>	<u>ADDITIONAL NOTES</u>
<u>Minimum lot size</u>	<u>10,000 SF</u>	<u>For a single-family attached or detached unit.</u>
<u>Average min. Lot or Parcel size for a Townhouse Project</u>	<u>1,500 SF</u>	

<u>Minimum lot width at front lot line</u>	<u>35 ft</u>	<u>Does not apply to Townhouses or Cottage Clusters.</u>
<u>Average Minimum lot width</u>	<u>50 ft</u>	<u>Does not apply to Townhouses or Cottage Clusters.</u>
<u>Minimum Yard Dimensions or Minimum building setbacks</u>		<u>Except as specified in CDC 25.070(C)(1) through (4) for the Willamette Historic District</u>  <u>Front, rear, and side yard setbacks for in a Cottage Cluster Project are 10 ft. There are no additional setbacks for individual structures on individual lots, but minimum distance between structures shall follow applicable building code requirements.</u>
<u>Front Yard</u>	<u>20 ft</u>	<u>Except for steeply sloped lots where the provisions of CDC 41.010 shall apply.</u>
<u>Interior Side Yard</u>	<u>7.5 ft</u>	<u>Townhouse common walls that are attached may have a 0 ft side setback.</u>
<u>Street Side Yard</u>	<u>15 ft</u>	
<u>Rear Yard</u>	<u>20 ft</u>	
<u>Maximum Building Height</u>	<u>35 ft</u>	<u>Except for steeply sloped lots in which case the provisions of Chapter 41 CDC shall apply.</u>
<u>Maximum Lot Coverage</u>	<u>35%</u>	<u>Maximum lot cover does not apply to Cottage Clusters. However, the maximum building footprint for a Cottage Cluster is less than 900 sf per dwelling unit.</u>  <ul style="list-style-type: none"> <li><u>This does not include detached garages, carports, or accessory structures.</u></li> <li><u>A developer may deduct up to 200 sf for an attached garage or carport.</u></li> </ul>
<u>Minimum Accessway Width to a lot which does not abut a street or a flag lot</u>	<u>15 ft</u>	
<u>Maximum Floor Area Ratio</u>	<u>0.45</u>	<u>Max FAR does not apply to cottage clusters.</u>  <u>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.</u>
<u>Duplex, Triplex, and Quadplex</u>	<u>0.55</u>	

- ~~1.—The minimum lot size shall be 10,000 square feet for a single family detached unit.~~
- ~~2.—The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.~~

- ~~3.—The average minimum lot width shall be 50 feet.~~
- ~~4.—Repealed by Ord. 1622.~~
- ~~5.—Except as specified in CDC 25.070(C)(1) through (4) for the Willamette Historic District, the minimum yard dimensions or minimum building setback area from the lot line shall be:~~
- ~~a.—For the front yard, 20 feet; except for steeply sloped lots where the provisions of CDC 41.010 shall apply.~~
- ~~b.—For an interior side yard, seven and one half feet.~~
- ~~c.—For a side yard abutting a street, 15 feet.~~
- ~~d.—For a rear yard, 20 feet.~~
- ~~6.—The maximum building height shall be 35 feet, except for steeply sloped lots in which case the provisions of Chapter 41 CDC shall apply.~~
- ~~7.—The maximum lot coverage shall be 35 percent.~~
- ~~8.—The minimum width of an accessway to a lot which does not abut a street or a flag lot shall be 15 feet.~~
- ~~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.~~
10. The sidewall provisions of Chapter 43 CDC shall apply. (Ord. 1175, 1986; Ord. 1298, 1991; Ord. 1377, 1995; Ord. 1538, 2006; Ord. 1614 § 2, 2013; Ord. 1622 § 24, 2014; Ord. 1675 § 8, 2018)

### 11.080 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. 1636 § 9, 2014)

### 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 41 CDC, Building Height, Structures on Steep Lots, Exceptions.
5. Chapter 42 CDC, Clear Vision Areas.
6. Chapter 44 CDC, Fences.
7. Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas.
8. Chapter 48 CDC, Access, Egress and Circulation.
9. Chapter 52 CDC, Signs.
10. Chapter 54 CDC, Landscaping.

B. The provisions of Chapter 55 CDC, Design Review, apply to all uses except attached and/or detached single-family dwellings, residential homes and residential facilities. (Ord. 1590 § 1, 2009; Ord. 1675 § 9, 2018)

## Chapter 12

### ~~SINGLE-FAMILY RESIDENTIAL DETACHED AND ATTACHED, R-7~~

Sections:

- 12.010 PURPOSE
- 12.020 PROCEDURES AND APPROVAL PROCESS
- 12.030 PERMITTED USES
- 12.040 ACCESSORY USES
- 12.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS
- 12.060 CONDITIONAL USES
- 12.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS
- 12.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USE
- 12.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

#### 12.010 PURPOSE

The purpose of this zone is to provide for urban development at levels which relate to the site development limitations, the proximity to commercial development, and to public facilities and public transportation. This zone is intended to implement the policies and locational criteria set forth in the Comprehensive Plan.

#### 12.020 PROCEDURES AND APPROVAL PROCESS

A. A use permitted outright, CDC 12.030, is a use which 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 12.050) 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 12.060) 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.

### 12.030 PERMITTED USES

The following uses are permitted outright in this zone.

1. Single-family attached and detached residential unit.
- ~~2. Single family attached residential units.~~
  - a. Duplex residential units
  - b. Triplex residential units
  - c. Quadplex residential units
3. Cottage Cluster.
4. Townhouse.
5. Community recreation.
64. Family day care.
75. Residential home.
86. Utilities, minor.
97. Transportation facilities (Type I).
108. Manufactured home. (Ord. 1226, 1988; Ord. 1500, 2003; Ord. 1584, 2008; Ord. 1635 § 10, 2014)

### 12.040 ACCESSORY USES

Accessory uses are allowed in this zone as provided by Chapter 34 CDC.

### 12.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

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

1. Home occupations, subject to the provisions of Chapter 37 CDC.

2. Signs, subject to the provisions of Chapter 52 CDC.
3. Temporary uses, subject to the provisions of Chapter 35 CDC.
4. Water-dependent uses, subject to the provisions of Chapters 28 and 34 CDC.
5. Agricultural or horticultural use; provided, that no retail or wholesale business sales office is maintained on the premises; and provided, that poultry or livestock shall not be permitted within 100 feet of any residence other than a dwelling on the same lot, nor on a lot of less than one acre, or which has less than 20,000 feet per head of livestock. These uses are subject to the nuisance provisions found in Section 5.400 et seq. of the West Linn Municipal Code.
6. Wireless communication facilities, subject to the provisions of Chapter 57 CDC. (Ord. 1255, 1989; Ord. 1298, 1991; Ord. 1408, 1998; Ord. 1565, 2008; Ord. 1624 § 6, 2014; Ord. 1635 § 11, 2014)

### **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. Certified child care center.
2. Cultural exhibits and library services.
3. Lodge, social, community center and civic assembly.
4. Public safety facilities.
5. Public support facilities.
6. Recycle collection center.
7. Religious institution.
8. Schools.
9. Senior center.
10. Utilities, major.
11. Transportation facilities (Type II). See CDC 60.090 for additional approval criteria. (Ord. 1377, 1995; Ord. 1378, 1995; Ord. 1411, 1998; Ord. 1565, 2008; Ord. 1584, 2008; Ord. 1604 § 8, 2011; Ord. 1675 § 10, 2018)

**12.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED  
UNDER PRESCRIBED CONDITIONS**

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

<u>STANDARD</u>	<u>REQUIREMENT</u>	<u>ADDITIONAL NOTES</u>
<u>Minimum lot size</u>		
<u>For Single-Family Detached units</u>	<u>7,000 sf</u>	
<u>For Single-Family Attached units</u>	<u>5,500 sf</u>	<u>No yard shall be required between units</u>
<u>Average min. Lot or Parcel size for a Townhouse Project</u>	<u>1,500 sf</u>	
<u>Minimum lot width at front lot line</u>	<u>35 ft</u>	<u>Does not apply to Townhouses or Cottage Clusters.</u>
<u>Average Minimum lot width</u>	<u>35 ft</u>	<u>Does not apply to Townhouses or Cottage Clusters.</u>
<u>Minimum Yard Dimensions or Minimum building setbacks</u>		<u>Front, rear, and side yard setbacks for in a Cottage Cluster Project are 10 ft. There are no additional setbacks for individual structures on individual lots, but minimum distance between structures shall follow applicable building code requirements.</u>
<u>Front Yard</u>	<u>20 ft</u>	<u>Except for steeply sloped lots where the provisions of CDC 41.010 shall apply.</u>
<u>Interior Side Yard</u>	<u>7.5 ft</u>	<u>Townhouse common walls that are attached may have a 0 ft side setback.</u>
<u>Street Side Yard</u>	<u>15 ft</u>	
<u>Rear Yard</u>	<u>20 ft</u>	
<u>Maximum Building Height</u>	<u>35 ft</u>	<u>Except for steeply sloped lots in which case the provisions of Chapter 41 CDC shall apply.</u>
<u>Maximum Lot Coverage</u>	<u>35%</u>	<u>Maximum lot cover does not apply to Cottage Clusters. However, the maximum building footprint for a Cottage Cluster is less than 900 sf per dwelling unit.</u> <ul style="list-style-type: none"> <li>• <u>This does not include detached garages, carports, or accessory structures.</u></li> <li>• <u>A developer may deduct up to 200 sf for an attached garage or carport.</u></li> </ul>
<u>Minimum Accessway Width to a lot which does not abut a street or</u>	<u>15 ft</u>	

<u>a flag lot</u>		
<u>Maximum Floor Area Ratio</u>	<u>0.45</u>	<u>Max FAR does not apply to Cottage Clusters.</u>
<u>Duplex, Triplex, and Quadplex</u>	<u>0.55</u>	<u>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.</u>

~~A. The minimum lot size shall be:~~

- ~~1. For a single family detached unit, 7,000 square feet.~~
- ~~2. For each attached single family unit, 5,500 square feet. No yard shall be required between the units.~~

~~B. The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.~~

~~C. The average minimum lot width shall be 35 feet.~~

~~D. Repealed by Ord. 1622.~~

~~E. The minimum yard dimensions or minimum building setback areas from the lot line shall be:~~

- ~~1. For the front yard, 20 feet, except for steeply sloped lots where the provisions of CDC 41.010 shall apply.~~
- ~~2. For an interior side yard, seven and one half feet.~~
- ~~3. For a side yard abutting a street, 15 feet.~~
- ~~4. For a rear yard, 20 feet.~~

~~F. The maximum building height shall be 35 feet, except for steeply sloped lots in which case the provisions of CDC 41.010 shall apply.~~

~~G. The maximum lot coverage shall be 35 percent.~~

~~H. The minimum width of an accessway to a lot which does not abut a street or a flag lot shall be 15 feet.~~

~~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.~~

~~J. The sidewall provisions of Chapter 43 CDC shall apply. (Ord. 1226, 1988; Ord. 1308, 1991; Ord. 1377, 1995; Ord. 1538, 2006; Ord. 1622 § 24, 2014; Ord. 1675 § 11, 2018)~~

### **12.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USE**

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. 1636 § 10, 2014)

### **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 41 CDC, Building Height, Structures on Steep Lots, Exceptions.
  5. Chapter 42 CDC, Clear Vision Area.
  6. Chapter 44 CDC, Fences.
  7. Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas.
  8. Chapter 48 CDC, Access, Egress and Circulation.
  9. Chapter 52 CDC, Signs.
  10. Chapter 54 CDC, Landscaping.
- B. The provisions of Chapter 55 CDC, Design Review, apply to all uses except attached and/or detached single-family dwellings, residential homes and residential facilities. (Ord. 1308, 1991; Ord. 1590 § 1, 2009; Ord. 1675 § 12, 2018)

## Chapter 13

### ~~SINGLE-FAMILY RESIDENTIAL DETACHED AND ATTACHED/DUPLEX, R-5~~

Sections:

- 13.010 PURPOSE
- 13.020 PROCEDURES AND APPROVAL PROCESS
- 13.030 PERMITTED USES
- 13.040 ACCESSORY USES
- 13.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS
- 13.060 CONDITIONAL USES
- 13.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS
- 13.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USE
- 13.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

#### 13.010 PURPOSE

The purpose of this zone is to provide for urban development at levels which relate to the site development limitations, proximity to commercial development and public facilities and public transportation, and to the surrounding development pattern. This zone is intended to carry out the intent of the Comprehensive Plan which is to provide for a choice in housing types and is intended to implement the policies and locational criteria in the Comprehensive Plan for medium density residential housing.

#### 13.020 PROCEDURES AND APPROVAL PROCESS

A. A use permitted outright, CDC 13.030, is a use which 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 13.050, 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 13.060) 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.

### **13.030 PERMITTED USES**

The following uses are permitted outright in this zoning district:

1. Single-family attached or detached residential unit.
  - a. Duplex residential units
  - b. Triplex residential units
  - c. Quadplex residential units
2. Cottage Cluster. ~~Single family attached residential unit.~~
3. Townhouse. ~~Duplex residential unit.~~
4. Community recreation.
5. Family day care.
6. Residential home.
7. Utilities, minor.
8. Transportation facilities (Type I).
9. Manufactured home. (Ord. 1308, 1991; Ord. 1500, 2003; Ord. 1584, 2008; Ord. 1614 § 3, 2013; Ord. 1635 § 12, 2014)

### **13.040 ACCESSORY USES**

Accessory uses are allowed in this zone as provided by Chapter 34 CDC.

### **13.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS**

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

1. Manufactured home park, subject to the provisions of Chapters 36 and 55 CDC.
2. Home occupations, subject to the provisions of Chapter 37 CDC.
3. Sign, subject to the provisions of Chapter 52 CDC.
4. Temporary uses, subject to the provisions of Chapter 35 CDC.
5. Water-dependent uses, subject to the provisions of Chapters 28 and 34 CDC.
6. Agricultural or horticultural use; provided, that no retail or wholesale business sales office is maintained on the premises; and provided, that poultry or livestock shall not be permitted within 100 feet of any residence other than a dwelling on the same lot, nor on a lot of less than one acre, or which has less than 20,000 feet per head of livestock. These uses are subject to the nuisance provisions found in Section 5.400 et seq. of the West Linn Municipal Code.
7. Wireless communication facilities, subject to the provisions of Chapter 57 CDC. (Ord. 1308, 1991; Ord. 1408, 1998; Ord. 1565, 2008; Ord. 1624 § 7, 2014; Ord. 1635 § 13, 2014)

### **13.060 CONDITIONAL USES**

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

1. Certified child care center.
2. Cultural exhibits and library services.
3. Lodge, social, community center and civic assembly.
4. Manufactured home subdivision subject to the provisions of Chapter 36 CDC.
5. Public safety facilities.
6. Public support facilities.
7. Recycle collection center.
8. Schools.
9. Senior center.
10. Utilities, major.
11. Transportation facilities (Type II). See CDC 60.090 for additional approval criteria. (Ord. 1308, 1991; Ord. 1377, 1995; Ord. 1378, 1995; Ord. 1411, 1998; Ord. 1565, 2008; Ord. 1584, 2008; Ord. 1604 § 9, 2011; Ord. 1675 § 13, 2018)



**13.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED  
UNDER PRESCRIBED CONDITIONS**

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

<u>STANDARD</u>	<u>REQUIREMENT</u>	<u>ADDITIONAL NOTES</u>
<u>Minimum lot size</u> <u>For Single-Family Detached Units</u> <u>For Single-Family Attached units</u> <u>Average min. Lot or Parcel size for a Townhouse Project</u>	<u>5,000 sf</u> <u>4,500 sf</u> <u>1,500 sf</u>	<u>No yard shall be required between units</u>
<u>Minimum lot width at front lot line</u>	<u>35 ft</u>	<u>Does not apply to Townhouses or Cottage Clusters.</u>
<u>Average Minimum lot width</u>	<u>35 ft</u>	<u>Does not apply to Townhouses or Cottage Clusters.</u>
<u>Minimum Yard Dimensions or Minimum building setbacks</u>		<u>Except as specified in CDC 25.070(C)(1) through (4) for the Willamette Historic District.</u>  <u>Front, rear, and side yard setbacks for a Cottage Cluster Project are 10 ft. There are no additional setbacks for individual structures on individual lots, but minimum distance between structures shall follow applicable building code requirements.</u>
<u>Front Yard</u>	<u>20 ft</u>	<u>Except for steeply sloped lots where the provisions of CDC 41.010 shall apply.</u>
<u>Interior Side Yard</u>	<u>5 ft</u>	<u>Townhouse common walls that are attached may have a 0 ft side setback.</u>
<u>Street Side Yard</u>	<u>15 ft</u>	
<u>Rear Yard</u>	<u>20 ft</u>	
<u>Maximum Building Height</u>	<u>35 ft</u>	<u>Except for steeply sloped lots in which case the provisions of Chapter 41 CDC shall apply.</u>
<u>Maximum Lot Coverage</u>	<u>40%</u>	<u>Maximum lot coverage does not apply to cottage clusters. However, the maximum building footprint for a Cottage Cluster is less than 900 sf per dwelling unit.</u>  <ul style="list-style-type: none"> <li>• <u>This does not include detached garages, carports, or accessory structures.</u></li> <li>• <u>A developer may deduct up to 200 sf for an attached garage or carport.</u></li> </ul>

<p><u>Minimum Accessway Width to a lot which does not abut a street or a flag lot</u></p>	<p><u>15 ft</u></p>	
<p><u>Maximum Floor Area Ratio</u></p>	<p><u>0.60</u></p>	<p><u>Maximum FAR does not apply to cottage clusters.</u></p> <p><u>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.</u></p>

~~A. — The minimum lot size shall be:~~

- ~~1. — For a single family detached unit, 5,000 square feet.~~
- ~~2. — For each attached single family unit, 4,500 square feet. No yard shall be required between the units.~~

~~B. — The minimum front lot line length, or the minimum lot width at the front lot line, shall be 35 feet.~~

~~C. — The average minimum lot width shall be 50 feet.~~

~~D. — Repeated by Ord. 1622.—~~

~~E. — Except as specified in CDC 25.070(C)(1) through (4) for the Willamette Historic District, the minimum yard dimensions or minimum building setback areas from the lot line shall be:~~

- ~~1. — For the front yard, 20 feet, except for steeply sloped lots where the provisions of CDC 41.010 shall apply.~~
- ~~2. — For an interior side yard, five feet.~~
- ~~3. — For a side yard abutting a street, 15 feet.~~
- ~~4. — For a rear yard, 20 feet.~~

~~F. — The maximum building height shall be 35 feet, except for steeply sloped lots in which case the provisions of Chapter 41 CDC shall apply.—~~

~~G. — The maximum lot coverage shall be 40 percent.~~

~~H. — The minimum width of an accessway to a lot which does not abut a street or a flag lot shall be 15 feet.~~

~~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.~~

AJ. The sidewall provisions of Chapter 43 CDC shall apply. (Ord. 1377, 1995; Ord. 1538, 2006; Ord. 1614 § 4, 2013; Ord. 1622 § 24, 2014; Ord. 1675 § 14, 2018)

### **13.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USE**

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. 1636 § 11, 2014)

### **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 41 CDC, Building Height, Structures on Steep Lots, Exceptions.
  5. Chapter 42 CDC, Clear Vision Areas.
  6. Chapter 44 CDC, Fences.
  7. Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas.
  8. Chapter 48 CDC, Access, Egress and Circulation.
  9. Chapter 52 CDC, Signs.
  10. Chapter 54 CDC, Landscaping.
- B. The provisions of Chapter 55 CDC, Design Review, apply to all uses except attached and/or detached single-family dwellings, residential homes and residential facilities. (Ord. 1590 § 1, 2009; Ord. 1675 § 15, 2018)

## Chapter 14

### **SINGLE-FAMILY RESIDENTIAL ATTACHED AND DETACHED/DUPLEX, R-4.5**

#### Sections:

- 14.010 PURPOSE
- 14.020 PROCEDURES AND APPROVAL PROCESS
- 14.030 PERMITTED USES
- 14.040 ACCESSORY USES
- 14.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS
- 14.060 CONDITIONAL USES
- 14.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS
- 14.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES
- 14.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

#### **14.010 PURPOSE**

The purpose of this zone is to provide for urban development at levels which relate to the site development limitations, proximity to commercial development and public facilities and public transportation, and to the surrounding development pattern. This zone is intended to carry out the intent of the Comprehensive Plan which is to provide for a choice in housing types, and is intended to implement the policies and locational criteria in the Comprehensive Plan for medium density residential housing.

#### **14.020 PROCEDURES AND APPROVAL PROCESS**

A. A use permitted outright, CDC 14.030, is a use which 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 14.050, 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 14.060) 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.

#### **14.030 PERMITTED USES**

The following are uses permitted outright in this zoning district:

1. Single-family attached or detached residential unit.
  - a. Duplex residential units.
  - b. Triplex residential units.
  - c. Quadplex residential units.
2. Cottage Cluster. ~~Duplex residential units.~~
3. Family day care.
4. Townhouse. ~~Single family attached residential units.~~
5. Community recreation.
6. Residential home.
7. Utilities, minor.
8. Manufactured housing.
9. Transportation facilities (Type I). (Ord. 1180, 1986; Ord. 1226, 1988; Ord. 1248, 1989; Ord. 1354, 1994; Ord. 1584, 2008)

#### **14.040 ACCESSORY USES**

Accessory uses are allowed in this zone as provided by Chapter 34 CDC.

#### **14.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS**

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

1. Manufactured home park, subject to the provisions of Chapters 36 and 55 CDC.
2. Home occupations, subject to the provisions of Chapter 37 CDC.
3. Signs, subject to the provisions of Chapter 52 CDC.
4. Temporary uses, subject to the provisions of Chapter 35 CDC.
5. Water-dependent uses, subject to the provisions of Chapters 28 and 34 CDC.
6. Wireless communication facilities, subject to the provisions of Chapter 57 CDC. (Ord. 1226, 1988; Ord. 1408, 1998; Ord. 1565, 2008)

#### **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. Certified child care center.
2. Cultural exhibits and library services.
3. Lodge, social, community center and civic assembly.
4. Medical and dental offices or clinic.
5. Nursing home.
6. Postal services.
7. Professional and administrative services.
8. Public safety facilities.
9. Public support facilities.
10. Recycle collection center.
11. Religious institution.
12. Schools.
13. Senior center.
14. Utilities, major.
15. Senior citizen/handicapped housing facilities with a maximum number of units 50 percent above the allowed density for the property; provided, that in addition to the provisions of Chapter 60 CDC, the following conditions shall apply:
  - a. Facilities intended for senior citizens shall be restricted to persons 60 years and older. In the case of couples, one member of the couple shall be 60 years or older.
  - b. Building height restrictions shall be the same as the subject zoning district.

- c. Community space and related equipment shall be required to provide social and recreational opportunities for project occupants. Included may be such facilities as game rooms, meeting rooms, music or craft rooms. At least one community room within a project shall include a service area with a kitchen sink, counter top and storage cabinets, and shall have easy access to a storage area sized to store tables, chairs and janitorial supplies. All complexes shall have a minimum of 15 square feet of community space per occupant, based on one person per bedroom.
  - d. Congregate dining facilities providing regular daily meals for residents shall be provided.
  - e. A minimum of 10 square feet of general storage area other than regular kitchen, bedroom and linen storage shall be provided within each unit. Complexes which do not include laundry facilities in the units shall have adequate laundry facilities accessible to all tenants.
  - f. The maximum number of units allowed in a senior citizen or handicapped housing facility shall be as follows:
    - 1) Medium high density district (R-2.1). The base density shall be 50 percent above the allowed density for the property.
    - 2) Medium density district (R-4.5). The density shall be 50 percent above the allowed density for the property.
  - g. The design of the building(s) and the site and landscaping plans shall be subject to Design Review, Chapter 55 CDC. Special considerations for this use are the following:
    - 1) Structures shall be compatible in style, color, materials, and scale with the general character of the neighborhood.
    - 2) The building design and site layout shall define recognizable semi-public, semi-private and private spaces; ensure a sense of protection and community identity; and minimize barriers to handicapped or elderly persons.
    - 3) A minimum of 25 percent of the property shall be in landscaping. The landscaping shall include areas for outdoor recreation, pedestrian access and amenities, and adequate visual and sound buffering of adjacent properties.
    - 4) No more than 25 percent of the total number of units may be used for nursing care patients.
    - 5) Minimum front, rear and side yard setbacks shall be the same as the underlying district unless the approval authority board finds that a greater setback is indicated by uses and structures on surrounding properties or unique circumstances of the site.
16. Transportation facilities (Type II). See CDC 60.090 for additional approval criteria. (Ord. 1172, 1985; Ord. 1377, 1995; Ord. 1378, 1995; Ord. 1411, 1998; Ord. 1500, 2003; Ord. 1584, 2008; Ord. 1590 § 1, 2009; Ord. 1604 §§ 10, 11, 2011; Ord. 1675 § 16, 2018)

**14.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED  
UNDER PRESCRIBED CONDITIONS**

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

<u>STANDARD</u>	<u>REQUIREMENT</u>	<u>ADDITIONAL NOTES</u>
<u>Minimum lot size</u> <u>For Single-Family Detached Units</u> <u>For Single-Family Attached units</u> <u>Average min. Lot or Parcel size for a Townhouse Project</u>	<u>4,500 sf</u> <u>4,000 sf</u> <u>1,500 sf</u>	<u>No yard shall be required between units</u>
<u>Minimum lot width at front lot line</u>	<u>35 ft</u>	<u>Does not apply to Townhouses or Cottage Clusters.</u>
<u>Average Minimum lot width</u>	<u>35 ft</u>	<u>Does not apply to Townhouses or Cottage Clusters.</u>
<u>Minimum Yard Dimensions or Minimum building setbacks</u>		<u>Front, rear, and side yard setbacks for a Cottage Cluster Project are 10 ft. There are no additional setbacks for individual structures on individual lots, but minimum distance between structures shall follow applicable building code requirements.</u>
<u>Front Yard</u>	<u>20 ft</u>	<u>Except for steeply sloped lots where the provisions of CDC 41.010 shall apply.</u>
<u>Interior Side Yard</u>	<u>5 ft</u>	<u>Townhouse common walls that are attached may have a 0 ft side setback.</u>
<u>Street Side Yard</u>	<u>15 ft</u>	
<u>Rear Yard</u>	<u>20 ft</u>	
<u>Maximum Building Height</u>	<u>35 ft</u>	<u>Except for steeply sloped lots in which case the provisions of Chapter 41 CDC shall apply.</u>
<u>Maximum Lot Coverage</u>	<u>40%</u>	<u>Maximum lot coverage does not apply to <del>duplexes, triplexes, quadplexes, townhomes or cottage clusters.</del> However, the maximum building footprint for a Cottage Cluster is less than 900 sf per dwelling unit.</u>  <ul style="list-style-type: none"> <li>• <u>This does not include detached garages, carports, or accessory structures.</u></li> <li>• <u>A developer may deduct up to 200 sf for an attached garage or carport.</u></li> </ul>
<u>Minimum Accessway Width to a lot which does not abut a street or a flag lot</u>	<u>15 ft</u>	
<u>Maximum Floor Area Ratio</u>	<u>0.60</u>	<u>Maximum FAR does not apply to cottage clusters.</u>  <u>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</u>



	<p><u>their prior dimensions when damaged without the requirement that the homeowner obtain a non-conforming structures permit under Chapter 66 CDC.</u></p>
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~~A. The minimum lot size shall be:~~

- ~~1. For a single family detached unit, 4,500 square feet.~~
- ~~2. For each attached single family unit, 4,000 square feet.~~
- ~~3. For a duplex, 8,000 square feet or 4,000 square feet for each unit.~~

~~B. The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.~~

~~C. The average minimum lot width shall be 35 feet.~~

~~D. Repealed by Ord. 1622.~~

~~E. The minimum yard dimensions or minimum building setback areas from the lot line shall be:~~

- ~~1. For a front yard, 20 feet; except for steeply sloped lots where the provisions of CDC 41.010 shall apply.~~
- ~~2. For an interior side yard, five feet.~~
- ~~3. For a side yard abutting a street, 15 feet.~~
- ~~4. For a rear yard, 20 feet.~~

~~F. The maximum building height shall be 35 feet except for steeply sloped lots in which case the provisions of Chapter 41 CDC shall apply.~~

~~G. The maximum lot coverage shall be 40 percent.~~

~~H. The minimum width of an accessway to a lot which does not abut a street or a flag lot shall be 15 feet.~~

~~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.~~

~~J. The sidewall provisions of Chapter 43 CDC shall apply. (Ord. 1538, 2006; Ord. 1622 § 24, 2014; Ord. 1675 § 17, 2018)~~

**14.080 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. 1636 § 12, 2014)

**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 41 CDC, Building Height, Structures on Steep Lots, Exceptions.
  5. Chapter 42 CDC, Clear Vision Areas.
  6. Chapter 44 CDC, Fences.
  7. Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas.
  8. Chapter 48 CDC, Access, Egress and Circulation.
  9. Chapter 52 CDC, Signs.
  10. Chapter 54 CDC, Landscaping.
- B. The provisions of Chapter 55 CDC, Design Review, apply to all uses except attached and/or detached single-family dwellings. (Ord. 1590 § 1, 2009; Ord. 1675 § 18, 2018)

## Chapter 15

### ~~SINGLE-FAMILY AND MULTIPLE-FAMILY~~ RESIDENTIAL, R-3

Sections:

- 15.010 PURPOSE
- 15.020 PROCEDURES AND APPROVAL PROCESS
- 15.030 PERMITTED USES
- 15.040 ACCESSORY USES
- 15.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS
- 15.060 CONDITIONAL USES
- 15.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS
- 15.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES
- 15.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

#### 15.010 PURPOSE

The purpose of this zone is to provide for urban development at levels which relate to the site development limitations, proximity to commercial development and public facilities and public transportation, and to the surrounding development pattern. This zone is intended to carry out the intent of the Comprehensive Plan which is to provide for a choice in housing types and is intended to implement the policies and locational criteria in the Comprehensive Plan for high density residential housing.

#### 15.020 PROCEDURES AND APPROVAL PROCESS

A. A use permitted outright, CDC 15.030, is a use which 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 15.050, 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 15.060) 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.

#### **15.030 PERMITTED USES**

The following uses are uses permitted outright in this zoning district:

1. Single-family attached or detached residential units.
  - a. Duplex Residential Units.
  - b. Triplex Residential Units.
  - c. Quadplex Residential Units.
2. Cottage Cluster ~~Duplex residential unit.~~
3. Multiple-family residential unit.
4. Townhouse ~~Single family attached residential units.~~
5. Group residential units.
6. Community recreation.
7. Family day care.
8. Residential home.
9. Utilities, minor.
10. Manufactured housing.
11. Transportation facilities (Type I). (Ord. 1226, 1988; Ord. 1354, 1994; Ord. 1500, 2003; Ord. 1584, 2008)

#### **15.040 ACCESSORY USES**

Accessory uses are allowed in this zone as provided by Chapter 34 CDC.

**15.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS**

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

1. Home occupations, subject to the provisions of Chapter 37 CDC.
2. Signs, subject to the provisions of Chapter 52 CDC.
3. Temporary uses, subject to the provisions of Chapter 35 CDC.
4. Water-dependent uses, subject to the provisions of Chapters 28 and 34 CDC.
5. Wireless communication facilities, subject to the provisions of Chapter 57 CDC. (Ord. 1408, 1998; Ord. 1565, 2008)

**15.060 CONDITIONAL USES**

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

1. Certified child care center.
2. Cultural exhibits and library services.
3. Lodge, social, community center and civic assembly.
4. Nursing home.
5. Public safety facilities.
6. Public support facilities.
7. Religious institution.
8. Residential facility.
9. Schools.
10. Senior center.
11. Utilities, major.
12. Senior citizen/handicapped housing facilities with a maximum number of units 50 percent above the allowed density for the property; provided, that in addition to the provisions of Chapter 60, the following conditions shall apply:
  - a. Facilities intended for senior citizens shall be restricted to persons 60 years and older. In the case of couples, one member of the couple shall be 60 years or older.
  - b. Building height restrictions shall be the same as the subject zoning district.

- c. Community space and related equipment shall be required to provide social and recreational opportunities for project occupants. Included may be such facilities as game rooms, meeting rooms, music or craft rooms. At least one community room within a project shall include a service area with a kitchen sink, counter top and storage cabinets, and shall have easy access to a storage area sized to store tables, chairs and janitorial supplies. All complexes shall have a minimum of 15 square feet of community space per occupant, based on one person per bedroom.
  - d. Congregate dining facilities providing regular daily meals for residents shall be provided.
  - e. A minimum of 10 square feet of general storage area other than regular kitchen, bedroom and linen storage shall be provided within each unit. Complexes which do not include laundry facilities in the units shall have adequate laundry facilities accessible to all tenants.
  - f. The maximum number of units allowed in a senior citizen or handicapped housing facility shall be 50 percent above the allowed density for the property.
  - g. The design of the building(s) and the site and landscaping plans shall be subject to Chapter 55 CDC, Design Review. Special considerations for this use are the following:
    - 1) Structures shall be compatible in style, color, materials, and scale with the general character of the neighborhood.
    - 2) The building design and site layout shall define recognizable semi-public, semi-private, and private spaces; ensure a sense of protection and community identity; and minimize barriers to handicapped or elderly persons.
    - 3) A minimum of 25 percent of the property shall be in landscaping. The landscaping shall include areas for outdoor recreation, pedestrian access and amenities, and adequate visual and sound buffering of adjacent properties.
    - 4) No more than 25 percent of the total number of units may be used for nursing care patients.
    - 5) Minimum front, rear and side yard setbacks shall be the same as the underlying district unless the approval authority finds that a greater setback is indicated by uses and structures on surrounding properties or unique circumstances of the site.
13. Transportation facilities (Type II). See CDC 60.090 for additional approval criteria. (Ord. 1377, 1995; Ord. 1378, 1995; Ord. 1411, 1998; Ord. 1500, 2003; Ord. 1584, 2008; Ord. 1604 §§ 12, 13, 2011; Ord. 1675 § 19, 2018)

**15.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED  
UNDER PRESCRIBED CONDITIONS**

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

<u>STANDARD</u>	<u>REQUIREMENT</u>	<u>ADDITIONAL NOTES</u>
<u>Minimum lot size</u> <u>For Single-Family Detached Units</u> <u>For Single-Family Attached Units</u> <u>Multi-Family Dwelling Units</u> <u>Average min. Lot or Parcel size for a Townhouse Project</u>	<u>3,000 sf</u> <u>3,000 sf</u> <u>3,000 sf</u> <u>1,500 sf</u>	
<u>Minimum lot width at front lot line</u>	<u>35 ft</u>	<u>Does not apply to Townhouses or Cottage Clusters.</u>
<u>Minimum Yard Dimensions or Minimum building setbacks</u>		<u>Front, rear, and side yard setbacks for a Cottage Cluster Project are 10 ft. There are no additional setbacks for individual structures on individual lots, but minimum distance between structures shall follow applicable building code requirements.</u>
<u>Front Yard</u>	<u>15 ft</u>	<u>Except for steeply sloped lots where the provisions of CDC 41.010 shall apply.</u>
<u>Garage</u>	<u>20 ft</u>	
<u>Interior Side Yard</u>	<u>5 ft</u>	<u>Townhouse common walls that are attached may have a 0 ft side setback.</u>
<u>Street Side Yard</u>	<u>15 ft</u>	
<u>Rear Yard</u>	<u>15 ft</u>	<u>Except that in the case of an apartment structure in this district, an additional yard area may be required between the structure in this district and any adjacent low density residential uses</u>
<u>Maximum Building Height</u>	<u>35 ft</u>	<u>Except for steeply sloped lots in which case the provisions of Chapter 41 CDC shall apply.</u>
<u>Maximum Lot Coverage</u>	<u>50%</u>	<u>Maximum lot coverage does not apply to duplexes, triplexes, quadplexes, townhouses or cottage clusters. However, the maximum building footprint for a Cottage Cluster is less than 900 sf per dwelling unit.</u> <ul style="list-style-type: none"> <li>• <u>This does not include detached garages, carports, or accessory structures.</u></li> <li>• <u>A developer may deduct up to 200 sf for an attached garage or carport.</u></li> </ul>
<u>Maximum Floor Area Ratio</u>	<u>0.45</u>	<u>Maximum FAR does not apply to duplexes, triplexes, quadplexes, multi-family units, townhouses or cottage clusters.</u>  <u>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</u>

		<p><u>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.</u></p>
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~~A.—The minimum lot size shall be:~~

- ~~1.—For a single family detached unit, 3,000 square feet.~~
- ~~2.—For each attached single family unit, 3,000 square feet.~~
- ~~3.—For each multiple family dwelling unit, 3,000 square feet.~~

~~B.—The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.~~

~~C.—Repealed by Ord. 1622.~~

~~D.—The minimum yard dimensions or minimum building setback area from the lot line shall be:~~

- ~~1.—For a front yard, 15 feet (20 feet for a garage); except for steeply sloped lots where the provisions of CDC 41.010 shall apply.~~
- ~~2.—For an interior side yard, five feet.~~
- ~~3.—For a side yard abutting a street, 15 feet.~~
- ~~4.—For a rear yard, 15 feet, except that in the case of an apartment structure in this district, an additional yard area may be required between the structure in this district and any adjacent low density residential uses.~~

~~E.—The maximum building height shall be 35 feet for an attached or detached single family unit, duplex unit or multi family unit, except for steeply sloped lots when the provisions of Chapter 41 CDC shall apply.~~

~~F.—The maximum lot coverage shall be 50 percent.~~

~~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.~~

A H. The sidewall provisions of Chapter 43 CDC shall apply. (Ord. 1538, 2006; Ord. 1622 § 24, 2014; Ord. 1675 § 20, 2018)

**15.080 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. 1636 § 13, 2014)



**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 41 CDC, Building Height, Structures on Steep Lots, Exceptions.
  5. Chapter 42 CDC, Clear Vision Areas.
  6. Chapter 44 CDC, Fences.
  7. Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas.
  8. Chapter 48 CDC, Access, Egress and Circulation.
  9. Chapter 52 CDC, Signs.
  10. Chapter 54 CDC, Landscaping.
- B. The provisions of Chapter 55 CDC, Design Review, apply to all uses except attached and/or detached single-family dwellings, residential homes and residential facilities. (Ord. 1590 § 1, 2009; Ord. 1675 § 21, 2018)

**Chapter 16****~~SINGLE-FAMILY AND MULTIPLE-FAMILY~~ RESIDENTIAL, R-2.1**

## Sections:

- 16.010 PURPOSE
- 16.020 PROCEDURES AND APPROVAL PROCESS
- 16.030 PERMITTED USES
- 16.040 ACCESSORY USES
- 16.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS
- 16.060 CONDITIONAL USES
- 16.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS
- 16.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES
- 16.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

**16.010 PURPOSE**

The purpose of this zone is to provide for urban development at levels which relate to the site development limitations, proximity to commercial development and public facilities and public transportation, and to the surrounding development pattern. This zone is intended to carry out the intent of the Comprehensive Plan which is to provide for a choice in housing types and is intended to implement the policies and locational criteria in the Comprehensive Plan for high density residential housing.

**16.020 PROCEDURES AND APPROVAL PROCESS**

A. A use permitted outright, CDC 16.030, is a use which 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 16.050, 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 16.060) 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.

### **16.030 PERMITTED USES**

The following are uses permitted outright in this zoning district: )

1. Community recreation.
2. ~~Townhouse Duplex residential unit.~~
3. Family day care.
4. Group residential units.
5. Multiple-family residential unit.
6. Residential home.
7. Single-family attached residential units.
  - a. Attached Duplex Residential Units.
  - b. Attached Triplex Residential Units.
  - c. Attached Quadplex Residential Units.
8. Cottage Cluster
89. Utilities, minor.
910. Transportation facilities (Type I). (Ord. 1226, 1988; Ord. 1248, 1989; Ord. 1276, 1990; Ord. 1584, 2008)

### **16.040 ACCESSORY USES**

Accessory uses are allowed in this zone as provided by Chapter 34 CDC.

### **16.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS**

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

1. Home occupations, subject to the provisions of Chapter 37 CDC.
2. Signs, subject to the provisions of Chapter 52 CDC.
3. Temporary uses, subject to the provisions of Chapter 35 CDC.
4. Water-dependent uses, subject to the provisions of Chapters 28 and 34 CDC.
5. Wireless communication facilities, subject to the provisions of Chapter 57 CDC. (Ord. 1276, 1990; Ord. 1408, 1998; Ord. 1565, 2008)

### **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. Certified child care center.
2. Convenience sales and personal services.
3. Cultural exhibits and library services.
4. Lodge, social, community center and civic assembly.
5. Medical and dental offices or clinic.
6. Nursing home.
7. Postal services.
8. Professional and administrative services.
9. Public safety facilities.
10. Public support facilities.
11. Recycle collection center.
12. Religious institution.
13. Residential facility.
14. Schools.
15. Single-family detached residential unit.
  - a. Detached Duplex Residential Units.
  - b. Detached Triplex Residential Units.
  - c. Detached Quadplex Residential Units.
16. Utilities, major.

17. Senior citizen/handicapped housing facilities with a maximum number of units 50 percent above the allowed density for the property; provided, that in addition to the provisions of Chapter 60 CDC the following conditions shall apply:

- a. Facilities intended for senior citizens shall be restricted to persons 60 years and older. In the case of couples, one member of the couple shall be 60 years or older.
- b. Building height restrictions shall be the same as the subject zoning district.
- c. Community space and related equipment shall be required to provide social and recreational opportunities for project occupants. Included may be such facilities as game rooms, meeting rooms, music or craft rooms. At least one community room within a project shall include a service area with a kitchen sink, counter top and storage cabinets, and shall have easy access to a storage area sized to store tables, chairs and janitorial supplies. All complexes shall have a minimum of 15 square feet of community space per occupant, based on one person per bedroom.
- d. Congregate dining facilities providing regular daily meals for residents shall be provided.
- e. A minimum of 10 square feet of general storage area other than regular kitchen, bedroom and linen storage shall be provided within each unit. Complexes which do not include laundry facilities in the units shall have adequate laundry facilities accessible to all tenants.
- f. The maximum number of units allowed in a senior citizens or handicapped housing facility shall be as follows:
  - 1) Medium high density district (R-2.1). The base density shall be 50 percent above the allowed density for the property.
  - 2) Medium density district (R-4.5). The density shall be 50 percent above the allowed density for the property.
- g. The design of the building(s) and the site and landscaping plans shall be subject to design review, Chapter 55 CDC. Special considerations for this use are the following:
  - 1) Structures shall be compatible in style, color, materials, and scale with the general character of the neighborhood.
  - 2) The building design and site layout shall define recognizable semi-public, semi-private and private spaces; ensure a sense of protection and community identity; and minimize barriers to handicapped or elderly persons.
  - 3) A minimum of 25 percent of the property shall be in landscaping. The landscaping shall include areas for outdoor recreation, pedestrian access and amenities, and adequate visual and sound buffering of adjacent properties.
  - 4) No more than 25 percent of the total number of units may be used for nursing care patients.
  - 5) Minimum front, rear and side yard setbacks shall be the same as the underlying district unless the approval authority finds that a greater setback is indicated by uses and structures on surrounding properties or unique circumstances of the site.

18. Senior center.

19. Manufactured housing.

20. Transportation facilities (Type II). See CDC 60.090 for additional approval criteria. (Ord. 1172, 1985; Ord. 1276, 1990; Ord. 1354, 1994; Ord. 1377, 1995; Ord. 1378, 1995; Ord. 1411, 1998; Ord. 1500, 2003; Ord. 1584, 2008; Ord. 1604 §§ 14, 15, 2011; Ord. 1675 § 22, 2018)

**16.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED  
UNDER PRESCRIBED CONDITIONS**

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

<u>STANDARD</u>	<u>REQUIREMENT</u>	<u>ADDITIONAL NOTES</u>
<u>Minimum lot size</u>		
<u>For Single-Family Detached Units</u>	<u>4,000 sf</u>	
<u>For Each Attached Single-Family Units</u>	<u>2,700 sf</u>	
<u>For a boarding, lodging or rooming house</u>	<u>7,000 sf</u>	
<u>For each Multi-Family Dwelling Units</u>	<u>2,100 sf</u>	
<u>Average min. Lot or Parcel size for a Townhouse Project</u>	<u>1,500 sf</u>	
<u>Minimum lot width at front lot line</u>	<u>35 ft</u>	<u>Does not apply to Townhouses or Cottage Clusters.</u>
<u>Average minimum lot width</u>	<u>35 ft</u>	<u>Does not apply to Townhouses or Cottage Clusters.</u>
<u>Minimum Yard Dimensions or Minimum building setbacks</u>		<u>Front, rear, and side yard setbacks for a Cottage Cluster Project are 10 ft. There are no additional setbacks for individual structures on individual lots, but minimum distance between structures shall follow applicable building code requirements.</u>
<u>Front Yard</u>	<u>15 ft</u>	<u>Except for steeply sloped lots where the provisions of CDC 41.010 shall apply.</u>
<u>Interior Side Yard</u>	<u>5 ft</u>	<u>Townhouse common walls that are attached may have a 0 ft side setback.</u>
<u>Street Side Yard</u>	<u>15 ft</u>	
<u>Rear Yard</u>	<u>15 ft</u>	<u>Except that in the case of an apartment structure in this district, an additional yard area may be required between the structure in this district and any adjacent low density residential uses</u>
<u>Maximum Building Height</u>	<u>35 ft</u>	<u>Except for steeply sloped lots in which case the provisions of Chapter 41 CDC shall apply.</u> <u>3.5 stories or 45 feet for a garden apartment medium rise.</u>

		<p><u>unit.</u></p> <p><u>Multi-Family Dwelling Units are limited to 3.5 stories in height.</u></p>
<p><u>Maximum Lot Coverage</u></p>	<p><u>50%</u></p>	<p><u>Maximum lot cover does not apply to duplexes, triplexes, quadplexes, townhouses or cottage clusters. However, the maximum building footprint for a Cottage Cluster is less than 900 sf per dwelling unit.</u></p> <ul style="list-style-type: none"> <li>• <u>This does not include detached garages, carports, or accessory structures.</u></li> <li>• <u>A developer may deduct up to 200 sf for an attached garage or carport.</u></li> </ul>
<p><u>Maximum Floor Area Ratio</u></p>	<p><u>0.45</u></p>	<p><u>Maximum FAR does not apply to duplexes, triplexes, quadplexes, multi-family units, townhouses or cottage clusters.</u></p> <p><u>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.</u></p>

~~A. — The minimum lot size shall be:~~

- ~~1. — For a single family detached unit, 4,000 square feet.~~
- ~~2. — For each attached single family unit, 2,700 square feet.~~
- ~~3. — For a duplex, 7,000 square feet, or 3,500 square feet for each unit.~~
- ~~4. — For a boarding, lodging or rooming house, 7,000 square feet.~~
- ~~5. — For each multiple family dwelling unit, 2,100 square feet. A multiple family dwelling unit is limited to three and one half stories in height.~~

~~B. — The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.~~

~~C. — The average minimum lot width shall be 35 feet.~~

~~D. — Repealed by Ord. 1622.~~

~~E. — The minimum yard dimensions or minimum building setback area from the lot line shall be:~~

- ~~1. — For a front yard, 20 feet; except for steeply sloped lots where the provisions of CDC 41.010 shall apply.~~
- ~~2. — For an interior side yard, five feet.~~
- ~~3. — For a side yard abutting a street, 15 feet.~~

~~4. For a rear yard, 20 feet, except that in the case of an apartment structure in this district, an additional yard area may be required between the structure in this district and any adjacent low density residential uses.~~

~~F. The maximum building height shall be:~~

~~1. Thirty five feet for a garden apartment low rise unit, single family unit, attached single family unit, duplex unit or boarding house, except for steeply sloped lots when the provisions of Chapter 41 CDC shall apply.~~

~~2. Three and one half stories or 45 feet for a garden apartment medium rise unit.~~

~~G. The maximum lot coverage shall be 50 percent.~~

~~H. 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.~~

A.I. The sidewall provisions of Chapter 43 CDC shall apply. (Ord. 1538, 2006; Ord. 1622 § 24, 2014; Ord. 1675 § 23, 2018)

#### **16.080 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. 1636 § 14, 2014)

#### **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 41 CDC, Building Height, Structures on Steep Lots, Exceptions.
5. Chapter 42 CDC, Clear Vision Areas.
6. Chapter 44 CDC, Fences.
7. Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas.
8. Chapter 48 CDC, Access, Egress and Circulation.



9. Chapter 52 CDC, Signs.

10. Chapter 54 CDC, Landscaping.

B. The provisions of Chapter 55 CDC, Design Review, apply to all uses except attached and/or detached single-family dwellings. (Ord. 1590 § 1, 2009; Ord. 1675 § 24, 2018)

## Chapter 18

### NEIGHBORHOOD COMMERCIAL, NC

Sections:

- 18.010 PURPOSE
- 18.020 PROCEDURES AND APPROVAL PROCESS
- 18.030 PERMITTED USES
- 18.040 ACCESSORY USES
- 18.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS
- 18.060 CONDITIONAL USES
- 18.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS
- 18.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES
- 18.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

#### 18.010 PURPOSE

The purpose of the neighborhood commercial zone is to provide for convenience goods and services within a cluster of stores. Convenience goods are goods which are bought frequently, at least weekly, and for which people do not engage in comparison shopping. The range of uses is limited to those uses which can be supported by a limited trade area. Uses in this district are intended to meet neighborhood needs as opposed to community-wide needs. This zone is intended to implement the policies and locational criteria set forth in the Comprehensive Plan.

#### 18.020 PROCEDURES AND APPROVAL PROCESS

- A. A use permitted outright, CDC 18.030, is a use which 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 18.050, 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 18.060) 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.

#### **18.030 PERMITTED USES**

The following are uses permitted outright in this zone:

1. Convenience grocery store.
2. Cultural exhibits and library services.
3. Family day care.
4. Utilities, minor.
5. Transportation facilities (Type I).
6. ~~Single-family r~~ Residential units above a permitted use. (Ord. 1226, 1988; Ord. 1401, 1997; Ord. 1590 § 1, 2009; Ord. 1613 § 2, 2013)

#### **18.040 ACCESSORY USES**

Accessory uses are allowed in this zone as provided by Chapter 34 CDC.

#### **18.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS**

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

1. Signs, subject to the provisions of Chapter 52 CDC.
2. Temporary use, subject to the provisions of Chapter 35 CDC.
3. Wireless communication facilities, subject to the provisions of Chapter 57 CDC. (Ord. 1408, 1998)

### **18.060 CONDITIONAL USES**

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

1. Certified child care center.
2. Consumer repair services.
3. Convenience sales and personal services.
4. Food and beverage retail sales.
5. Financial, insurance and real estate services.
6. Nursery.
7. Medical and dental services.
8. Personal service facilities.
9. Professional and administrative services.
10. Utilities, major.
11. Extended-hour businesses. CUPs shall be required when:
  - a. New extended-hour business is proposed by construction of a new building.
  - b. Expansion of the size of existing buildings for use by an extended-hour business is proposed.
12. Postal services.
13. Public safety facilities.
14. Public support facilities.
15. Transportation facilities (Type II). See CDC 60.090 for additional approval criteria. (Ord. 1180, 1986; Ord. 1401, 1997; Ord. 1402, 1997; Ord. 1590 § 1, 2009; Ord. 1675 § 25, 2018)

### **18.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED**

#### **UNDER PRESCRIBED CONDITIONS**

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 35 feet.

3. *Repealed by Ord. 1622.*
4. The minimum yard dimensions or minimum building setback area from the lot line shall be:
  - a. For a front yard, 25 feet.
  - b. For an interior side yard, seven and one-half feet.
  - c. For a side yard abutting a street, 15 feet.
  - d. For a rear yard, 25 feet. However, where the use abuts a residential district, the setback distance of the residential zone shall apply.
5. The maximum lot coverage shall be 50 percent; however, the above requirements in this section may be modified for developments under the planned unit development provisions of Chapter 24 CDC.
6. The maximum building height shall be two and one-half stories, or 35 feet. (Ord. 1622 § 24, 2014)

#### **18.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES**

Except as may otherwise be established by this code, the appropriate lot 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).

#### **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 41 CDC, Building Height, Structures on Steep Lots, Exceptions.
  5. Chapter 42 CDC, Clear Vision Areas.
  6. Chapter 44 CDC, Fences.
  7. Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas.
  8. Chapter 48 CDC, Access, Egress and Circulation.
  9. Chapter 52 CDC, Signs.
  10. Chapter 54 CDC, Landscaping.

B. The provisions of Chapter 55 CDC, Design Review, apply to all uses except detached single-family dwellings. (Ord. 1590 § 1, 2009; Ord. 1675 § 26, 2018)

## Chapter 19

### GENERAL COMMERCIAL, GC

Sections:

- 19.010 PURPOSE
- 19.020 PROCEDURES AND APPROVAL PROCESS
- 19.030 PERMITTED USES
- 19.040 ACCESSORY USES
- 19.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS
- 19.060 CONDITIONAL USES
- 19.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS
- 19.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES
- 19.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

#### 19.010 PURPOSE

The purpose of this zone is to provide for the concentration of major retail goods and services at centers. The intent is to provide for the provision of a variety of goods and services and for comparison shopping, to accommodate new businesses and employment opportunities, to promote a suitable mix of commercial uses, to contribute to community identity and to assure that the commercial development is scaled to blend with nearby residential areas, and that the residential areas are protected from noise, glare of lights, traffic congestion and other possible adverse effects. This zone is intended to implement the policies and locational criteria set forth in the Comprehensive Plan.

#### 19.020 PROCEDURES AND APPROVAL PROCESS

A. A use permitted outright, CDC 19.030, is a use which 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 19.050, 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 19.060.

C. A conditional use, CDC 19.060, is a use the approval of which 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.

### **19.030 PERMITTED USES**

The following uses are permitted outright in this zone:

1. Agricultural sales.
2. Agricultural services.
3. Animal sales and services, grooming.
4. Building maintenance services.
5. Business equipment sales and services.
6. Business support services.
7. Communications services.
8. Consumer repair services.
9. Convenience sales and personal services.
10. Eating and drinking establishments.
11. Drive-through restaurants.
12. Family day care.
13. Financial, insurance and real estate services.
14. Food and beverage retail sales.
15. General retail services.
16. Hotel/motel, including those operating as extended hour businesses.
17. Laundry services.
18. Senior center.
19. Medical and dental services.
20. Parking facilities.
21. Participant sports and recreation, indoor.
22. Personal service facilities.



23. Professional and administrative services.
24. Research services.
25. Utilities, minor.
26. Cultural exhibits and library services.
27. Extended-hour businesses that do not include the construction of a new building or expansion of an existing structure.
28. Transportation facilities (Type I).
29. Lodge, social, community center, and civic assembly within the commercial districts along Highway 43, Salamo Road or Blankenship Road.
30. Religious institutions within the commercial districts along Highway 43, Salamo Road, or Blankenship Road. (Ord. 1226, 1988; Ord. 1411, 1998; Ord. 1590 § 1, 2009; Ord. 1622 § 23, 2014; Ord. 1655 § 2, 2016)

#### **19.040 ACCESSORY USES**

1. Manufacture or repackaging of goods for on-site sale. (Ord. 1686 § 2, 2018)

#### **19.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS**

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

1. ~~Single family residential unit and attached single family Residential~~ Residential units above a permitted use or a commercial use or place of assembly authorized as a conditional use (e.g., children's day care center, superstore, amusement enterprise, transient lodging, religious institution, school, lodge or community center), and multiple-family units: as a mixed use in conjunction with commercial development, only above the first floor of the structure, ~~except in the Willamette Falls Drive Commercial Design District where dwellings may also occupy a portion of the ground floor pursuant to CDC 58.050.~~
2. Animal sales and services: kennels, as prescribed with no exterior runs or storage.
3. Animal sales and services: veterinary (small animals), as prescribed with no exterior runs or storage.
4. Signs, subject to the provisions of Chapter 52 CDC.
5. Temporary use, subject to the provisions of Chapter 35 CDC.
6. Home occupations, subject to the provisions of Chapter 37 CDC.
7. Wireless communication facilities, subject to the provisions of Chapter 57 CDC. (Ord. 1192, 1987; Ord. 1385, 1996; Ord. 1565, 2008; Ord. 1613 § 3, 2013; Ord. 1638 § 3, 2015)

**19.060 CONDITIONAL USES**

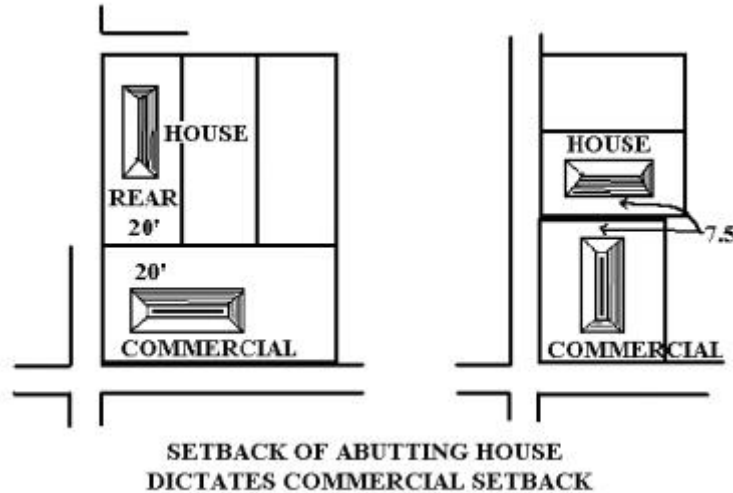
The following are conditional uses which may be allowed in this zone subject to the provisions of Chapter 60 CDC, Conditional Uses:

1. Certified child care center.
2. Automotive and equipment:
  - a. Cleaning.
  - b. Repairs, heavy equipment.
  - c. Repairs, light equipment.
  - d. Sales/rentals, heavy equipment.
  - e. Sales/rentals, light equipment.
  - f. Storage, recreation vehicles and boats.
3. Construction, sales and services.
4. Heliports.
5. Hospitals.
6. Light industrial, manufactured.
7. Light industrial, finished products.
8. Spectator sports facilities.
9. Vehicle fuel sales.
10. Utilities, major.
11. Wholesale storage and distribution:
  - a. Mini-warehouse.
  - b. Light.
12. All single-family homes, which were non-conforming structures and were damaged, whereby the cost of rebuilding the damaged portions would exceed 50 percent of the then current replacement cost of the entire building. Determination of rebuilding costs shall be per CDC 66.070(A).
13. Household hazardous waste depot.
14. Super stores.
15. Amusement enterprises.
16. Public agency administration.

17. Public safety facilities.
18. Public support facilities.
19. Recycle collection center.
20. *Repealed by Ord. 1622.*
21. Postal services.
22. Religious institutions not listed as permitted uses in CDC 19.030.
23. Schools (with under 200 students).
24. Transportation facilities (Type II). See CDC 60.090 for additional approval criteria.
25. Lodge, fraternal, community center and civic assembly not listed as permitted uses in CDC 19.030.
26. Extended hour businesses that include a new building or expansion of an existing structure. (Ord. 1192, 1987; Ord. 1339, 1992; Ord. 1463, 2000; Ord. 1523, 2005; Ord. 1590 § 1, 2009; Ord. 1604 §§ 16, 17, 2011; Ord. 1622 § 23, 2014; Ord. 1675 § 27, 2018)

**19.070 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. Where the use abuts a residential district, except as provided in CDC 58.090(C)(1), the setback distance of the residential zone shall apply.



5. The maximum lot coverage shall be 50 percent, except as provided in CDC 58.090(C)(1)(d).
6. The maximum building height shall be two and one-half stories or 35 feet for any structure located within 50 feet of a low or medium density residential zone, and three and one-half stories or 45 feet for any structure located 50 feet or more from a low or medium density residential zone.
7. For lot lines that abut an arterial, there shall be no minimum yard dimensions or minimum building setback area, and the maximum building setback shall be 20 feet. The front setback area between the street and the building line shall consist of landscaping or a combination of non-vehicular hardscape areas (covered with impervious surfaces) and landscaped areas. If there are not street trees within the public right-of-way, the front setback area shall include such trees per the requirements of the City Arborist.

B. The requirements of subsections (A)(1) through (5) of this section may be modified for developments under the planned unit development provisions of Chapter 24 CDC. (Ord. 1401, 1997; Ord. 1425, 1998; Ord. 1614 § 5, 2013; Ord. 1622 § 24, 2014)

**19.080 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. 1636 § 15, 2014)

**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 41 CDC, Building Height, Structures on Steep Lots, Exceptions.
5. Chapter 42 CDC, Clear Vision Areas.
6. Chapter 44 CDC, Fences.
7. Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas.
8. Chapter 48 CDC, Access, Egress and Circulation.
9. Chapter 52 CDC, Signs.
10. Chapter 54 CDC, Landscaping.

B. The provisions of Chapter 55 CDC, Design Review, apply to all uses except detached single-family dwellings and/or their conversion into a Duplex, Triplex, Quadplex, and the addition of Cottages in a Cottage Cluster with the preexisting non-conforming detached single-family dwelling located on the same lot and approved conditional use applications pursuant to CDC 60.030(C). (Ord. 1590 § 1, 2009; Ord. 1635 § 14, 2014; Ord. 1675 § 28, 2018)

## Chapter 21

### OFFICE BUSINESS CENTER, OBC

Sections:

- 21.010 PURPOSE
- 21.020 PROCEDURES AND APPROVAL PROCESS
- 21.030 PERMITTED USES
- 21.040 *REPEALED*
- 21.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS
- 21.060 CONDITIONAL USES
- 21.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS
- 21.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES
- 21.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

#### 21.010 PURPOSE

The purpose of this zone is to provide for groups of business and offices in centers, to accommodate the location of intermediate uses between residential districts and areas of more intense development, to provide opportunities for employment and for business and professional services in close proximity to residential neighborhoods and major transportation facilities, to expand the City's economic potential, to provide a range of compatible and supportive uses, and to locate office employment where it can support other commercial uses. The trade area will vary and may extend outside the community. This zone is intended to implement the policies and criteria set forth in the Comprehensive Plan.

#### 21.020 PROCEDURES AND APPROVAL PROCESS

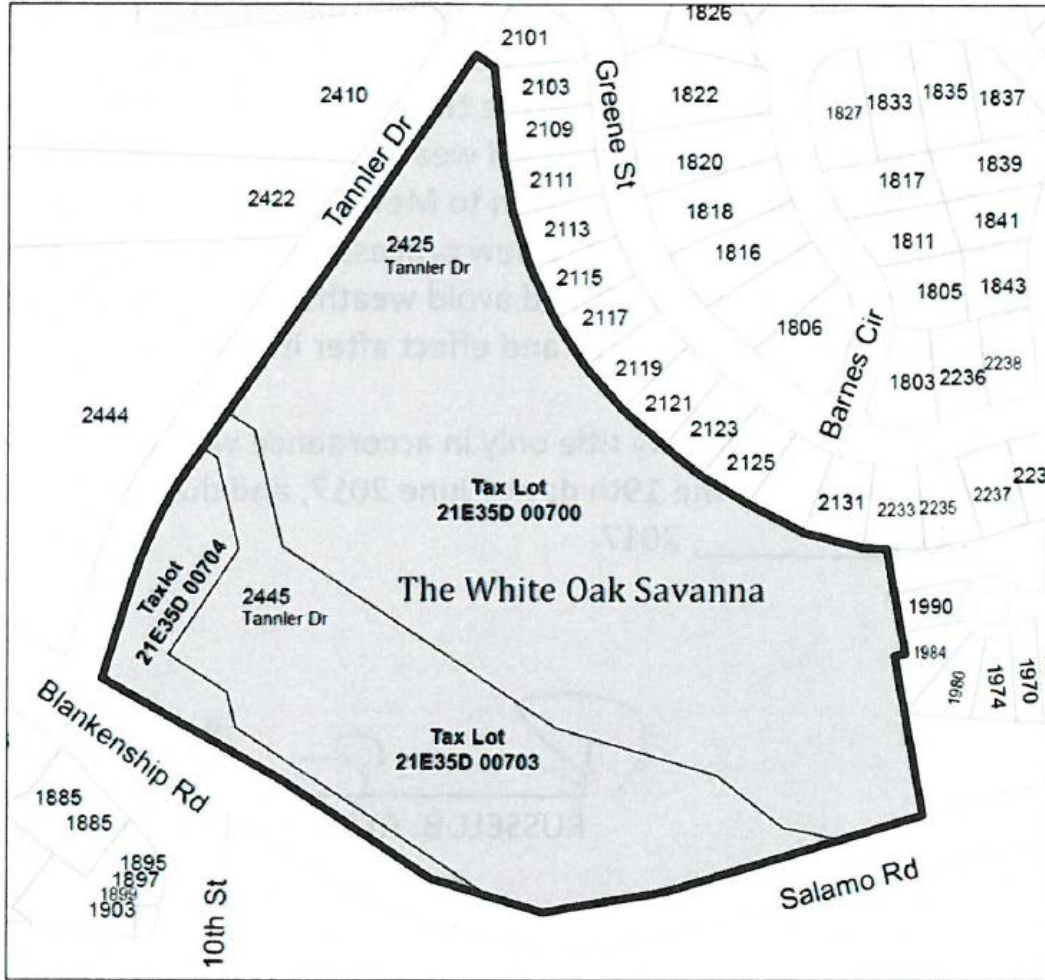
- A. A use permitted outright, CDC 21.030, is a use that requires no approval under the provisions of this code. If a use is not listed as a use permitted outright, it may be held to be a similar unlisted use under the provisions of Chapter 80 CDC.
- B. A use permitted under prescribed conditions, CDC 21.050, 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 21.060) 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. 1463, 2000)

### **21.030 PERMITTED USES**

The following uses are permitted outright in this zone:

1. Business equipment sales and services.
2. Business support services.
3. Communications services.
4. Cultural exhibits and library services.
5. Family day care.
6. Financial, insurance and real estate services.
7. Hotel/motel, including those operating as extended hour businesses.
8. Medical and dental services.
9. Parking facilities.
10. Participant sports and recreation, indoor.
11. Personal services and facilities.
12. Professional and administrative services.
13. Utilities, minor.
14. Transportation facilities (Type I).
15. Special use areas only if located on those properties indicated on the map below.



(Ord. 1226, 1988; Ord. 1401, 1997; Ord. 1590 § 1, 2009; Ord. 1622 § 23, 2014; Ord. 1660 § 1, 2017)

### 21.040 ACCESSORY USES

*Repealed by Ord. 1622.*



### 21.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

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

1. Animal sales and services: veterinary (small animals) as prescribed with no exterior runs or storage.
2. Multiple-family units only above the first floor of the structure, as a mixed use in conjunction with commercial development that utilizes the entire first floor.
3. Signs, subject to the provisions of Chapter 52 CDC.
4. Temporary use, subject to the provisions of Chapter 35 CDC.
5. Home occupation, subject to provisions of Chapter 37 CDC.
6. Wireless communication facilities, subject to the provisions of Chapter 57 CDC.
7. Eating and drinking establishments that do not constitute more than 20 percent of the total floor area of the building in which it is located. (Ord. 1226, 1988; Ord. 1408, 1998; Ord. 1442, 1999; Ord. 1565, 2008; Ord. 1647 § 2, 2016; Ord. 1655 § 3, 2016)

### 21.060 CONDITIONAL USES

The following uses are conditional uses which may be allowed in this zone subject to the provisions of Chapter 60 CDC, Conditional Use:

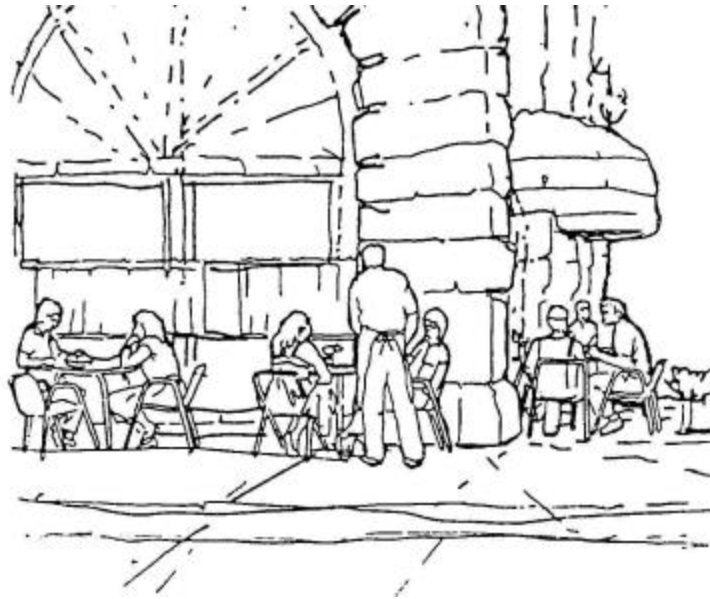
1. Certified child care center.
2. Convenience sales and personal services.
3. Food and beverage retail sales.
4. Heliports.
5. Research services.
6. *Repealed by Ord. 1622.*
7. Utilities, major.
8. Vehicle fuel sales.
9. All Single-family homes, which were non-conforming structures and were damaged, whereby the cost of rebuilding the damaged portions would exceed 50 percent of the then current replacement cost of the entire building. Determination of rebuilding costs shall be per CDC 66.070(A).
10. Postal services.
11. Public safety facilities.

12. Public support facilities.
13. Transportation facilities (Type II). See CDC 60.090 for additional approval criteria. (Ord. 1172, 1985; Ord. 1401, 1997; Ord. 1590 § 1, 2009; Ord. 1604 § 18, 2011; Ord. 1622 § 23, 2014; Ord. 1675 § 29, 2018)

**21.070 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 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 35 feet.
3. *Repealed by Ord. 1622.*
4. The yard dimensions or building setback area from the lot line shall be:
  - a. Interior side yard, a minimum of seven and one-half feet.
  - b. Side yard abutting a street, no minimum.
  - c. Rear yard, a minimum of 25 feet.
  - d. Front yard, no minimum and a 20-foot maximum. The front setback area between the street and the building line shall consist of landscaping or a combination of non-vehicular hardscape areas (covered with impervious surfaces) and landscaped areas. If there are not street trees within the public right-of-way, the front setback area shall include such trees per the requirements of the City Arborist.



5. The maximum lot coverage shall be 50 percent.
6. The maximum building height shall be two and one-half stories or 35 feet for any structure located within 50 feet of a low or medium density residential zone and three and one-half stories or 45 feet for any structure located 50 feet or more from a low or medium density residential area.

B. The requirements of subsections (A)(1) through (4) of this section may be modified for developments under the planned unit development provisions of Chapter 24 CDC. (Ord. 1425, 1998; Ord. 1622 § 24, 2014)

## **21.080 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 criteria set forth in CDC 60.070(A) and (B). (Ord. 1636 § 16, 2014)

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

5. Chapter 42 CDC, Clear Vision Areas.
6. Chapter 44 CDC, Fences.
7. Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas.
8. Chapter 48 CDC, Access, Egress and Circulation.
9. Chapter 52 CDC, Signs.
10. Chapter 54 CDC, Landscaping.

B. The provisions of Chapter 55 CDC, Design Review, apply to all uses except detached single-family dwellings and/or their conversion into a Duplex, Triplex, Quadplex and the addition of Cottages in a Cottage Cluster with the preexisting non-conforming detached single-family dwelling located on the same lot. (Ord. 1590 § 1, 2009; Ord. 1675 § 30, 2018)

## Chapter 24

### PLANNED UNIT DEVELOPMENT

Sections:

- 24.010 PURPOSE
- 24.020 ADMINISTRATION AND APPROVAL PROCESS
- 24.030 EXPIRATION OR EXTENSION OF APPROVAL
- 24.040 NON-COMPLIANCE – BOND
- 24.050 STAGED DEVELOPMENT
- 24.060 AREA OF APPLICATION
- 24.070 EXEMPTIONS FROM PLANNED UNIT DEVELOPMENT REQUIREMENTS
- 24.080 SUBMITTAL REQUIREMENTS
- 24.090 APPLICABILITY AND ALLOWED USES
- 24.100 APPROVAL CRITERIA
- 24.110 RESIDENTIAL DENSITY CALCULATIONS
- 24.120 EXAMPLES OF RESIDENTIAL DENSITY CALCULATIONS
- 24.130 ALLOWABLE DENSITY ON TYPE I AND II LANDS
- 24.140 TRANSITIONS AND LIMITATIONS ON DENSITY TRANSFER
- 24.150 DENSITY BONUSES
- 24.160 DENSITY BONUS CHART
- 24.170 USABLE OPEN SPACE REQUIRED
- 24.180 APPLICABILITY OF THE BASE ZONE PROVISIONS
- 24.190 PUD AMENDMENT TRIGGER

#### 24.010 PURPOSE

The purpose of the Planned Unit Development overlay zone is to provide a means for creating planned environments:

- A. To produce a development which would be as good or better than that resulting from traditional lot-by-lot development.
- B. To preserve, to the greatest extent possible, the existing landscape features and amenities through the use of a plan that relates the type and design of the development to a particular site.
- C. To correlate comprehensively the provisions of this title and all applicable plans; to encourage developments which will provide a desirable, attractive, and stable environment in harmony with that of the surrounding area.
- D. To allow flexibility in design, placement of buildings, use of open spaces, circulation facilities, off-street parking areas, and to best utilize the potentials of sites characterized by special features of geography, topography, size, and shape.
- E. To allow a mixture of densities between zoning districts and plan designations when more than one district or designation is included in the development.
- F. To develop projects that are compatible with neighboring development in terms of architecture, massing, and scale. Where that cannot be accomplished, appropriate transitions should be provided that are deferential or sympathetic to existing development.

G. To carry out the goals of West Linn’s Vision, Imagine West Linn, especially goals relating to housing, commercial, and public facilities.

**24.020 ADMINISTRATION AND APPROVAL PROCESS**

A. The Planned Unit Development (PUD) zone is an overlay zone and the following are preconditions to filing an application:

1. Attending a pre-application conference with the City Community Development Department pursuant to CDC 99.030;
2. Attending a meeting with the respective City-recognized neighborhood association(s), per CDC 99.038, and presenting their preliminary proposal and receiving comments.

B. The application shall be filed by the owner of record or authorized agent.

C. Action on the application shall be as provided by Chapter 99 CDC, Procedures for Decision-Making: Quasi-Judicial. (Ord. 1474, 2001; Ord. 1590 § 1, 2009; Ord. 1621 § 25, 2014)

**24.030 EXPIRATION OR EXTENSION OF APPROVAL**

If the final plat has not been recorded with the County within three years from the date of approval of the development plan, the application shall be null and void unless an extension is granted per CDC 99.325. If an extension is granted, the final plat must be recorded with the County before the extension lapses. (Ord. 1408, 1998; Ord. 1589 § 1 (Exh. A), 2010)

**24.040 NON-COMPLIANCE – BOND**

A. Non-compliance with an approved final plat or development plan shall be a violation of this chapter.

B. The development shall be completed in accordance with the approved final plat or development plan, including landscaping and recreation areas, before any occupancy permit will be issued, except that when the Planning Director determines that immediate execution of any feature of an approved final plat or development plan is impractical due to climatic conditions, unavailability of materials, or other temporary condition, the Director shall, as a precondition of the issuance of a required permit, require sufficient funds such as a cashier’s check to guarantee completion of the feature at a time certain not to exceed one year.

#### **24.050 STAGED DEVELOPMENT**

The applicant may elect to develop the site in stages. "Staged development" is defined as an application that proposes numerous phases or stages to be undertaken over a period of time. Typically, the first phase will be sufficiently detailed pursuant to the submittal standards of Chapter 85 CDC. Subsequent phases shall provide the type of use(s); the land area(s) involved; the number of units; generalized location and size (square feet) of commercial, industrial, or office projects; parks and open space; street layout, access, and circulation; etc. Generalized building footprints for commercial, office, public, and multi-family projects and parking lot layout will be required. Staged development shall be subject to the provisions of CDC 99.125.

#### **24.060 AREA OF APPLICATION**

Planned unit developments (PUDs) can be utilized in all residential, commercial, and industrial districts on lots or parcels of land that are a minimum of three acres in size. (Ord. 1408, 1998; Ord. 1636 § 20, 2014; Ord. 1647 § 3, 2016)

#### **24.070 EXEMPTIONS FROM PLANNED UNIT DEVELOPMENT REQUIREMENTS**

A planned unit development (PUD) shall not apply in cases where all the following conditions exist:

- A. No density transfer is proposed pursuant to provisions of this chapter.
- B. No development, construction, or grading will take place on Type I and II lands.
- C. All the Type I and II lands shall be dedicated to the City as open space, or protected by easement with appropriate delineation.

#### **24.080 SUBMITTAL REQUIREMENTS**

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

- A. Narrative discussing proposal and applicability of the PUD and addressing approval criteria of this chapter; design review, CDC 55.100; and CDC 92.010(E).
- B. Narrative and table showing applicable density calculations.
- C. Map showing how the densities will be distributed within the project site.

- D. Compliance with submittal requirements of Chapter 55 CDC, Design Review, including full response to approval criteria for Chapter 55 CDC, Design Review, and Chapter 85 CDC, if it is a single-family PUD.
- E. Narrative, tables, and showing all density transfers.
- F. Tables and maps identifying acreage, location and type of development constraints due to site characteristics such as slope, drainage and geologic hazards. For Type I, II and III lands (refer to definitions in Chapter 02 CDC), the applicant must provide a geologic report, with text, figures and attachments as needed to meet the industry standard of practice, prepared by a certified engineering geologist and/or a geotechnical professional engineer, that includes:
1. Site characteristics, geologic descriptions and a summary of the site investigation conducted;
  2. Assessment of engineering geological conditions and factors;
  3. Review of the City of West Linn's Natural Hazard Mitigation Plan and applicability to the site; and
  4. Conclusions and recommendations focused on geologic constraints for the proposed land use or development activity, limitations and potential risks of development, recommendations for mitigation approaches and additional work needed at future development stages including further testing and monitoring.
- G. Other material as required by the Planning Director. (Ord. 1408, 1998; Ord. 1463, 2000; Ord. 1662 § 2, 2017)

#### **24.090 APPLICABILITY AND ALLOWED USES**

Subject to the provisions of CDC 24.070, 24.080 and this section, the PUD Overlay Zone may be applied to all residential, commercial, and industrial zones.

- A. In addition to the uses allowed outright in the underlying zone the following uses shall be allowed outright where all other applicable standards are met.
1. Single-family; detached or attached duplexes, triplexes, quadplexes; townhouses; cottage clusters; attached housing and multiple-family housing.
  2. Community buildings.
  3. Indoor recreation facility, athletic club, fitness center, racquetball court, swimming pool, tennis court, or similar use.
  4. Outdoor recreation facility, golf course, swimming pool, tennis court, or similar use.
  5. Recreation vehicle storage area.
  6. Public safety facilities.
  7. Major or minor utilities.
  8. Religious institution, day care center, public or private schools.
- B. Any commercial uses listed under the Neighborhood Commercial (NC) zone shall be allowed in the manner provided by the base zone or adopted plan document and, in addition, the applicant must prove:
1. The uses are for the purpose of primarily serving the residents of the proposed development; and



2. There is a need for the type and amount of commercial space. A market analysis may be required.
3. The use will reduce vehicle miles traveled (VMT) between residents and existing neighborhood commercial locations. (Ord. 1463, 2000)

### **24.100 APPROVAL CRITERIA**

- A. The approval criteria of CDC 55.100, design review, and CDC 92.010(E) shall apply to non-exempted projects per CDC 55.025. All types of single-family detached, and single-family attached, ~~and duplex residential units proposed~~ shall comply with the provisions of Chapter 43 CDC at time of building permit application.
- B. The application shall also demonstrate compliance with the following criteria:
1. The proposal shall preserve the existing amenities of the site to the greatest extent possible by relating the type and design of the development to the topography, landscape features, and natural amenities existing on the site and in the vicinity.
  2. The proposed PUD shall provide a desirable, attractive, and stable environment in harmony with that of the surrounding area through thorough, well-developed, detailed planning and by comprehensively correlating the provisions of this code and all applicable adopted plans.
  3. The placement and design of buildings, use of open spaces, circulation facilities, off-street parking areas, and landscaping shall be designed to best utilize the potentials of the site characterized by special features of geography, topography, size, and shape.
  4. The PUD shall be developed so that it is compatible with neighboring development in terms of architecture, massing, and scale. Where that cannot be accomplished, appropriate transitions shall be provided that are deferential or sympathetic to existing development.
- C. All densities, density transfers, transitions, density bonuses, and proposed setbacks shall conform to provisions of this chapter as required by CDC 24.080 and 24.110 through 24.170 inclusive. (Ord. 1463, 2000; Ord. 1547, 2007; Ord. 1662 § 3, 2017)

### **24.110 RESIDENTIAL DENSITY CALCULATIONS**

- A. The PUD allows density to be transferred on residential portions of the site. The following sections explain how the allowed number of dwelling units per acre is calculated. The standards are also intended to ensure that PUDs and adjoining developments are compatible and maintain a sense of neighborhood unity.
- B. Net acres for land to be developed with detached single-family dwellings, or multi-family dwellings including duplexes, is computed by subtracting the following from the gross acres:
1. Any land area which is included in a boundary street right-of-way or water course, or planned open space areas if density transfer is not requested.
  2. An allocation of 25 percent for public or private facilities (e.g., streets, paths, right-of-way, etc.) or, when a tentative plat or plan has been developed, the total land area allocated for public or private facilities.

3. A lot or parcel of at least the size required by the applicable base zone, if an existing dwelling is to remain on the site.

C. The allowed density or number of dwelling units on the site, subject to the limitations in CDC 24.140 and 24.150, is computed by dividing the number of square feet in the net acres by the minimum number of square feet required for each lot or parcel, by the base zone. (Ord. 1636 § 21, 2014)

**24.120 EXAMPLES OF RESIDENTIAL DENSITY CALCULATIONS**

When density is to be transferred on a land area with Type I or Type II land, the following procedure will apply:

**EXAMPLE**

FACTS:

RIGHT-OF-WAY:

PUBLIC	(59,677 sq. ft.)	
PRIVATE	(33,106 sq. ft.)	2.13 AC

OPEN SPACE:

DEDICATION TO CITY	(60,113 sq. ft.)	
COMMON OWNERSHIP	(2,614 sq. ft.)	1.44 AC

SINGLE-FAMILY USE:

TYPE I & II LANDS	(104,000 sq. ft.)	
TYPE III & IV LANDS	(197,433 sq. ft.)	<u>6.92 AC</u>

**GROSS SITE AREA:** 10.49 AC

DENSITY CALCULATIONS:

	GROSS SITE AREA	10.49 AC
(-)	RIGHT-OF-WAY	<u>2.13 AC</u>
	NET SITE AREA	8.36 AC

OPEN SPACE:

(1.44 Ac. x 100% transfer – 10,000 sq. ft. min. lot size) = 6.27 lots

TYPE I & II LANDS DEVELOPED

(104,000 sq. ft. x 50% developable – 10,000 sq. ft. min. lot size) = 5.2 lots

TYPE III & IV LANDS DEVELOPED

(197,435 sq. ft. x 100% developable –  
10,000 sq. ft. min. lot size) = 19.74 lots

TOTAL ALLOWED DENSITY: 31 LOTS

**24.130 ALLOWABLE DENSITY ON TYPE I AND II LANDS**

A. This table relates to the allowed density of development on Type I and II lands. “Development” means when the footprint of a home is placed on Type I or II lands, or when over 50 percent of the lot comprises Type I or II lands. Generally speaking, the greater the constraints, the lower the density; and the lower the constraints, the higher the allowable density.

Please note that density transfers from constrained lands generally allow a 50 to 100 percent transfer. The rationale for only a 50 percent transfer is that these lands have historically been of marginal development value (e.g., wetlands, 52 percent slopes, etc.); so to say those lands should have the same 100 percent development value and potential as less constrained lands would be wrong since they are tougher to build on and they are generally appraised at a lower land value than flatter, more developable sites.

There are three categories of allowable density: (1) “building not allowed”; (2) allowable density “when developed”; and (3) allowable density “when transferred.” The first category means that no building is allowed in, for example, slopes over 50 percent or in wetlands. The prohibition is represented by an “X.” The second category means that if a developer wants to develop an area, it can only be developed at 50 percent of normal density or not at all. The third category, “when transferred,” explains what percentage of the normal density of the Type I and II lands can be transferred to on-site non Type I and II lands.

B.

	Type I or Type II lands	Allowable Density*		
		Building Not Allowed	When Developed	When Transferred
Slopes				
	25 – 35%		50%**	75%
	35 – 50%		X	75%
	More than 50%	X	X	50%
Confirmed Landslide Hazards				
		X	X	50%
Flood Management				
	100-Year Floodplain	X	X	50%

	Type I or Type II lands	Allowable Density*		
		Building Not Allowed	When Developed	When Transferred
Floodway		X	X	50%
Water Quality Resource Area		X	X	50%
Significant Natural Areas		X	X	50%
Significant Tree/Tree Clusters on Type I and II Lands		X	X	50%
Significant Tree/Tree Clusters on Non-Type I and II Lands		X	X	100%
Planned Public Open Space/Regional Storm Treatment Facility***		X	X	100%

\* Development of single-family detached or attached residences, including duplexes, triplexes, quadplexes, townhouses and cottages in cottage clusters, on pre-existing lots of record is exempt from this chart; most restrictive density governs in the event of conflict or overlap.

\*\* The “50 percent allowable density when developed” means that if we reduce the number of homes on constrained lands, we reduce the hazard potential which typically increases with higher density and increased site disturbance. Consequently, the density is reduced in half (50 percent). That means that to develop on a predominantly steep lot would require twice the minimum lot size of the underlying zone (e.g., you would need a 20,000-square-foot lot in the R-10 zone). When Type I and II lands are to be developed, the 70 percent rule shall not apply to those areas; it shall only apply to the developable net area as defined in CDC 85.200(J)(7). (Ord. 1408, 1998)

**24.140 TRANSITIONS AND LIMITATIONS ON DENSITY TRANSFER**

A. Because the PUD and the provisions of this chapter allow increased residential densities and various housing types, it is necessary that some kind of transition be provided between the project site and the surrounding properties. These transitions will, for example, mitigate the impacts of multi-family housing next to single-family housing. Transitions are not required in all cases, however. The following exceptions shall apply:

1. Single-family PUD next to single-family non-PUD does not require a transition (e.g., even though it is R-5 single-family next to R-10, etc.). Also, similar type housing does not need to transition (e.g., duplex next to duplex);
2. Two housing units attached side by side by common wall are considered compatible with detached single-family units; but
3. ~~A multi-family structure, excluding Townhouses. More than two attached housing units (e.g., a triplex)~~ are not considered compatible with a single-family detached unit; however
4. Where a proposed residential unit is to be located at least 200 feet from the nearest existing single-family home, the provisions of subsections (B)(1) through (5) of this section shall not apply. The 200-foot transition must be on the subject property. All parking and access shall be a 20-foot minimum setback from abutting property line, unless the approval authority, based upon the City Engineer’s recommendation, approves a circulation plan which supports reduced transition to accommodate joint access between adjoining properties.

B. Where transitions are required, they shall be satisfied by at least one of the following provisions:

1. An intervening street or driveway that is existing, platted or specifically proposed in the Transportation Master Plan and has a minimum width of 24 feet;
2. Natural topography such as a drainageway or wetland that provides adequate horizontal separation (minimum 40 feet), or a cliff or embankment that provides adequate vertical separation which shall be defined as having the PUD site at least 10 feet below the abutting non-PUD site, plus vegetation for adequate screening. The natural topography may be on an adjoining lot or parcel;
3. Human-made berm (five feet minimum height) with landscaping for adequate screening with a 40-foot minimum width. This transition must be on the subject lot or parcel;
4. The on-site lot or parcel sizes for detached single-family homes adjacent to each property line shall not be smaller than a lot 75 percent of the minimum size of the lot size allowed on the abutting lots or parcels by the applicable zone, or 7,000 square feet, whichever is less; or
5. A horizontal separation of at least 200 feet between on- and off-site structures. The 200-foot transition must be on the subject site. (Ord. 1636 § 22, 2014)

#### **24.150 DENSITY BONUSES**

A. Although the density may be reduced by CDC 24.130, applicants are encouraged to seek density bonus credits under such categories as “site planning and design excellence.” The permitted number of dwelling units may be increased up to 29 percent above those computed under the formula above based on a finding of the Planning Director that the density bonus credits have been satisfied as set forth in the following section and in CDC 24.160:

B. **Site planning and design excellence** allow additional units up to the maximum indicated on the chart when excellence in site planning and building design is demonstrated with respect to neighborhood compatibility, recreation space, security and crime prevention, and livability of on-site environment, as determined through design review. Examples of quality design features which may be used to address the foregoing include, but are not limited to:

1. Maximum retention and integration of natural features into site design in addition to open space areas dedicated to the City.
2. Minimize impervious surfaces. Locate parking facilities and garages at the rear of buildings accessed by alleys. De-emphasis of the automobile is encouraged through placement of parking at side or rear of buildings (reference CDC 55.100(A)(2)).
3. Maximize recreation and open spaces in addition to open space areas dedicated to the City.
4. Superior landscape plan in terms of quantity of materials and quality represented by size of plant/tree, variety of plant/tree, and mix to allow seasonal colors. The landscape plan should incorporate available natural site features (e.g., rock outcroppings, creeks, etc.). The landscape plan should relate to or complement on-site buildings, frame views, and show sensitivity to the micro-climate. Other landscape elements may include rockeries, ornamental pools, and pathways.
5. Architectural design that emphasizes high quality materials, finish, texture, and craftsmanship. Architectural complexity and richness of detail are sought. Contextual design that draws from the predominant architecture of the area is preferred over contrasting design. Only examples of manifestly outstanding contrasting design would be acceptable alternatives to the contextual approach. The design should accommodate the human scale with multiple light windows, appropriately scaled entryways, and porches. Facades should be broken up into multiple elements, both horizontally and vertically. Variations in the building silhouette and depth are also desirable.

- 6. Integration of various housing types and densities supported by neighborhood commercial uses and basic services.
- 7. Well-articulated pedestrian and bikeway path system and public transit system, if applicable, that unifies the development site and connects with adjacent development and destinations. Transit facilities are important.

C. The City shall encourage and assist in the accumulation of density bonus developments. The final density allowed will depend on the following factors:

- 1. The amount of density allowed shall be rounded up to the next figure when any partial figure of one-half or greater results from adding the percentage density increase to the base density.
- 2. The development shall be subject to all applicable development standards of this code. The Planning Director may recommend that the proposed design of the development be modified to ensure that development standards are satisfied. Modifications of design may include, but are not limited to, the following:
  - a. Reduction in building coverage.
  - b. Clustering of buildings.
  - c. Redesign of parking or street layout.
  - d. Protection of resource areas. (Ord. 1463, 2000)

**24.160 DENSITY BONUS CHART**

The cumulative density bonus for all categories except for design excellence or low cost housing cannot exceed 20 percent. To achieve the maximum 29 percent density bonus, the application must qualify for the low cost housing bonus, the design excellence bonus, or both.

<u>Bonus Category</u>	<u>LOW DENSITY</u> <u>% of increase</u> <u>(R-20, R-15, R-10, R-7,</u> <u>R-40)</u>	<u>MEDIUM DENSITY</u> <u>% of increase</u> <u>(R-5 &amp; R-4.5)</u>	<u>HIGH DENSITY</u> <u>% of increase</u> <u>(R-2.1, R-3.0)</u>
1. <u>Low Cost Housing:</u>  At least 20 percent of the dwelling units must qualify and be approved for lower income occupants under a federal, State, or local program. (See also senior housing bonus associated with R-4.5, R-3 and R-2.1 zones)	5%	8%	8%
2. <u>Common wall units:</u>  At least 20 percent of the dwelling units must be common wall.	5%	n/a	n/a
3. <u>Park Dedication:</u>  Improved site area is dedicated and accepted by the City, or other public agency, as usable, accessible park land. In Tanner Basin, where System Development Charge (SDC) credits are given for certain dedications of open space, the density bonus may result in reduced SDC compensation.	5%/1/2 ac.	8%/1/2 ac.	4%/1/2 ac.
4. <u>Design Excellence:</u>  The development satisfies the criteria for exceptional design, pursuant to CDC 24.150.	15%	15%	15%

<u>Bonus Category</u>	<u>LOW DENSITY</u> <u>% of increase</u> <u>(R-20, R-15, R-10, R-7,</u> <u>R-40)</u>	<u>MEDIUM DENSITY</u> <u>% of increase</u> <u>(R-5 &amp; R-4.5)</u>	<u>HIGH DENSITY</u> <u>% of increase</u> <u>(R-2.1, R-3.0)</u>
5. Natural area/resource dedication of non-constrained lands (Type I and II lands and lands devoted to preservation of significant trees) pursuant to CDC. Includes but is not limited to trails, paths, trailhead construction where appropriate. The City has the authority to refuse such dedication for the purpose of bonus density if the City determines that the dedication would provide no significant benefits to the City.	5%/1/2 ac.	5%/1/2 ac.	5%/1/2 ac.

NOTE: To interpret the above table, 8%, for example, means the development may increase density by that amount. The “5%/1/2 ac.” notation means that density can increase by 5% for every 1/2 acre of park land that is dedicated. (Ord. 1463, 2000)

**24.170 USABLE OPEN SPACE REQUIRED**

Residential planned unit developments (PUDs) shall comply with the following usable open space requirements:

- A. PUDs that contain multi-family units shall comply with the requirements of CDC 55.100(F).
- B. PUDs that contain 10 or more single-family detached, single-family attached, or duplex residential units shall comply with the following usable open space requirements.
  - 1. The plan shall include an open space area with at least 300 square feet of usable area per dwelling unit.
  - 2. The usable open space shall meet the design requirements of CDC 55.100(F)(2).
  - 3. The usable open space shall be owned in common by the residents of the development unless the decision-making authority determines, based upon a request from the applicant and the recommendation of the City Director of Parks and Recreation, that the usable open space should be dedicated to the City for public use. If owned in common by the residents of the development, then a homeowner’s association shall be organized prior to occupancy to maintain the usable open space.
  - 4. If the usable open space contains active recreational facilities such as hard surface athletic courts or swimming pools, then the usable open space area shall not be located on the perimeter of the development unless buffered by a transition pursuant to CDC 24.140(B). (Ord. 1463, 2000)

**24.180 APPLICABILITY OF THE BASE ZONE PROVISIONS**

The provisions of the base zone are applicable as follows:

A. Lot dimensional standards. The minimum lot size and lot depth and lot width standards do not apply except as related to the density computation under this chapter.

B. Lot coverage. The lot coverage provisions of the base zone shall apply for detached single-family units. For single-family attached residential units, residential units, and multiple-family residential units, the following lot coverage provisions shall apply, based upon the underlying base zone. Lot coverage provisions for duplexes, triplexes, quadplexes, townhouses, and cottage clusters are subject to the underlying base zone standards.

R-40, R-20	35 percent
R-15	40 percent
R-10, R-7	45 percent
R-5, R-4.5	50 percent
R-3, R-2.1	60 percent

C. Building height. The building height provisions of the underlying zone shall apply.

D. Structure setback provisions.

1. Setback areas contiguous to the perimeter of the project shall be the same as those required by the base zone unless otherwise provided by the base zone or Chapter 55 CDC.

2. The side yard setback provisions shall not apply except that all detached structures shall maintain a minimum side yard setback of five feet, or meet the Uniform Building Code requirement for fire walls.

3. The side street setback shall be 10 feet.

4. The front yard and rear yard setbacks shall be 15 feet. Porches may encroach forward another five feet. Additional encroachments, such as porches, are allowed per Chapter 38 CDC.

a. Lots or parcels part of a Cottage Cluster shall have a 10 feet front and rear yard setback.

5. The setback for a garage in the front yard that opens onto the street shall be 20 feet unless the provisions of CDC 41.010 apply. Garages in the rear yard may meet the standards of CDC 34.060.

6. The applicant may propose alternative setbacks. The proposed setbacks must be approved by the decision-making body and established as conditions of approval, or by amendment to conditions of approval. The decision-making body will consider among other things maintenance of privacy, adequate light, defensible space, traffic safety, etc.

E. All other provisions of the base zone shall apply except as modified by this chapter. (Ord. 1442, 1999)



**24.190 PUD AMENDMENT TRIGGER**

Amendments to PUDs shall be required when 10 percent or more of the housing type changes (e.g., from single-family units to multi-family units) from the tentatively approved PUD plan, or when there is more than a 10 percent change in the number of units, or when the layout of streets and lots significantly changes. Amendments shall require review per CDC 99.120.

## Chapter 43

### SINGLE-FAMILY ~~AND-DUPLEX~~ RESIDENTIAL SIDE-YARD TRANSITIONS

#### Sections:

- 43.010 PURPOSE
- 43.020 APPLICABILITY
- 43.030 ADMINISTRATION
- 43.040 GENERAL PROVISIONS
- 43.050 VARIANCE

#### 43.010 PURPOSE

New homes, both infill and in new subdivisions, particularly new homes around the perimeter of the new subdivision, need to be compatible with adjacent existing homes, especially when the new house is bigger than the existing one. To this end, transitions shall be required to avoid a monolithic and overbearing sidewall. (Ord. 1538, 2006)

#### 43.020 APPLICABILITY

These provisions shall apply to all new home construction and remodels in West Linn except designated historic resources. (Ord. 1538, 2006; Ord. 1614 § 9, 2013)

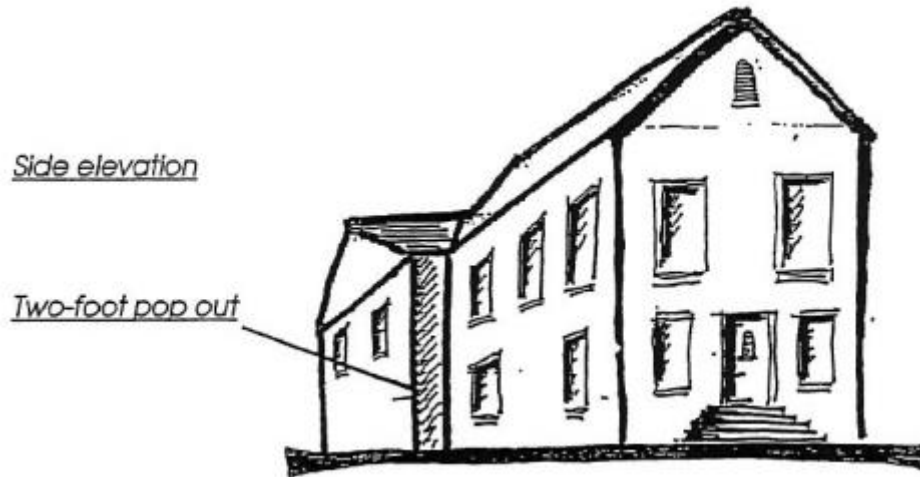
#### 43.030 ADMINISTRATION

The Planning Director shall apply the standards of this chapter during the administrative review of building permits. No notice is required. In the event that an individual or other party wants to appeal the Planning Director's decision relative to this chapter, they may appeal the decision to the City Council within 14 days of the final decision per CDC 99.140. For the purpose of determining the date of the final decision it shall be the Community Development Department's stamped approval date on the plans. (Ord. 1538, 2006; Ord. 1621 § 25, 2014)

#### 43.040 GENERAL PROVISIONS

New house construction or remodels to the side wall of existing homes shall transition to homes on either side, or satisfy one of the exemptions.

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**

B. 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).

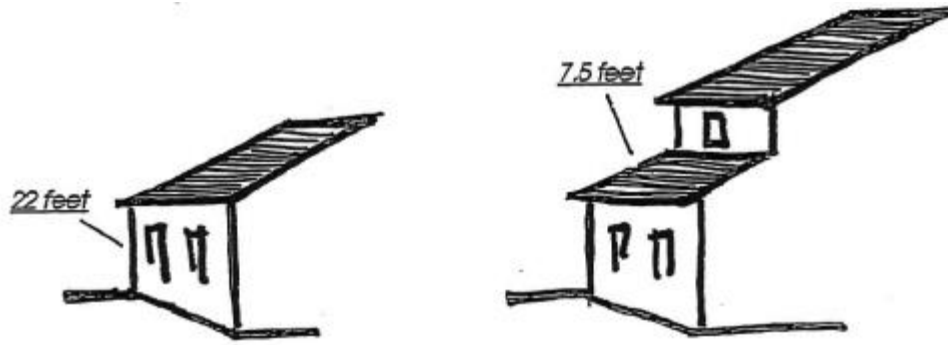


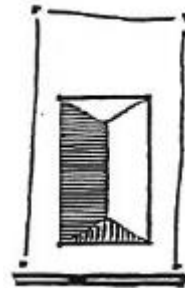
Figure 2

EXEMPTIONS FROM SIDE WALL STANDARD

Homes on steep lots where the roof would be no more than 24' above average street grade



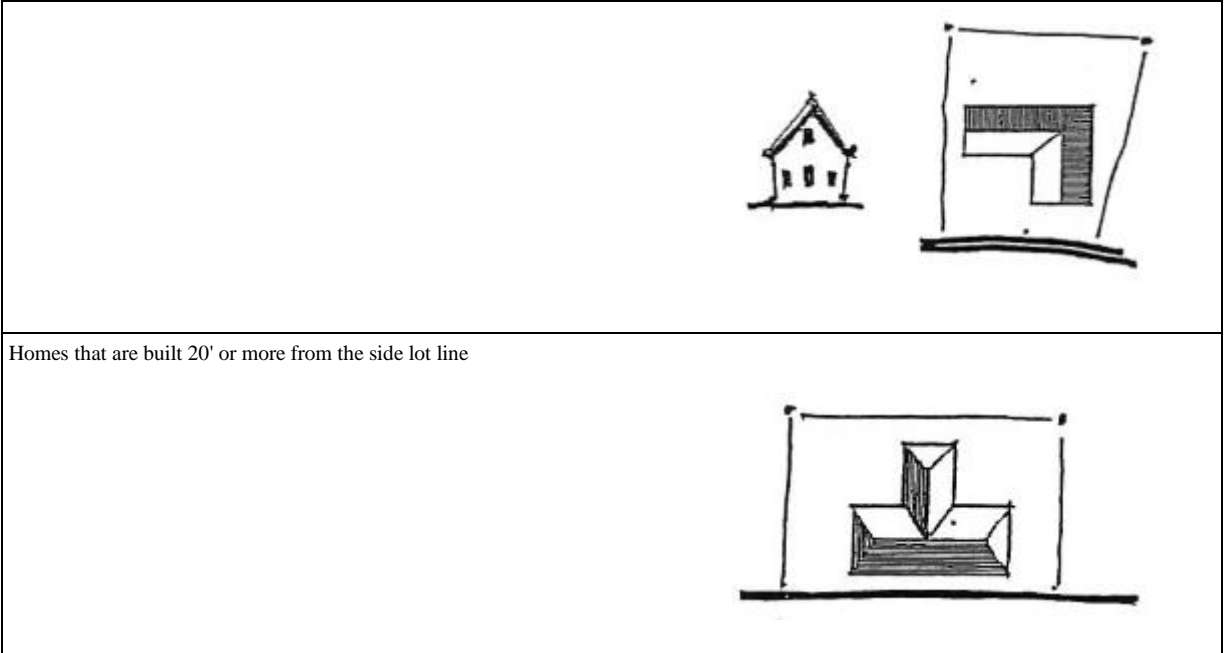
Homes on lots 50' wide or less can have second floor width of at least 30 feet



Homes next to open space, etc.



Homes with the gable end facing the side lot line



(Ord. 1538, 2006; Ord. 1675 § 37, 2018)

### 43.050 VARIANCE

In cases where the sidewall transitions and/or exemptions do not reasonably accommodate a house design, the applicant may apply for a Class II variance under Chapter 75 CDC. (Ord. 1538, 2006)

## Chapter 46

### OFF-STREET PARKING, LOADING AND RESERVOIR AREAS

Sections:

- 46.010 PURPOSE
- 46.020 APPLICABILITY AND GENERAL PROVISIONS
- 46.030 SUBMITTAL REQUIREMENTS
- 46.040 APPROVAL STANDARDS
- 46.050 JOINT USE OF A PARKING AREA
- 46.060 STORAGE IN PARKING AND LOADING AREAS PROHIBITED
- 46.070 MAXIMUM DISTANCE ALLOWED BETWEEN PARKING AREA AND USE
- 46.080 COMPUTATION OF REQUIRED PARKING SPACES AND LOADING AREA
- 46.090 MINIMUM OFF-STREET PARKING SPACE REQUIREMENTS
- 46.100 PARKING REQUIREMENTS FOR UNLISTED USES
- 46.110 RESERVOIR AREAS REQUIRED FOR DRIVE-IN USES
- 46.120 DRIVEWAYS REQUIRED ON SITE
- 46.130 OFF-STREET LOADING SPACES
- 46.140 EXEMPTIONS TO PARKING REQUIREMENTS
- 46.150 DESIGN AND STANDARDS

#### 46.010 PURPOSE

The purpose of this chapter is to provide standards for the number and arrangement of parking, loading, and reservoir areas. Most of these provisions relate to commercial, office, and industrial uses. Parking lot design has often been criticized for creating large expanses of paved areas, separating the business from the public street. That arrangement makes it less attractive for pedestrians to access these buildings. The challenge is balancing the business community's desire for ample visible parking to attract prospective customers with the community interest of encouraging safe, non-vehicular access, minimizing the visual impact of parking, and creating a more attractive streetscape and urban environment.

Most parking facilities in non-residential developments contain spaces which are infrequently used, available for the few days a year when parking is at a premium. For these spaces, permeable parking surfaces provide a suitable parking surface which can reduce surface runoff and increase water quality, as well as improve the aesthetic appearance of the parking lot. West Linn encourages the use of permeable parking surfaces in appropriate situations. (Ord. 1463, 2000; Ord. 1622 § 25, 2014)

#### 46.020 APPLICABILITY AND GENERAL PROVISIONS

- A. At the time a structure is erected or enlarged, or the use of a structure or unit of land is changed within any zone, parking spaces, loading areas and reservoir areas shall be provided in accordance with the requirements of this chapter unless other requirements are otherwise established as a part of the development approval process.
- B. The provision and maintenance of off-street parking and loading spaces are the continuing obligation of the property owner.

C. No building or other permit shall be issued until plans are approved that show the property that is and will remain available for exclusive use as off-street parking and loading space as required by this chapter.

D. Required parking spaces and loading areas shall be improved to the standards contained in this chapter and shall be available for use at the time of the final building inspection except as provided in CDC 46.150. (Ord. 1463, 2000; Ord. 1622 § 25, 2014; Ord. 1636 § 30, 2014)

#### **46.030 SUBMITTAL REQUIREMENTS**

For any application requiring design review approval, which includes parking areas, the applicant shall submit, within the design review package, a plan drawn to scale showing all the elements necessary to indicate that the requirements of Chapter 55 CDC are met and it shall include but not be limited to:

- A. The delineation of individual parking and loading spaces and their dimensions;
- B. The identification of compact parking spaces;
- C. The location of the circulation area necessary to serve spaces;
- D. The access point(s) to streets, alleys, and properties to be served;
- E. The location of curb cuts;
- F. The location and dimensions of all landscaping, including the type and size of plant material to be used, as well as any other landscape material incorporated into the overall plan;
- G. The proposed grading and drainage plans and the slope (percentage) of parking lot;
- H. Specifications as to signs and bumper guards;
- I. Identification of disabled parking spaces;
- J. Location of pedestrian walkways and crossings; and
- K. Location of bicycle racks. (Ord. 1463, 2000)

#### **46.040 APPROVAL STANDARDS**

Approval shall be based on the standards set forth in this chapter and Chapter 48 CDC, Access, Egress and Circulation; Chapter 52 CDC, Signs; and Chapter 54 CDC, Landscaping. (Ord. 1463, 2000)

#### **46.050 JOINT USE OF A PARKING AREA**

A. Joint use of required parking spaces may occur where two or more uses on the same or separate sites are able to share the same parking spaces because their parking demands occur at different times. Joint use of required parking spaces is allowed if the following documentation is submitted in writing to the Planning Director as part of a building or zoning permit application or land use review:

1. The names and addresses of the owners or tenants that are sharing the parking and the uses at those locations;
2. The location and number of parking spaces that are being shared;
3. An analysis showing that the peak parking times of the uses occur at different times and that the parking area will be large enough for the anticipated demands of both uses; and
4. A legal instrument such as an easement or deed restriction that guarantees access to the parking for all uses.

B. If a joint use arrangement is subsequently terminated, the requirements of this chapter will apply to each use separately. (Ord. 1547, 2007; Ord. 1622 § 25, 2014)

#### **46.060 STORAGE IN PARKING AND LOADING AREAS PROHIBITED**

Required parking spaces shall be available for the parking of passenger automobiles of residents, customers, patrons and employees only, and the required parking spaces shall not be used for storage of vehicles or materials or for the parking of trucks connected with the business or use with the exception of small (under one-ton) delivery trucks or cars.

#### **46.070 MAXIMUM DISTANCE ALLOWED BETWEEN PARKING AREA AND USE**

A. Off-street parking spaces for single- ~~and two~~-family dwellings shall be located on the same lot with the dwelling.

B. Off-street parking spaces for uses not listed in subsection A of this section shall be located not farther than 200 feet from an entryway to the building or use they are required to serve, measured in a straight line from the building, with the following exceptions:

1. Shared parking areas for commercial uses which require more than 40 parking spaces may provide for the spaces in excess of the required 40 spaces up to a distance of 300 feet from the entryway to the commercial building or use.
2. Industrial and manufacturing uses which require in excess of 40 spaces may locate the required spaces in excess of the 40 spaces up to a distance of 300 feet from the entryway to the building.



3. Employee parking areas for carpools and vanpools shall be located closer to the entryway to the building than general employee parking.
4. Stacked or valet parking is allowed if an attendant is present to move vehicles. If stacked parking is used for required parking spaces, the applicant shall ensure that an attendant will always be present when the lot is in operation. The requirements for minimum or maximum spaces and all parking area development standards continue to apply for stacked parking.
5. All disabled parking shall be placed closest to building entrances than all other parking. Appropriate ADA curb cuts and ramps to go from the parking lot to the ADA-accessible entrance shall be provided unless exempted by ADA code. (Ord. 1547, 2007)

6. Parking for Cottage Clusters may be further than 200 feet, if a pedestrian pathway is provided with the following conditions:

- a. Pedestrian walkways from the parking area to the main entrances of Cottages is paved and meets standard ADA width and slopes to ensure the most direct path.
- b. Pedestrian scaled lighting is provided along the path.

#### **46.080 COMPUTATION OF REQUIRED PARKING SPACES AND LOADING AREA**

- A. Where several uses occupy a single structure or unit of land, a combination of uses is included in one business, or a combination of uses in the same or separate buildings share a common parking area as in the case of a shopping center, the total off-street parking spaces and loading area shall be the sum of the requirements of the several uses, computed separately. For example, parking for an auto sales and repair business would be calculated using the “retail-bulky” calculation for the sales area and the “service and repair” calculation for the repair area. In another example, parking for a shopping center with a grocery store, a restaurant, and a medical office would be calculated using the “general retail store” calculation for the grocery store, the “restaurant” calculation for the restaurant, and the “medical/dental clinics” calculation for the medical office. The total number of required parking spaces may be reduced by up to 10 percent to account for cross-patronage (when a customer visits several commercial establishments during one visit to the commercial center) of adjacent businesses or services in a commercial center with five or more separate commercial establishments.
- B. To calculate building square footage as a basis for determining how many parking spaces are needed, the area measured shall be gross floor area under the roof measured from the faces of the structure, including all habitable floors and excluding only space devoted to covered off-street parking or loading.
- C. Where employees are specified, the employees counted are the persons who work on the premises including proprietors, executives, professional people, production, sales, and distribution employees, during the largest shift.
- D. Fractional space requirements shall be counted as a whole space.
- E. On-street parking along the immediate property frontage(s) may be counted toward the minimum parking requirement with approval from the City Engineer.
- F. When an office or commercial development is proposed which has yet to identify its tenants, the parking requirement shall be based upon the “office” or “general retail” categories, respectively.
- G. As permitted uses are replaced with new permitted uses within an existing commercial or business center, modification of the number of parking spaces relative to the new mix of uses is not required unless other modifications of the site which require design review approval pursuant to Chapter 55 CDC are proposed. (Ord. 1463, 2000; Ord. 1622 § 25, 2014; Ord. 1636 § 31, 2014)

**46.090 MINIMUM OFF-STREET PARKING SPACE REQUIREMENTS**

A.	<u>Residential parking space requirements.</u>		
	1.	Single-family residences (attached or detached).	1 space for each dwelling unit; may or may not be in garage or carport.
	2.	Two-family residences and duplexes.	1 space for each dwelling unit; may or may not be in garage or carport.
	<u>3.</u>	<u>Triplexes</u>	<p>1 space for each dwelling unit; may or may not be in garage or carport.</p> <p><u>For Lots or Parcels less than 3,000 sf: 1 space in total;</u></p> <p><u>For Lots or Parcels greater than or equal to 3,000 sf but less than 5,000 sf: 2 spaces in total</u></p> <p><u>For Lots or Parcels greater than or equal to 5,000 square feet: 3 spaces in total.</u></p> <p><u>Stacking one car behind the other is permitted only when the parking spaces are allocated to specific dwelling units and the driveway width allows for the interior vehicle to maneuver around the other parked vehicles.</u></p>
	<u>4.</u>	<u>Quadplexes</u>	<p>1 space for each dwelling unit; may or may not be in garage or carport.</p> <p><u>For Lots or Parcels of less than 3,000 sf: 1 space in total;</u></p> <p><u>For Lots or Parcels greater than or equal to 3,000 sf but less than 5,000 sf: 3 spaces in total;</u></p> <p><u>For Lots or Parcels greater than or equal to 5,000 square feet but less than 7,000 sf: 3 spaces in total; and</u></p> <p><u>For Lots or Parcels greater than or equal to 7,000 square feet: 4 spaces in total.</u></p> <p><u>Stacking one car behind the other is permitted only when the parking spaces are allocated to specific dwelling units and the driveway width allows for the interior vehicle to maneuver around the other parked vehicles.</u></p>
	<u>5.</u>	<u>Townhouses</u>	<p><u>1 space per Townhouse dwelling unit</u></p> <p><u>Stacking one car behind the other is permitted only when the parking spaces are allocated to specific dwelling units and the driveway width allows for the interior vehicle to maneuver around the other parked vehicles.</u></p>
	<u>6.</u>	<u>Cottage Cluster</u>	<p><u>1 space per dwelling unit or Cottage in the Cluster.</u></p> <p><u>Stacking one car behind the other is permitted only when the parking spaces are allocated to specific dwelling units and the driveway width allows for the interior vehicle to maneuver around the other parked vehicles.</u></p>
	<u>7-3.</u>	Multi-family residences:	
		a.	500 square feet or less. 1 space for each unit.
		b.	1 bedroom apartment. 1.25 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 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 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 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.
	<u>8.4.</u>	Residential hotel, rooming and boarding houses.	1 space per 1,000 square feet of gross leasable area.	
	<u>9.5.</u>	Correctional institutions.	1 space for each 3 beds or patients, plus 1 space for each 2 employees.	
	<u>10.6.</u>	Manufactured/mobile home.	Same as single-family.	
	<u>11.7.</u>	Adult foster care, residential care facility, assisted living facility.	1 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.	<u>Public and semi-public buildings/uses.</u>			
	1.	Hospitals/nursing facilities.	One space for each 3 beds plus 1 space per 2 employees.	
	2.	Lodge, social and civic assembly (except senior center and community center).	Spaces to meet the combination of uses, CDC 46.080(A).	
	3.	Library.	One space per 400 square feet of reading area, plus 1 space per 2 employees.	
	4.	Religious institutions and community meeting rooms.	One space for every 4 fixed seats or every 8 feet of bench length or every 28 square feet where no permanent seats or benches are maintained (in main auditorium, sanctuary, or place of worship).	
	5.	Museum, art gallery.	One space for each 500 square feet of floor area, plus 1 space for each 2 employees.	
	6.	Primary school, middle school, or equivalent private or parochial school.	One space for every employee, plus 1 space for each 1,000 square feet of floor area.	
	7.	Senior high, college, or commercial trade school, or equivalent private or parochial school.	0.2 spaces per staff and student.	
	8.	Day care, kindergarten, or pre-school facilities.	One space per employee, plus one space for every 300 square feet of floor area.	
	9.	Youth center or community center.	One space per 200 square feet of covered floor area and drop-off facilities where required by CDC 46.120.	
	10.	Passive parks, open space areas.	One space per 5 acres to 1 space per acre unless the open space area is abutting a street with no intervening homes or land uses, and has at least 300 lineal feet of street frontage where on-street parking is allowed.	
	11.	Active parks, playgrounds.	Two to 5 spaces for each acre of active use area other than athletic fields.	
	12.	Athletic field (baseball, soccer, etc.).	40 spaces per athletic field.	
	13.	Boat ramp.	40 spaces per launch ramp (50 percent at 9' X 20'; 50 percent at 10' X 40' marked "trailers only").	
	14.	Senior center.	One space per 150 square feet and drop-off facility per CDC 46.120.	
	15.	Trailhead.	Four spaces (includes one handicapped space).	
C.	<u>Commercial.</u>			
	1.	Restaurants: Eating and drinking establishments.		
		a.	Cafes, diners, taverns, bars, lounges, full-service and fast food restaurants.	One space for every 100 square feet of gross floor area. Restaurants with drive-through window and reservoir areas may reduce their parking requirement by 5 spaces.
		b.	Take out facilities (i.e.,	One space for every 200 square feet of gross floor area.

			delicatessen, coffee and pastry, pizza, Chinese food, etc.) with no more than 2 tables and 8 seats, or 12 feet of stand-up counter space, or combination thereof, so that not more than 8 persons could be accommodated at any one time.	Take-out facilities with drive-through window and reservoir areas may reduce their parking requirement by 5 spaces.
	2.	General retail store, except as provided below.	One space for every 240 sq. ft. of gross floor area.	
	3.	Retail-bulky (i.e., automobiles, furniture, automotive parts, appliances such as stoves, refrigerators, etc.).	One space for every 300 sq. ft. of gross floor area.	
	4.	Service and repair shops.	One space for every 500 sq. ft. of gross floor area.	
	5.	Professional offices, banks and savings and loans, and government offices.	One space for every 370 sq. ft. of gross area.	
	6.	Medical/dental clinics/day surgery.	One space for every 250 sq. ft. of gross floor area.	
	7.	Hotel, motel, tourist court, or bed and breakfast.	One space for each guest room (plus parking for convention center, as appropriate).	
	8.	Convention, trade, or banquet center.	One space per 3 persons of the maximum capacity of the convention center.	
	9.	Laundromat.	One space per 2 washing machines.	
	10.	Tanning salon.	One space per tanning booth/bed, plus 1 per employee.	
D.	<u>Commercial recreation.</u>			
	1.	Auditorium, stadium, gymnasium.	One space for each 4 seats, or 8 feet of bench length, or 1 space for each 40 square feet of floor area.	
	2.	Bowling alley.	Five spaces for each alley, plus 1 space for each 2 employees.	
	3.	Pool hall or billiard hall.	One space per table, plus 1 space for each 2 employees.	
	4.	Dance hall or skating rink.	One space for each 50 sq. ft. of gross floor area, plus space for each 2 employees.	
	5.	Amusement park.	One space for each 1,000 sq. ft. of gross area, plus 1 space for each 2 employees.	
	6.	Go-kart track.	One space per kart, plus one space per employee.	
	7.	Country club and golf course.	Six spaces per golf hole, and 1 space per employee on largest shift.	
	8.	Executive or 9-hole golf course.	Two spaces per golf hole, and space per employee on largest shift.	
	9.	Theater or movie house.	One space per 4 seats, or 8 feet of bench length.	
	10.	Racetrack or stadium.	One space per 6 seats, or 12 feet of bench length.	
	11.	Shooting gallery.	One space per 500 square feet of floor area, plus 1 space per 2 employees.	
	12.	Swimming pool.	One space per 100 square feet of floor area, plus 1 space per 2 employees.	
	13.	Tennis/racquetball courts.	One space per court.	
	14.	Video arcade.	One space per 240 square feet.	
	15.	Miniature golf course.	Two spaces per golf hole, plus 1 space per employee at largest shift.	
	16.	Marina boat dock.	1.5 spaces per boat slip, plus 1 per each employee.	
	17.	Health club.	One space per 230 square feet of gross floor area.	

E.	<u>Industrial.</u>		
	1.	Manufacturing use; may include assembly and distribution.	One space per employee. (Multi-shift businesses only need to provide for peak shift number of employees on site at one time.)
	2.	Storage or wholesale use including personal storage facilities.	One space per employee plus one space/700 sq. ft. of patron serving area.

F. Maximum parking. Parking spaces (except for single-family ~~and two-family attached and detached~~ residential uses) shall not exceed the minimum required number of spaces by more than 10 percent.

G. Parking reductions. An applicant may reduce parking up to 10 percent for development sites within one-quarter mile of a transit corridor or within a mixed-use commercial area, and up to 10 percent for commercial development sites adjacent to multi-family residential sites with the potential to accommodate more than 20 dwelling units.

H. For office, industrial, and public uses where there are more than 20 parking spaces for employees on the site, at least 10 percent of the required employee parking spaces shall be reserved for carpool use before 9:00 a.m. on weekdays. The spaces will be the closest to the building entrance, except for any disabled parking and those signed for exclusive customer use. The carpool/vanpool spaces shall be clearly marked “Reserved – Carpool/Vanpool Before 9:00 a.m.”

I. Existing developments along transit streets or near transit stops may redevelop up to 10 percent of the existing parking spaces to provide transit-oriented facilities, including bus pullouts, bus stops and shelters, park and ride stations, and other similar facilities.

J. Development in water resource areas may reduce the required number of parking spaces by up to 25 percent. Adjacent improved street frontage with curb and sidewalk may also be counted towards the parking requirement at a rate of one parking space per 20 lineal feet of street frontage adjacent to the property. (Ord. 1291, 1990; Ord. 1391, 1996; Ord. 1408, 1998; Ord. 1425, 1998; Ord. 1463, 2000; Ord. 1499, 2003; Ord. 1547, 2007; Ord. 1622 § 25, 2014; Ord. 1623 § 4, 2014; Ord. 1650 § 1 (Exh. A), 2016; Ord. 1675 § 38, 2018)

**46.100 PARKING REQUIREMENTS FOR UNLISTED USES**

A. Upon application and payment of fees, the decision-making authority, as provided by CDC 99.060(B), may rule that a use not specifically listed in CDC 46.090 is a use similar to a listed use and that the same parking standards shall apply. The ruling on parking requirements shall be based on the requirements of Chapter 99 CDC and findings that:

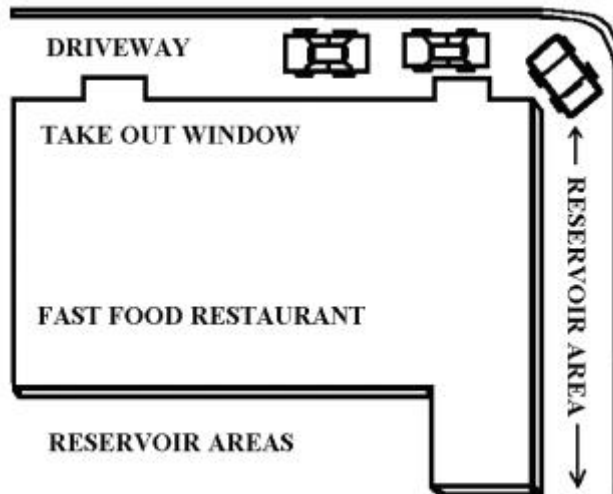
1. The use is similar to and of the same general type as a listed use;
2. The use has similar intensity, density and off-site impacts as the listed use; and
3. The use has similar impacts on the community facilities as the listed use.

B. This section does not authorize the inclusion of a use in a zone where it is not listed, or a use which is specifically listed in another zone or which is of the same general type, and is similar to a use specifically listed in another zone.

**46.110 RESERVOIR AREAS REQUIRED FOR DRIVE-IN USES**

All uses providing drive-in service as defined by this code shall provide, on the same site, a reservoir space a minimum of 15 feet long for each car, as follows:

Use	Reservoir Requirement
Drive-in banks.	3 spaces/service terminal.
Drive-in restaurants.	10 spaces/service window (measured from the last service window).
Drive-in theaters.	10 percent of the theater capacity.
Gasoline service stations.	2 spaces (25 feet long each) on each side of fueling island to include 2 spaces at each end of the island.
Mechanical car washes.	3 spaces/washing unit.
Parking facilities – free flow (no stop required) entry.	1 space/entry driveway.
Automated ticket dispense entry.	2 spaces/entry driveway.
Attendant ticket dispensing.	5 spaces/entry driveway.



(Ord. 1401, 1997)

**46.120 DRIVEWAYS REQUIRED ON SITE**

Any school or other meeting place which is designed to accommodate more than 25 people at one time shall provide a 15-foot-wide driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and

unloading passengers. Depending on functional requirements, the width may be increased with Planning Director approval.

#### 46.130 OFF-STREET LOADING SPACES

Buildings or structures to be built or substantially altered, which receive and distribute material or merchandise by truck, shall provide and maintain off-street loading and maneuvering space. The dimensional standard for loading spaces is a minimum of 14 feet wide by 20 feet long or proportionate to accommodate the size of delivery trucks that typically serve the proposed use as follows:

Land Use	Gross Floor Area	
	At Which First Berth Is Required	At Which Second Berth Is Required
<u>Industrial:</u>		
Manufacturing	5,000 sq. ft.	40,000 sq. ft.
Warehouse	5,000	40,000
Storage	10,000	100,000
<u>Commercial:</u>		
Wholesale	10,000	40,000
Retail	10,000	20,000
Service establishments	10,000	40,000
Comm. recreational (incl. bowling alley)	10,000	100,000
Restaurants	5,000	25,000
Laundry	10,000	25,000
Office building	10,000	100,000
Hotel	10,000	100,000
<u>Institutional:</u>		
Schools	10,000	100,000
Hospitals	10,000	100,000
Other care facilities	10,000	100,000
<u>Public buildings:</u>		
Terminals	5,000	40,000

Land Use	Gross Floor Area	
	At Which First Berth Is Required	At Which Second Berth Is Required
Auditoriums	10,000	100,000
Arenas	10,000	100,000
Funeral homes	10,000	100,000

#### 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 as identified in this chapter. Any off-street parking or loading spaces voluntarily provided shall be designed and installed per the dimensional standards of this code. (Ord. 1463, 2000; Ord. 1638 § 3, 2015; Ord. 1675 § 39, 2018)

#### 46.150 DESIGN AND STANDARDS

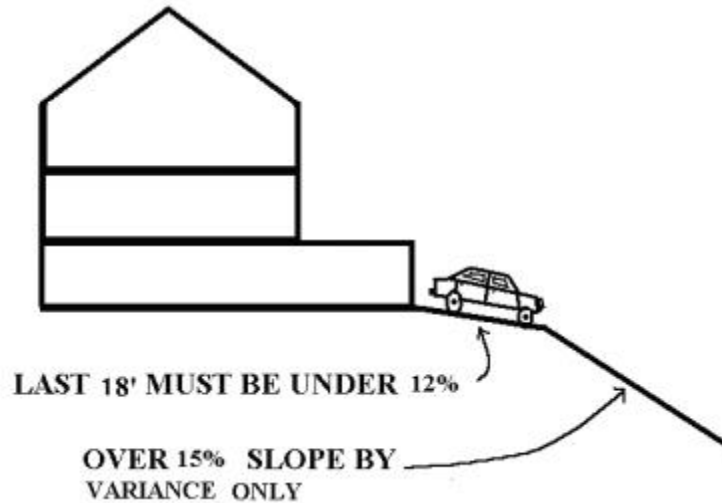
The following standards apply to the design and improvement of areas used for vehicle parking, storage, loading, and circulation:

A. Design standards.

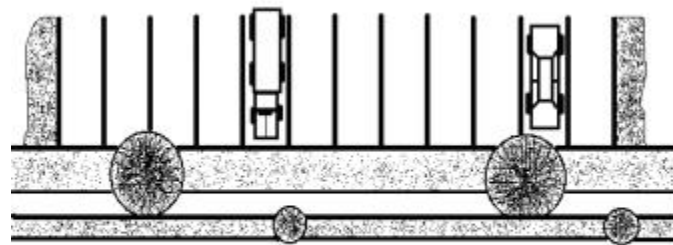
1. “One standard parking space” means a minimum for a parking stall of eight feet in width and 16 feet in length. These stalls shall be identified as “compact.” To accommodate larger cars, 50 percent of the required parking spaces shall have a minimum dimension of nine feet in width and 18 feet in length (nine feet by 18 feet). When multi-family parking stalls back onto a main driveway, the stalls shall be nine feet by 20 feet. Parking for development in water resource areas may have 100 percent compact spaces.
2. Disabled parking and maneuvering spaces shall be consistent with current federal dimensional standards and subsection B of this section and placed nearest to accessible building entryways and ramps.
3. *Repealed by Ord. 1622.*
4. Service drives shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and maximum safety of pedestrians and vehicular traffic on the site.
5. Each parking and/or loading space shall have clear access, whereby the relocation of other vehicles to utilize the parking space is not required.
6. Except for single- ~~and two~~-family attached and detached residences, any area intended to be used to meet the off-street parking requirements as contained in this chapter shall have all parking spaces clearly marked using a permanent paint. All interior drives and access aisles shall be clearly marked and signed to show direction of flow and maintain vehicular and pedestrian safety. Permeable parking surface spaces may have an alternative delineation for parking spaces.



7. Except for residential parking, and parking for public parks and trailheads, at least 50 percent of all areas used for the parking and/or storage and/or maneuvering of any vehicle, boat and/or trailer shall be improved with asphalt or concrete surfaces according to the same standards required for the construction and acceptance of City streets. The remainder of the areas used for parking may use a permeable paving surface designed to reduce surface runoff. Parking for public parks or trailheads may use a permeable paving surface designed to reduce surface runoff for all parking areas. Where a parking lot contains both paved and unpaved areas, the paved areas shall be located closest to the use which they serve.
8. Off-street parking spaces for single- ~~and two~~-family ~~attached and detached~~ residences shall be improved with an asphalt or concrete surface, or a permeable parking surface designed to reduce surface runoff, to specifications as approved by the Building Official. Other parking facilities for ~~two-and~~ single-family homes that are to accommodate additional vehicles, boats, recreational vehicles, and trailers, etc., need not be paved. All parking for multi-family residential development shall be paved with concrete or asphalt. Driveways shall measure at least 20 feet from the back of sidewalk to garage or the end of the parking pad to accommodate cars and sport utility vehicles without the vehicles blocking the public sidewalk.
9. Access drives from the street to off-street parking or loading areas shall be designed and constructed to facilitate the flow of traffic and provide maximum safety for pedestrian and vehicular traffic on the site. The number of access drives shall be limited to the minimum that will allow the property to accommodate and service the anticipated traffic. Access drives shall be clearly and permanently marked and defined through use of rails, fences, walls, or other barriers or markers on frontage not occupied by service drives.
10. Access drives shall have a minimum vision clearance as provided in Chapter 42 CDC, Clear Vision Areas.
11. Parking spaces along the boundaries of a parking lot or adjacent to interior landscaped areas or sidewalks shall be provided with a wheel stop at least four inches high located two feet back from the front of the parking stall. Such parking spaces may be provided without wheel stops if the sidewalks or landscaped areas adjacent the parking stalls are two feet wider than the minimum width.
12. Off-street parking and loading areas shall be drained in accordance with plans and specifications approved by the City Engineer. Storm drainage at commercial sites may also have to be collected to treat oils and other residue.
13. Artificial lighting on all off-street parking facilities shall be designed to deflect all light downward away from surrounding residences and so as not to create a hazard to the public use of any road or street.
14. Directional arrows and traffic control devices which are placed on parking lots shall be identified.
15. The maximum driveway grade for single-family housing shall be 15 percent. The 15 percent shall be measured along the centerline of the driveway only. Grades elsewhere along the driveway shall not apply. Variations require approval of a Class II variance by the Planning Commission pursuant to Chapter 75 CDC. Regardless, the last 18 feet in front of the garage must maintain a maximum grade of 12 percent as measured along the centerline of the driveway only. Grades elsewhere along the driveway shall not apply.

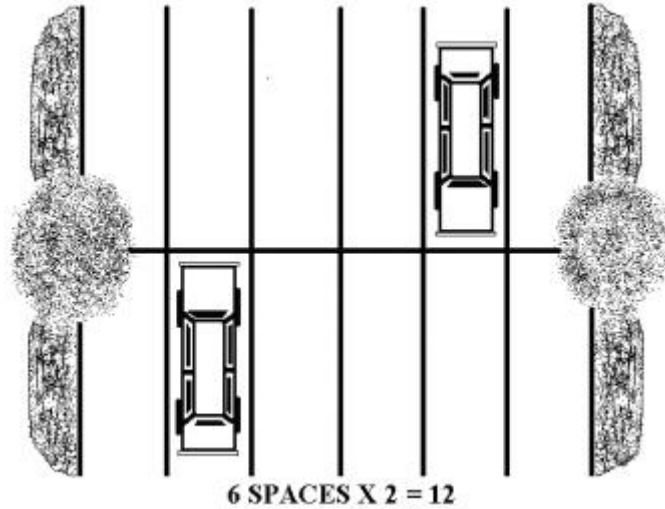


- 16. Visitor or guest parking must be identified by painted "GUEST" or "VISITOR."
- 17. The parking area shall have less than a five percent grade. No drainage across adjacent sidewalks or walkways is allowed.
- 18. Commercial, office, industrial, and public parking lots may not occupy more than 50 percent of the main lot frontage of a development site. The remaining frontage shall comprise buildings or landscaping. If over 50 percent of the lineal frontage comprises parking lot, the landscape strip between the right-of-way and parking lot shall be increased to 15 feet wide and shall include terrain variations (e.g., one-foot-high berm) plus landscaping. The defensible space of the parking lot should not be compromised.
- 19. Areas of the parking lot improved with asphalt or concrete surfaces shall be designed into areas of 12 or less spaces through the use of defined landscaped area. Groups of 12 or less spaces are defined as:
  - a. Twelve spaces in a row, provided there are no abutting parking spaces, as in the case when the spaces are abutting the perimeter of the lot; or

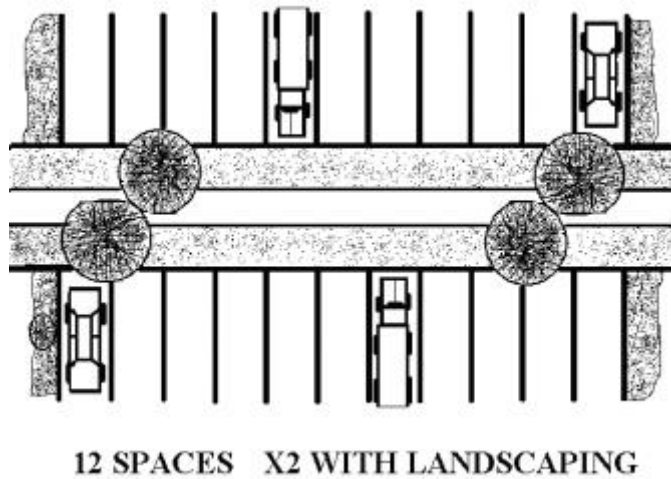


**12 SPACES IN A ROW**

- b. Twelve spaces in a group with six spaces abutting together; or



c. Two groups of 12 spaces abutting each other, but separated by a 15-foot-wide landscape area including a six-foot-wide walkway.

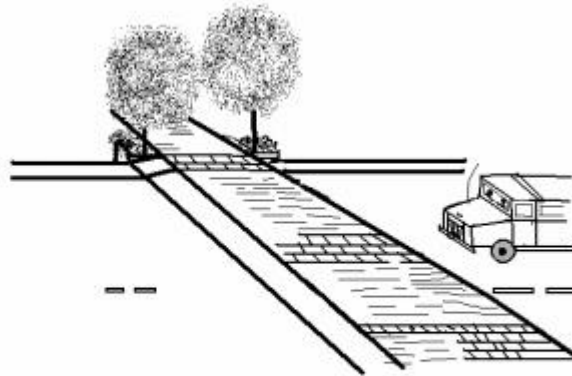


d. Parking areas improved with a permeable parking surface may be designed using the configurations shown in subsections (A)(19)(a), (b) and (c) of this section except that groups of up to 18 spaces are allowed.

e. The requirements of this chapter relating to total parking lot landscaping, landscaping buffers, perimeter landscaping, and landscaping the parking lot islands and interior may be waived or reduced pursuant to CDC 32.110(F) in a WRA application without a variance being required.

20. Pedestrian walkways shall be provided in parking areas having 20 or more spaces. Walkways or sidewalks shall be constructed between major buildings/activity areas (an example in multi-family housing: between recreation center, swimming pool, manager’s office, park or open space areas, parking lots, etc.) within a development, between adjacent developments and the new development, as feasible, and between major buildings/activity areas within the development and adjacent streets and all adjacent transit stops. Internal parking lot circulation and design should maintain ease of access for pedestrians from streets and transit stops. Walkways shall be constructed using a material that visually contrasts with the parking lot and

driveway surface. Walkways shall be further identifiable to pedestrians and motorists by grade separation, walls, curbs, surface texture (surface texture shall not interfere with safe use of wheelchairs, baby carriages, shopping carts, etc.), and/or landscaping. Walkways shall be six feet wide. The arrangement and layout of the paths shall depend on functional requirements.



**RAISED SIDEWALK/TEXTURED SURFACE  
AUTOMOBILE BECOMES SUBSERVIENT  
TO THE PEDESTRIAN**

- 21. The parking and circulation patterns are easily comprehended and defined. The patterns shall be clear to minimize traffic hazards and congestion and to facilitate emergency vehicles.
- 22. The parking spaces shall be close to the related use.
- 23. Permeable parking spaces shall be designed and built to City standards.

B. Accessible parking standards for persons with disabilities. If any parking is provided for the public or visitors, or both, the needs of the people with disabilities shall be based upon the following standards or current applicable federal standards, whichever are more stringent:

- 1. Minimum number of accessible parking space requirements (see following table):

MINIMUM REQUIRED NUMBER OF TOTAL PARKING SPACES	TOTAL NUMBER OF ACCESSIBLE SPACES	NUMBER OF VAN-ACCESSIBLE SPACES REQUIRED, OF TOTAL	SPACES SIGNED "WHEELCHAIR USE ONLY"
1 – 25	1	1	–
26 – 50	2	1	–
51 – 75	3	1	–
76 – 100	4	1	–
101 – 150	5	–	1
151 – 200	6	–	1
201 – 300	7	–	2
301 – 400	8	–	2
401 – 500	9	–	2

MINIMUM REQUIRED NUMBER OF TOTAL PARKING SPACES	TOTAL NUMBER OF ACCESSIBLE SPACES	NUMBER OF VAN-ACCESSIBLE SPACES REQUIRED, OF TOTAL	SPACES SIGNED "WHEELCHAIR USE ONLY"
501 – 999	2 percent of total spaces	–	1 in every 6 accessible spaces or portion thereof
Over 1,000	20 spaces plus 1 for every 100 spaces, or fraction thereof, over 1,000	–	1 in every 6 spaces or portion thereof

2. Location of parking spaces. Parking spaces for the individual with a disability that serve a particular building shall be located on the shortest possible accessible circulation route to an accessible entrance to a building. In separate parking structures or lots that do not serve a particular building, parking spaces for the persons with disabilities shall be located on the shortest possible circulation route to an accessible pedestrian entrance of the parking facility.

3. Accessible parking space and aisle shall meet ADA vertical and horizontal slope standards.

4. Where any differences exist between this section and current federal standards, those standards shall prevail over this code section.

5. One in every eight accessible spaces, but not less than one, shall be served by an access aisle 96 inches wide.

6. Van-accessible parking spaces shall have an additional sign marked "Van Accessible" mounted below the accessible parking sign. A van-accessible parking space reserved for wheelchair users shall have a sign that includes the words "Wheelchair Use Only." Van-accessible parking shall have an adjacent eight-foot-wide aisle. All other accessible stalls shall have a six-foot-wide aisle. Two vehicles may share the same aisle if it is between them. The vertical clearance of the van space shall be 96 inches.

C. Landscaping in parking areas. Reference Chapter 54 CDC, Landscaping.

D. Bicycle facilities and parking.

1. Provisions shall be made for pedestrian and bicycle ways if such facilities are shown on an adopted plan.

2. Bicycle parking facilities shall either be lockable enclosures in which the bicycle is stored, or secure stationary racks which accommodate bicyclist's locks securing the frame and both wheels. The bicycle parking shall be no more than 50 feet from the entrance to the building, well-lit, observable, and properly signed.

3. Bicycle parking must be provided in the following amounts:

LAND USE CATEGORY	MINIMUM REQUIRED BICYCLE PARKING SPACES	MINIMUM COVERED AMOUNT
Residential		
Multi-family Residential	1 space per unit	50%
Institutional		
Schools – Elementary	2 spaces per classroom	50%
Schools – Jr. High or Middle Schools	4 spaces per classroom	50%
Schools – Sr. High	2 spaces per classroom	50%
College	1 space per 4 students	50%

LAND USE CATEGORY	MINIMUM REQUIRED BICYCLE PARKING SPACES	MINIMUM COVERED AMOUNT
Transit Centers/Park & Ride Lots	5% of auto spaces, or 100% of demand, depending on location/accessibility to bicyclists	100%
Religious Institutions	1 space per 40-seat capacity	25%
Hospitals	1 space per 5 beds	50%
Doctor, Dentist Offices	2, or 0.5 spaces per 1,000 gross sq. ft., whichever is greater	25%
Libraries, Museums, Government Offices, etc.	2, or 1.5 spaces per 1,000 gross sq. ft., whichever is greater	25%
Commercial		
Retail Sales	0.33 spaces per 1,000 gross sq. ft.	50%
Auto-oriented Services (including 7-11s)	2, or 0.33 spaces per 1,000 gross sq. ft., whichever is greater	10%
Groceries/Supermarkets	0.33 spaces per 1,000 gross sq. ft./bldg.	10%
Office	2, or 0.5 spaces per 1,000 gross sq. ft., whichever is greater	10%
Quality Restaurant	1 space per 1,000 gross sq. ft.	25%
Drive-in Restaurant	2 spaces per 1,000 gross sq. ft.	25%
Shopping Center (by size)	0.33 spaces per 1,000 gross sq. ft./bldg.	50%
Financial Institutions	2, or 0.33 spaces per 1,000 gross sq. ft.	25%
Theaters, Auditoriums, etc.	1 space per 30 seats	25%
Industrial		
Industrial Park	2, or 0.5 spaces per 1,000 gross sq. ft.	50%
Warehouse	2, or 0.1 spaces per 1,000 gross sq. ft.	50%
Manufacturing, etc.	2, or 0.15 spaces per 1,000 gross sq. ft.	50%

E. Office or industrial developments shall be allowed a 10 percent reduction in the number of required parking spaces when the property owner agrees to a demand management program that includes three or more of the following measures:

1. Designate a transportation coordinator responsible for promoting public transit and ride-sharing among employees.
2. Participate in region-wide ride matching program at the site.
3. Provide free transit passes to employees.
4. Provide showers and lockers for employees who commute by bicycle.
5. Charge employees for monthly parking and provide a transportation allowance to employees equal to the parking charge.
6. Install office technology, floorplans, and tenant regulations which are permanent, which effectively arrange for at least 10 percent of the employees to telecommute, thereby reducing employee automobile traffic by 10 percent.

The required demand management measures shall be included as conditions of approval for the proposed project. The property owner or manager shall file an annual affidavit with the City of West Linn stating that ongoing demand management measures required as conditions of approval have not been discontinued.

F. (See Figures 1 and 2 below.)

**Figure 1. MINIMUM STANDARDS FOR PARKING LOT LAYOUT**

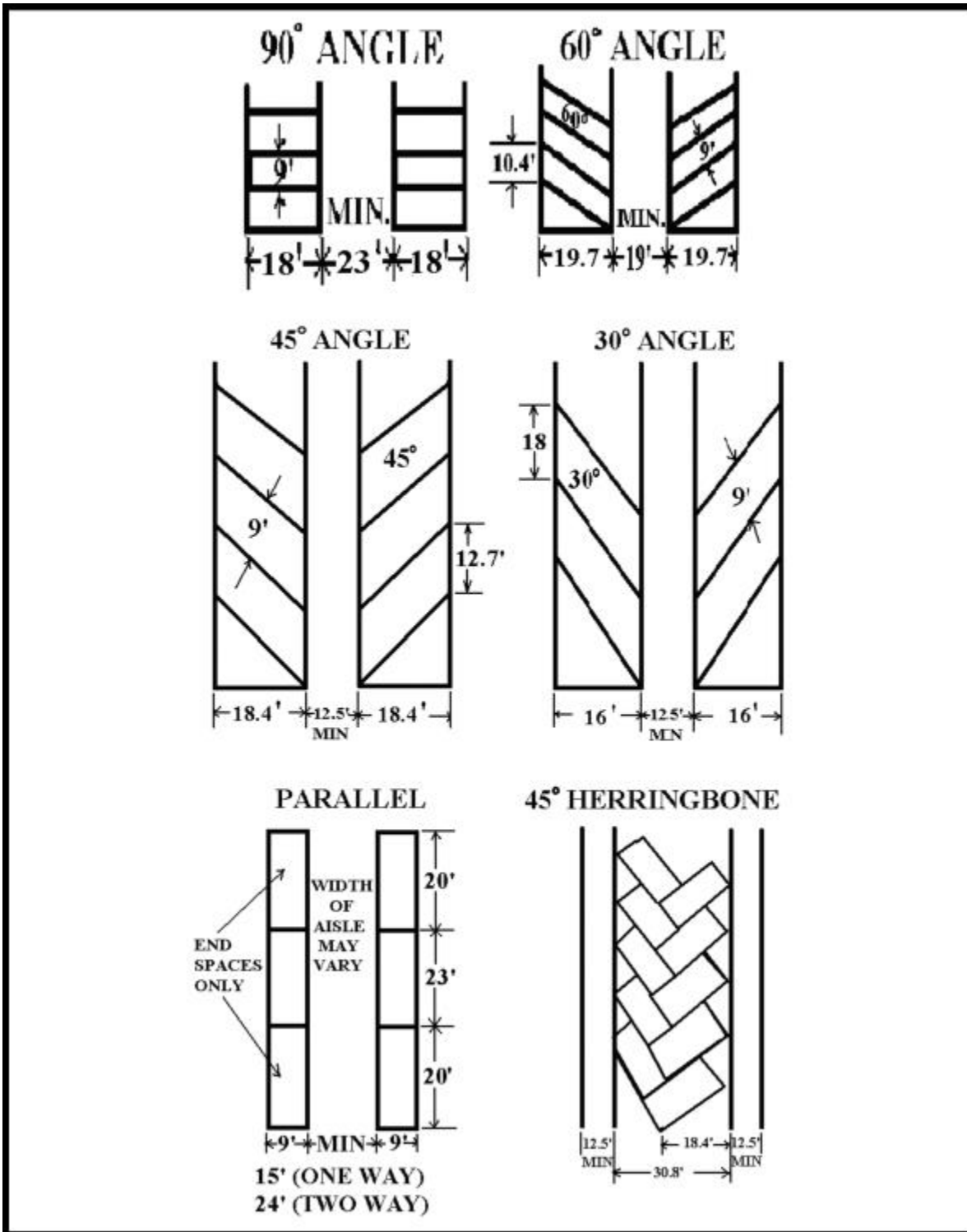
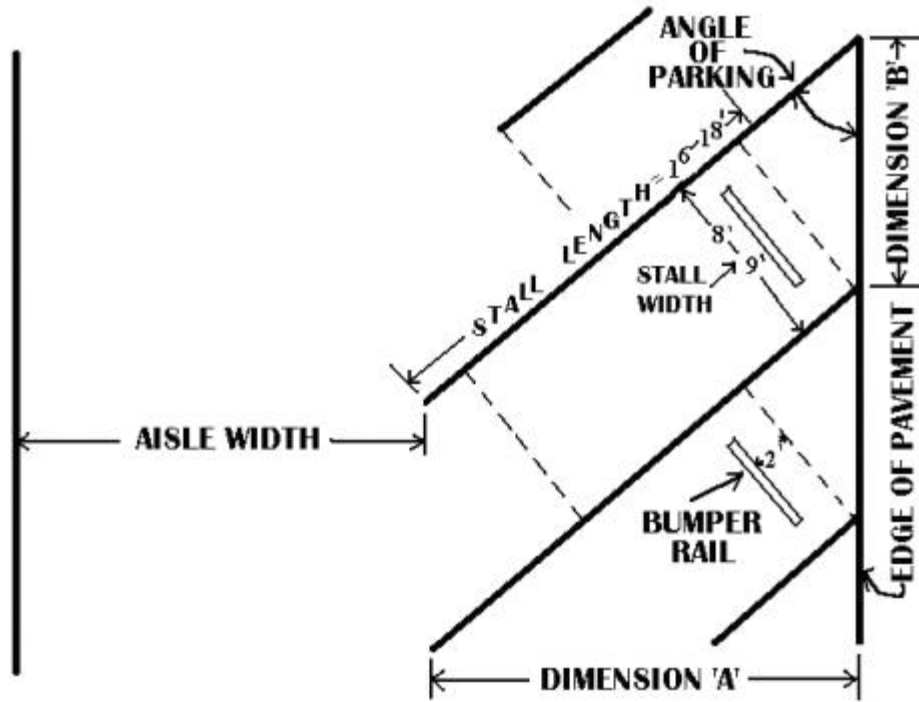


Figure 2. MINIMUM DISTANCE FOR PARKING STALLS





ANGLE OF PARKING	DIRECTION OF PARKING	AISLE WIDTH		DIMENSION 'A'		DIMENSION 'B'	
		STALL WIDTH		STALL WIDTH		STALL WIDTH	
		9.0'	8.0'	9.0'	8.0'	9.0'	8.0'
30°	DRIVE-IN	12.5'	12.5'	16.8'	13.8'	18.0'	16.0'
45°	DRIVE-IN	12.5'	12.5'	19.1'	17.0'	12.7'	11.3'
60°	DRIVE-IN	19.0'	18.0'	20.1'	17.8'	10.4'	9.2'
60°	BACK-IN	17.0'	17.0'	20.1'	17.8'	10.4'	9.2'
90°	DRIVE-IN	23.0'	23.0'	18.0'	16.0'	9.0'	8.0'
90°	BACK-IN	22.0'	22.0'	18.0'	16.0'	9.0'	8.0'

(Ord. 1425, 1998; Ord. 1463, 2000; Ord. 1513, 2005; Ord. 1547, 2007; Ord. 1590 § 1, 2009; Ord. 1604 § 46, 2011; Ord. 1622 § 25, 2014; Ord. 1623 § 4, 2014; Ord. 1635 § 24, 2014)

## Chapter 55

### DESIGN REVIEW

Sections:

- 55.010 PURPOSE AND INTENT – GENERAL
- 55.020 CLASSES OF DESIGN REVIEW
- 55.025 EXEMPTIONS
- 55.030 ADMINISTRATION AND APPROVAL PROCESS
- 55.040 EXPIRATION OR EXTENSION OF APPROVAL
- 55.050 DESIGN REVIEW AMENDMENT TRIGGER
- 55.060 STAGED OR PHASED DEVELOPMENT
- 55.070 SUBMITTAL REQUIREMENTS
- 55.085 ADDITIONAL INFORMATION REQUIRED AND WAIVER OF REQUIREMENTS
- 55.090 APPROVAL STANDARDS – CLASS I DESIGN REVIEW
- 55.100 APPROVAL STANDARDS – CLASS II DESIGN REVIEW
- 55.110 SITE ANALYSIS
- 55.120 SITE PLAN
- 55.125 TRANSPORTATION ANALYSIS
- 55.130 GRADING AND DRAINAGE PLANS
- 55.140 ARCHITECTURAL DRAWINGS
- 55.150 LANDSCAPE PLAN
- 55.170 EXCEPTIONS TO UNDERLYING ZONE, YARD, PARKING, SIGN PROVISIONS, AND  
LANDSCAPING PROVISIONS
- 55.180 MAINTENANCE
- 55.190 SHARED OPEN SPACE
- 55.195 ANNEXATION AND STREET LIGHTS

#### 55.010 PURPOSE AND INTENT – GENERAL

The purpose of the design review provisions is to establish a process and standards for the review of development proposals in order to conserve and enhance the appearance of the City and to promote functional, safe, and innovative site development. Attention will be paid to the proposal's scale, layout and design, its compatibility with the surrounding natural environment, and the character of the surrounding neighborhood or area. The intent is to ensure that there is general compatibility between adjoining uses, that private and common outdoor space is provided, that vehicular access and circulation are safe, and that areas of public use are made aesthetically attractive and safe. Also of concern are the needs of persons with disabilities.

Developers of multi-family, industrial, commercial, office, and public building projects are required to take steps to reduce reliance on the automobile by, in part, encouraging other modes of transportation such as transit, bicycles, and foot traffic, and through building orientation or location. (Ord. 1650 § 1 (Exh. A), 2016)

#### 55.020 CLASSES OF DESIGN REVIEW

- A. Class I Design Review. The following are subject to Class I Design Review:

1. Modification of an office, commercial, industrial, public or multi-family structure for purposes of enhancing the aesthetics of the building and not increasing the interior usable space (e.g., covered walkways or entryways, addition of unoccupied features such as cupolas, clock towers, etc.).
2. Significant road realignment (when not part of a subdivision or partition plat process). "Significant" shall be defined by the length of the realignment and/or extent of redesign, and/or the natural features or human-made structures that will be impacted or removed.
3. Addition or reduction of less than five percent of total square footage of a commercial, office, public, multi-family, or industrial building.
4. Modification of a landscape plan (including water features, ponds, pergolas, arbors, artwork, sculptures, etc.).
5. Minor modifications and/or upgrades of pump stations, reservoirs, and storm detention facilities.
6. Americans with Disability Act compliance that significantly alters the exterior of the building (ramps are exempt).
7. Freestanding art and statuary over five feet tall.
8. Other land uses and activities may be added if the Planning Director makes written findings that the activity/use will not increase off-site impacts and is consistent with the type and/or scale of activities/uses listed above.
9. No design review is required if the applicant proposes to repair or replace one of the listed items. The Planning Director shall make the determination of whether an applicant is proposing a repair or replacement. However, Class I design review applies when one of the following improvements is part of a minor redesign or remodel.
  - a. Sidewalks on private property.
  - b. Loading docks.
  - c. Addition or reduction of parking stalls.
  - d. Revised parking alignment.
  - e. Revised circulation.
  - f. Revised points of ingress/egress to a site.
  - g. Heating, ventilation, and air conditioners (HVAC) that are visible from the public right-of-way.

B. Class II Design Review. Class II design review applies to all uses/activities except those uses/activities listed under Class I design review, and the exemptions of CDC 55.025. Class II design review applies to the proposed improvements listed in this section when the proposed improvement (e.g., new sidewalk) is part of a major commercial, office, industrial, public, or multi-family construction project (e.g., a new shopping center). (Ord. 1547, 2007; Ord. 1604 § 50, 2011; Ord. 1622 § 20, 2014)

### **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 this chapter;
- B. Accessory structures;
- C. ~~One to two duplexes or s~~ Single-family attached structures except as indicated otherwise in the base zone or 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; Ord. 1675 § 43, 2018)

### **55.030 ADMINISTRATION AND APPROVAL PROCESS**

- A. A pre-application conference is required before submitting a development plan application for design review as provided by CDC 99.030(B).
- B. The application shall be submitted by the record owner(s) of the property, authorized agent, or condemnor.
- C. Action on the development plan application shall be as provided by Chapter 99 CDC, Procedures for Decision-Making: Quasi-Judicial, and the following:
  - 1. The Planning Director for Class I design review applications, or Planning Commission for Class II design review applications, shall approve, approve with conditions, or deny the application based on findings related to the applicable criteria set forth in CDC 99.110 and this chapter.
  - 2. A decision by the Planning Director may be reviewed by the City Council.
- D. Substantial modifications made to the approved development plan will require reapplication (e.g., more or fewer lots, different architectural design, etc.). (Ord. 1474, 2001; Ord. 1597 § 14, 2010)

### **55.040 EXPIRATION OR EXTENSION OF APPROVAL**

If substantial construction has not occurred within three years from the date of approval of the development plan, the approved proposal will be void, unless an extension is granted under CDC 99.325. (Ord. 1408, 1998; Ord. 1589 § 1 (Exh. A), 2010)

### **55.050 DESIGN REVIEW AMENDMENT TRIGGER**

Amendments to design review shall be required when 10 percent or more of the housing type changes (e.g., from single-family units to multi-family units) from the tentatively approved design review plan, or when there is more than a 10 percent change in the number of units, or when the layout of streets and lots significantly changes, or

adjusting more than 20 percent of the building footprint or site plan, or significant changes to the architecture that modify the style, mass, or result in elimination of significant design features. Changes in color or materials would not require an amendment unless the colors were non-earth tones and the materials were of poorer quality (for example, going from tile roof to composition roofing) than originally approved. Changes to the project/site plan to meet conditions of approval or legislative changes shall not trigger an amendment. (Ord. 1408, 1998)

### **55.060 STAGED OR PHASED DEVELOPMENT**

The applicant may elect to develop the site in stages. Staged development shall be subject to the provisions of CDC 99.125.

### **55.070 SUBMITTAL REQUIREMENTS**

- A. The design review application shall be initiated by the property owner or the owner's agent, or condemnor.
- B. A pre-application conference, per CDC 99.030(B), shall be a prerequisite to the filing of an application.
- C. Documentation of any required meeting with the respective City-recognized neighborhood association per CDC 99.038.
- D. The applicant shall submit a completed application form and:
  - 1. The development plan for a Class I design review shall contain the following elements:
    - a. A site analysis (CDC 55.110) only if the site is undeveloped;
    - b. A site plan (CDC 55.120);
    - c. Architectural drawings, including building envelopes and all elevations (CDC 55.140) only if architectural work is proposed; and
    - d. Pursuant to CDC 55.085, additional submittal material may be required.

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

- 2. The development plan for a Class II design review shall contain the following elements:
  - a. A site analysis (CDC 55.110);
  - b. A site plan (CDC 55.120);
  - c. A grading plan (CDC 55.130);
  - d. Architectural drawings, indicating floor plan and elevation (CDC 55.140);

- e. A landscape plan (CDC 55.150);
  - f. A utility plan appropriate to respond to the approval criteria of CDC 55.100(I)(1) through (5) relating to streets, drainage, municipal water, sanitary sewers, solid waste, and recycling storage;
  - g. A light coverage plan with photometric data, including the location and type of outdoor lighting, with specific consideration given to compliance with CDC 55.100(J) pertaining to crime prevention and, if applicable, CDC 46.150(A)(13) pertaining to parking lot lighting;
  - h. If staff determines before or during the pre-application conference that the land use is expected to generate noise that may exceed DEQ standards, the application shall include a noise study conducted by a licensed acoustical engineer that demonstrates that the application and associated noise sources will meet DEQ standards. Typical noise sources of concern include, but are not limited to, vehicle drive-throughs, parking lots, HVAC units, and public address systems; and
  - i. Documents as required per the Tree Technical Manual.
3. A narrative, based on the standards contained in this code, which supports any requested exceptions as provided under CDC 55.170.
  4. Submit full written responses to approval criteria of CDC 55.100 for Class II design review, or CDC 55.090 for Class I design review, plus all applicable referenced approval criteria.
- E. The applicant shall submit samples of all exterior building materials and colors in the case of new buildings or building remodeling.
- F. The applicant shall pay the required deposit and fee. (Ord. 1401, 1997; Ord. 1408, 1998; Ord. 1442, 1999; Ord. 1613 § 11, 2013; Ord. 1621 § 25, 2014; Ord. 1622 § 14, 2014)

### **55.085 ADDITIONAL INFORMATION REQUIRED AND WAIVER OF REQUIREMENTS**

- A. The Planning Director may require additional information as part of the application subject to the provisions of CDC 99.035(A).
- B. The Planning Director may waive any requirements for the application subject to the provisions of CDC 99.035(B) and (C).

### **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; Ord. 1675 § 44, 2018)

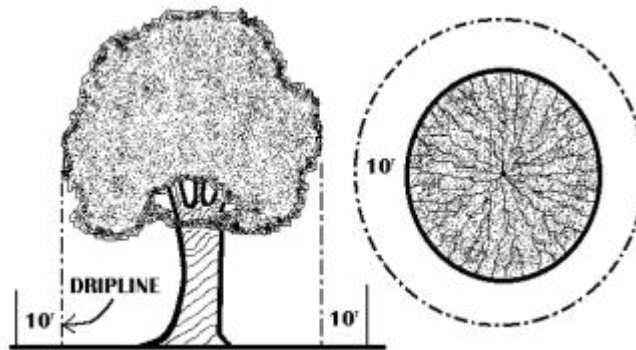
### **55.100 APPROVAL STANDARDS – CLASS II DESIGN REVIEW**

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 41 CDC, Building Height, Structures on Steep Lots, Exceptions.
  4. Chapter 42 CDC, Clear Vision Areas.
  5. Chapter 44 CDC, Fences.
  6. Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas.
  7. Chapter 48 CDC, Access, Egress and Circulation.
  8. Chapter 52 CDC, Signs.
  9. Chapter 54 CDC, Landscaping.
- B. Relationship to the natural and physical environment.
1. The buildings and other site elements shall be designed and located so that all heritage trees, as defined in the municipal code, shall be saved. Diseased heritage trees, as determined by the City Arborist, may be removed at their direction.
  2. All heritage trees, as defined in the municipal code, all trees and clusters of trees (“cluster” is defined as three or more trees with overlapping driplines; however, native oaks need not have an overlapping dripline) that are considered significant by the City Arborist, either individually or in consultation with certified arborists or similarly qualified professionals, based on accepted arboricultural standards including consideration of their size, type, location, health, long term survivability, and/or numbers, shall be protected pursuant to the criteria of subsections (B)(2)(a) through (f) of this section. In cases where there is a difference of opinion on the significance of a tree or tree cluster, the City Arborist’s findings shall prevail. It is important to acknowledge

that all trees are not significant and, further, that this code section will not necessarily protect all trees deemed significant.

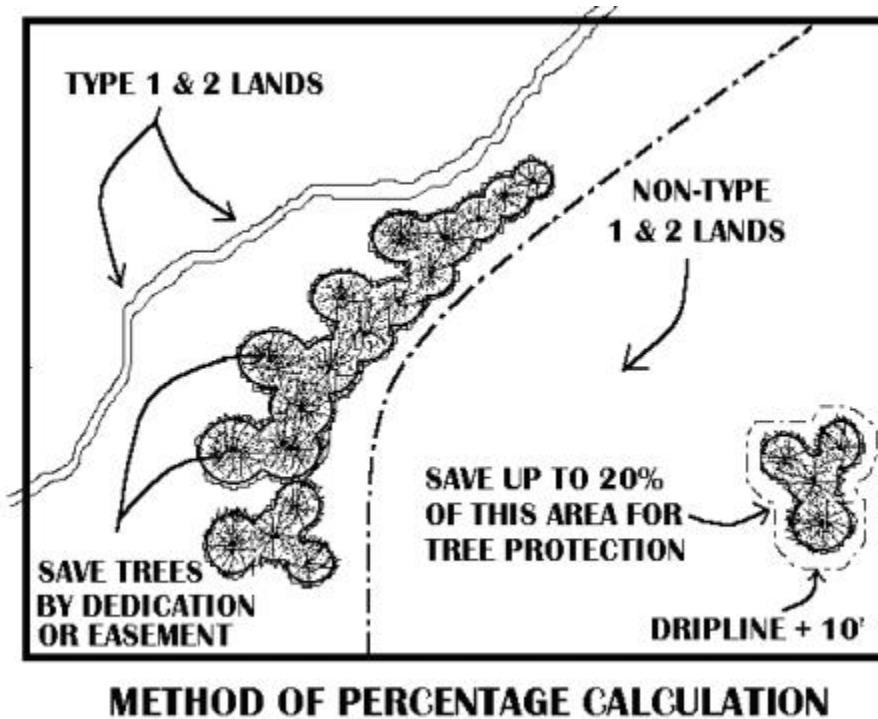
a. Non-residential and residential projects on Type I and II lands shall protect all heritage trees and all significant trees and tree clusters by limiting development in the protected area. The protected area includes the protected tree, its dripline, and an additional 10 feet beyond the dripline, as depicted in the figure below. Development of Type I and II lands shall require the careful layout of streets, driveways, building pads, lots, and utilities to avoid heritage trees and significant trees and tree clusters, and other natural resources pursuant to this code. The method for delineating the protected trees or tree clusters (“dripline plus 10 feet”) is explained in subsection (B)(2)(b) of this section. Exemptions of subsections (B)(2)(c), (e), and (f) of this section shall apply.



**PROTECTED AREA = DRIPLINE + 10 FEET**

b. Non-residential and residential projects on non-Type I and II lands shall set aside up to 20 percent of the protected areas for significant trees and tree clusters, plus any heritage trees. Therefore, in the event that the City Arborist determines that a significant tree cluster exists at a development site, then up to 20 percent of the non-Type I and II lands shall be devoted to the protection of those trees by limiting development in the protected areas. The exact percentage is determined by establishing the driplines of the trees or tree clusters that are to be protected. In order to protect the roots which typically extend further, an additional 10-foot measurement beyond the dripline shall be added. The square footage of the area inside this “dripline plus 10 feet” measurement shall be the basis for calculating the percentage (see figure below). The City Arborist will identify which tree(s) are to be protected. Development of non-Type I and II lands shall also require the careful layout of streets, driveways, building pads, lots, and utilities to avoid significant trees, tree clusters, heritage trees, and other natural resources pursuant to this code. Exemptions of subsections (B)(2)(c), (e), and (f) of this section shall apply. Please note that in the event that more than 20 percent of the non-Type I and II lands comprise significant trees or tree clusters, the developer shall not be required to save the excess trees, but is encouraged to do so.





### METHOD OF PERCENTAGE CALCULATION

**E.G., DRIPLINE + 10 FT. AREA = 2,500 SQ. FT. OR 18% OF TOTAL NON-TYPE I AND II LAND DENSITY CALCULATIONS FOR THIS PARCEL WILL BE BASED ON REMAINING NET SQ. FOOTAGE OF SITE (EXCLUDING THE 2,500 SQ. FT.)**

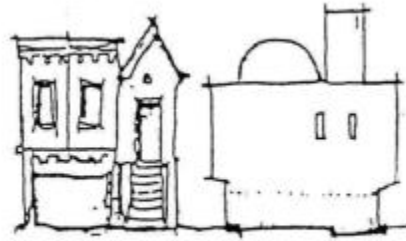
- c. Where stubouts of streets occur on abutting properties, and the extension of those streets will mean the loss of significant trees, tree clusters, or heritage trees, it is understood that tree loss may be inevitable. In these cases, the objective shall be to minimize tree loss. These provisions shall also apply in those cases where access, per construction code standards, to a lot or parcel is blocked by a row or screen of significant trees or tree clusters.
  - d. For both non-residential and residential development, the layout shall achieve at least 70 percent of maximum density for the developable net area. The developable net area excludes all Type I and II lands and up to 20 percent of the remainder of the site for the purpose of protection of stands or clusters of trees as defined in subsection (B)(2) of this section.
  - e. For arterial and collector street projects, including Oregon Department of Transportation street improvements, the roads and graded areas shall avoid tree clusters where possible. Significant trees, tree clusters, and heritage tree loss may occur, however, but shall be minimized.
  - f. If the protection of significant tree(s) or tree clusters is to occur in an area of grading that is necessary for the development of street grades, per City construction codes, which will result in an adjustment in the grade of over or under two feet, which will then threaten the health of the tree(s), the applicant will submit evidence to the Planning Director that all reasonable alternative grading plans have been considered and cannot work. The applicant will then submit a mitigation plan to the City Arborist to compensate for the removal of the tree(s) on an "inch by inch" basis (e.g., a 48-inch Douglas fir could be replaced by 12 trees, each four-inch). The mix of tree sizes and types shall be approved by the City Arborist.
3. The topography and natural drainage shall be preserved to the greatest degree possible.

4. The structures shall not be located in areas subject to slumping and sliding. The Comprehensive Plan Background Report’s Hazard Map, or updated material as available and as deemed acceptable by the Planning Director, shall be the basis for preliminary determination.
5. There shall be adequate distance between on-site buildings and on-site and off-site buildings on adjoining properties to provide for adequate light and air circulation and for fire protection.
6. Architecture.

a. The proposed structure(s) scale shall be compatible with the existing structure(s) on site and on adjoining sites. Contextual design is required. Contextual design means respecting and incorporating prominent architectural styles, building lines, roof forms, rhythm of windows, building scale and massing of surrounding buildings in the proposed structure. The materials and colors shall be complementary to the surrounding buildings.

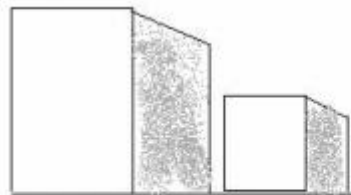


*contextual design*

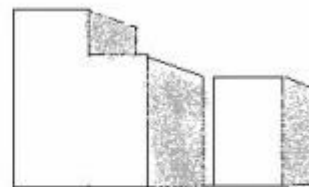


*contrasting design*

b. While there has been discussion in Chapter 24 CDC about transition, it is appropriate that new buildings should architecturally transition in terms of bulk and mass to work with, or fit, adjacent existing buildings. This transition can be accomplished by selecting designs that “step down” or “step up” from small to big structures and vice versa (see figure below). Transitions may also take the form of carrying building patterns and lines (e.g., parapets, windows, etc.) from the existing building to the new one.



*mass/bulk overwhelms smaller building*



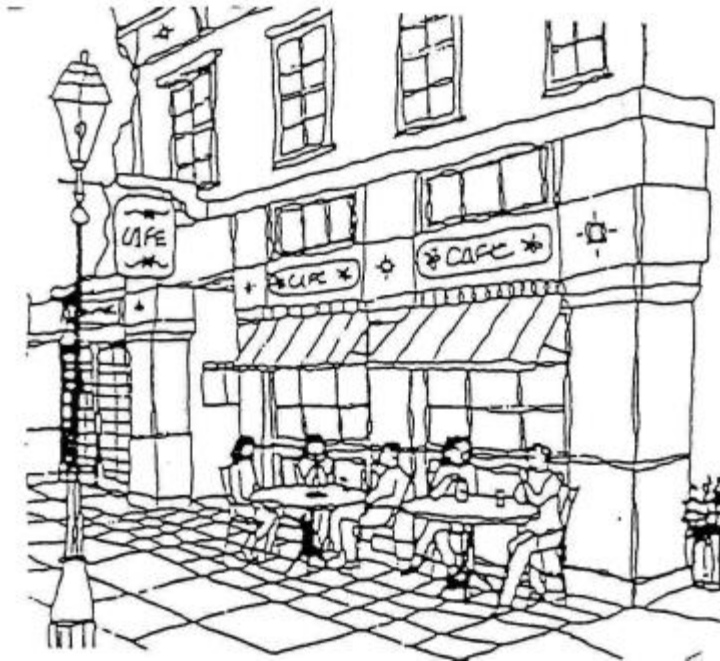
*mass/bulk effectively transitions*



c. Contrasting architecture shall only be permitted when the design is manifestly superior to adjacent architecture in terms of creativity, design, and workmanship, and/or it is adequately separated from other buildings by distance, screening, grade variations, or is part of a development site that is large enough to set its own style of architecture.

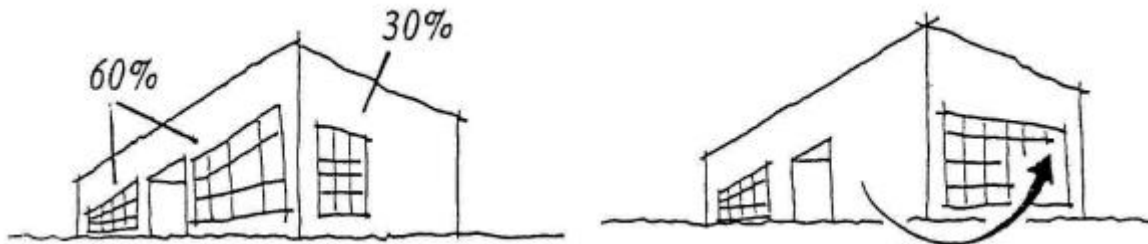
d. Human scale is a term that seeks to accommodate the users of the building and the notion that buildings should be designed around the human scale (i.e., their size and the average range of their perception). Human scale shall be accommodated in all designs by, for example, multi-light windows that are broken up into numerous panes, intimately scaled entryways, and visual breaks (exaggerated eaves, indentations, ledges, parapets, awnings, engaged columns, etc.) in the facades of buildings, both vertically and horizontally.

The human scale is enhanced by bringing the building and its main entrance up to the edge of the sidewalk. It creates a more dramatic and interesting streetscape and improves the “height and width” ratio referenced in this section.

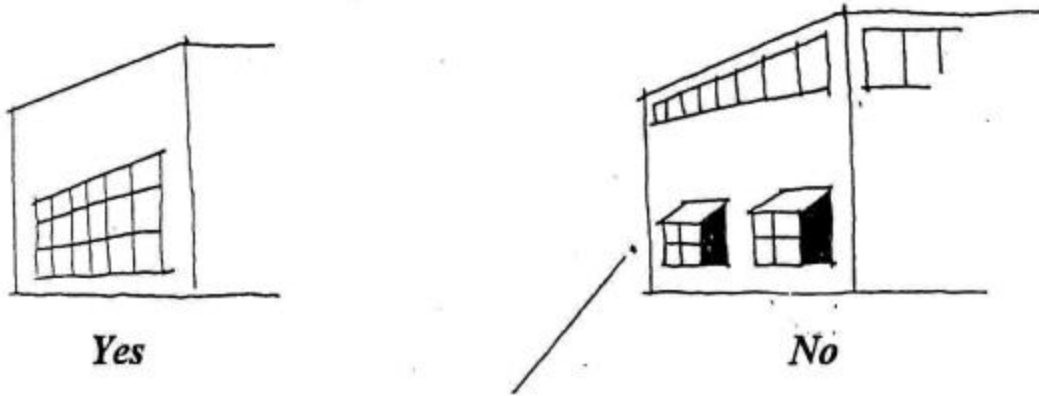


*human scale is captured in this example*

e. The main front elevation of commercial and office buildings shall provide at least 60 percent windows or transparency at the pedestrian level to create more interesting streetscape and window shopping opportunities. One side elevation shall provide at least 30 percent transparency. Any additional side or rear elevation, which is visible from a collector road or greater classification, shall also have at least 30 percent transparency. Transparency on other elevations is optional. The transparency is measured in lineal fashion. For example, a 100-foot-long building elevation shall have at least 60 feet (60 percent of 100 feet) in length of windows. The window height shall be, at minimum, three feet tall. The exception to transparency would be cases where demonstrated functional constraints or topography restrict that elevation from being used. When this exemption is applied to the main front elevation, the square footage of transparency that would ordinarily be required by the above formula shall be installed on the remaining elevations at pedestrian level in addition to any transparency required by a side elevation, and vice versa. The rear of the building is not required to include transparency. The transparency must be flush with the building elevation.



*60 percent of lineal street facing or main elevation is windows. 30 percent of one side elevation is windows. You may transfer windows from the side to front, or vice versa.*



*(Windows not at eye level and/or not flush with building.)*

f. Variations in depth and roof line are encouraged for all elevations.

To vary the otherwise blank wall of most rear elevations, continuous flat elevations of over 100 feet in length should be avoided by indents or variations in the wall. The use of decorative brick, masonry, or stone insets and/or designs is encouraged. Another way to vary or soften this elevation is through terrain variations such as an undulating grass area with trees to provide vertical relief.

g. Consideration of the micro-climate (e.g., sensitivity to wind, sun angles, shade, etc.) shall be made for building users, pedestrians, and transit users, including features like awnings.

h. The vision statement identified a strong commitment to developing safe and attractive pedestrian environments with broad sidewalks, canopied with trees and awnings.



*trees, awnings, and building orientation enhance micro-climate*

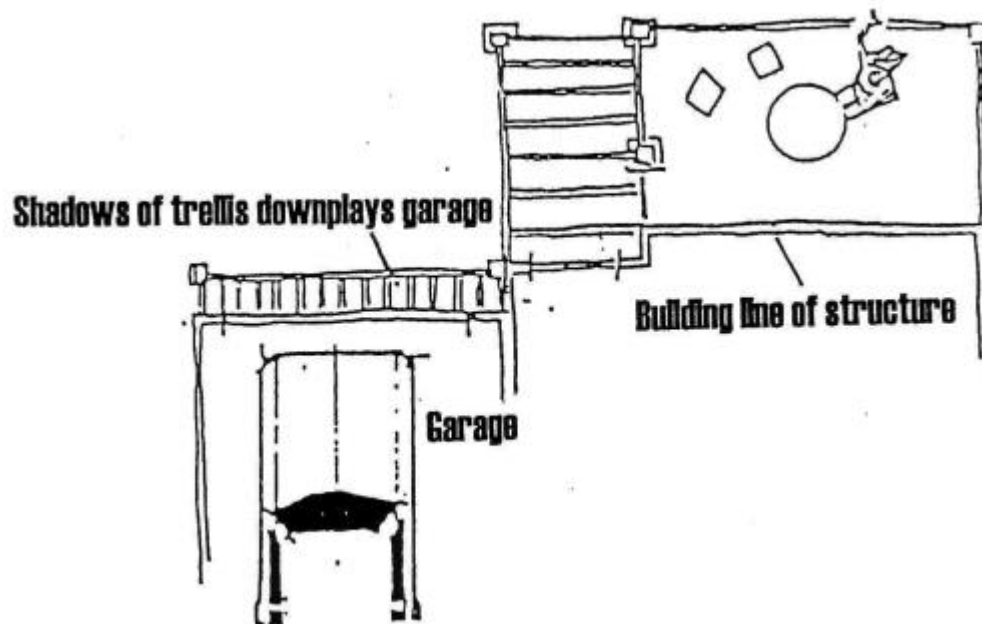
i. Sidewalk cafes, kiosks, vendors, and street furniture are encouraged. However, at least a four-foot-wide pedestrian accessway must be maintained per Chapter 53 CDC, Sidewalk Use.

7. **Transportation.** The automobile shall be shifted from a dominant role, relative to other modes of transportation, by the following means:

a. Commercial and office development shall be oriented to the street. At least one public entrance shall be located facing an arterial street; or, if the project does not front on an arterial, facing a collector street; or, if the project does not front on a collector, facing the local street with highest traffic levels. Parking lots shall be placed behind or to the side of commercial and office development. When a large and/or multi-building development is occurring on a large undeveloped tract (three plus acres), it is acceptable to focus internally; however, at least 20 percent of the main adjacent right-of-way shall have buildings contiguous to it unless waived per subsection (B)(7)(c) of this section. These buildings shall be oriented to the adjacent street and include pedestrian-oriented transparencies on those elevations.

For individual buildings on smaller individual lots, at least 30 lineal feet or 50 percent of the building must be adjacent to the right-of-way unless waived per subsection (B)(7)(c) of this section. The elevations oriented to the right-of-way must incorporate pedestrian-oriented transparency.

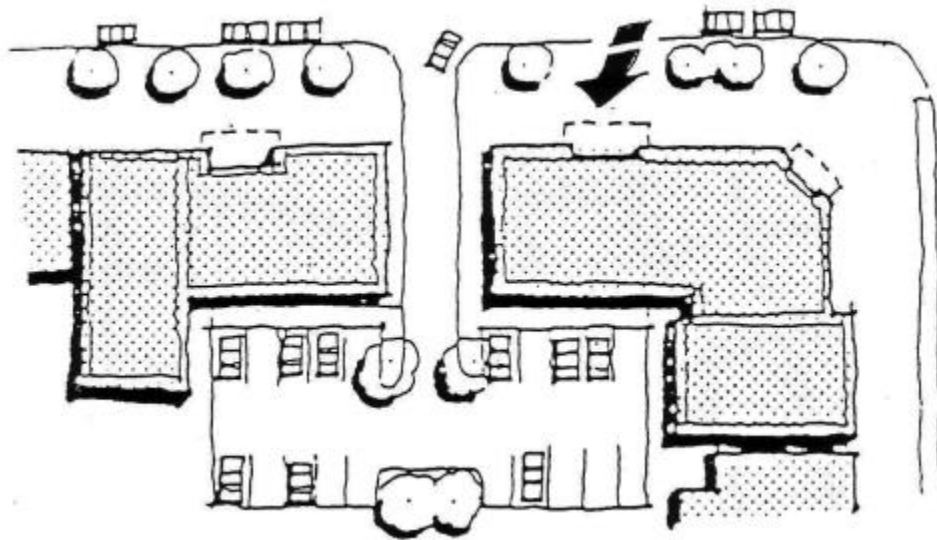
b. Multi-family projects shall be required to keep the parking at the side or rear of the buildings or behind the building line of the structure as it would appear from the right-of-way inside the multi-family project. For any garage which is located behind the building line of the structure, but still facing the front of the structure, architectural features such as patios, patio walls, trellis, porch roofs, overhangs, pergolas, etc., shall be used to downplay the visual impact of the garage, and to emphasize the rest of the house and front entry.



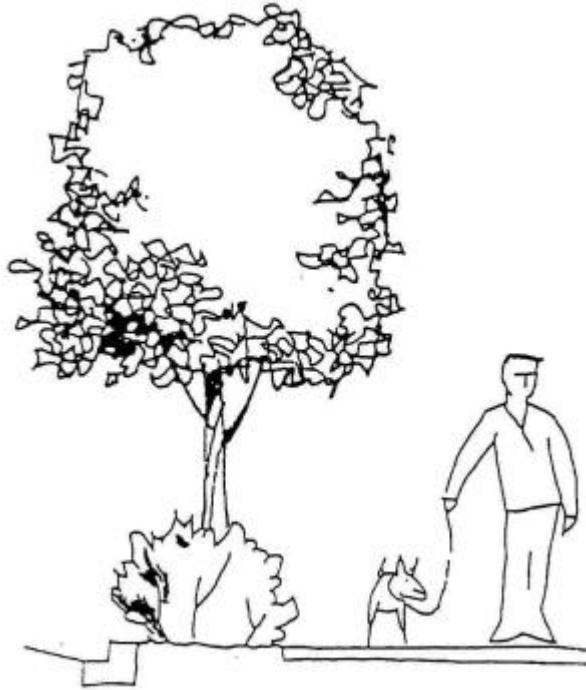
The parking may be positioned inside small courtyard areas around which the units are built. These courtyard spaces encourage socialization, defensible space, and can provide a central location for landscaping, particularly trees, which can provide an effective canopy and softening effect on the courtyard in only a few years. Vehicular access and driveways through these courtyard areas is permitted.

c. Commercial, office, and multi-family projects shall be built as close to the adjacent main right-of-way as practical to facilitate safe pedestrian and transit access. Reduced frontages by buildings on public rights-of-way may be allowed due to extreme topographic (e.g., slope, creek, wetlands, etc.) conditions or compelling functional limitations, not just inconveniences or design challenges.

*entrance from right-of-way*

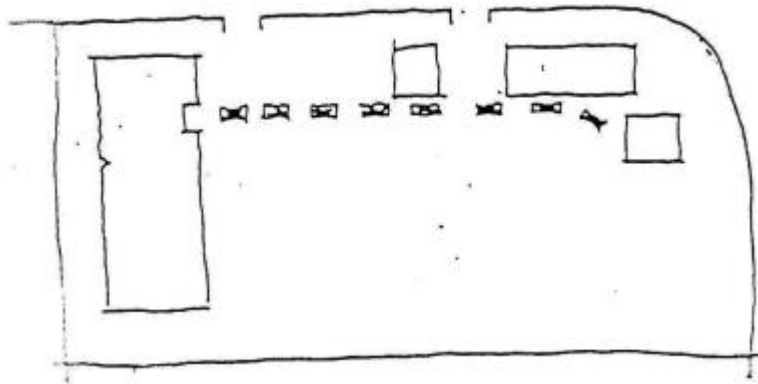


d. Accessways, parking lots, and internal driveways shall accommodate pedestrian circulation and access by specially textured, colored, or clearly defined footpaths at least six feet wide. Paths shall be eight feet wide when abutting parking areas or travel lanes. Paths shall be separated from parking or travel lanes by either landscaping, planters, curbs, bollards, or raised surfaces. Sidewalks in front of storefronts on the arterials and main store entrances on the arterials identified in CDC 85.200(A)(3) shall be 12 feet wide to accommodate pedestrians, sidewalk sales, sidewalk cafes, etc. Sidewalks in front of storefronts and main store entrances in commercial/OBC zone development on local streets and collectors shall be eight feet wide.



*landscaping*

e. Paths shall provide direct routes that pedestrians will use between buildings, adjacent rights-of-way, and adjacent commercial developments. They shall be clearly identified. They shall be laid out to attract use and to discourage people from cutting through parking lots and impacting environmentally sensitive areas.



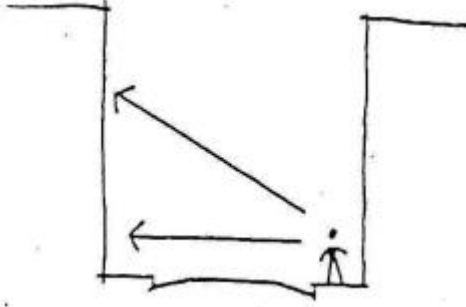
*direct pedestrian route required (- -)*

f. At least one entrance to the building shall be on the main street, or as close as possible to the main street. The entrance shall be designed to identify itself as a main point of ingress/egress.

g. Where transit service exists, or is expected to exist, there shall be a main entrance within a safe and reasonable distance of the transit stop. A pathway shall be provided to facilitate a direct connection.



h. Projects shall bring at least part of the project adjacent to or near the main street right-of-way in order to enhance the height-to-width ratio along that particular street. (The “height-to-width ratio” is an architectural term that emphasizes height or vertical dimension of buildings adjacent to streets. The higher and closer the building is, and the narrower the width of the street, the more attractive and intimate the streetscape becomes.) For every one foot in street width, the adjacent building ideally should be one to two feet higher. This ratio is considered ideal in framing and defining the streetscape.



*1:1 height to width ratio is ideal*

**(example only)**

i. These architectural standards shall 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 architectural standards. However, attempts shall be made to make the design sympathetic to surrounding properties by landscaping, setbacks, buffers, and all reasonable architectural means.

j. Parking spaces at trailheads shall be located so as to preserve the view of, and access to, the trailhead entrance from the roadway. The entrance apron to the trailhead shall be marked: “No Parking,” and include design features to foster trail recognition.

C. Compatibility between adjoining uses, buffering, and screening.

1. In addition to the compatibility requirements contained in Chapter 24 CDC, buffering shall be provided between different types of land uses; for example, buffering between single-family homes and apartment blocks. However, no buffering is required between single-family homes and duplexes or single-family attached units. The following factors shall be considered in determining the adequacy of the type and extent of the buffer:

- a. The purpose of the buffer, for example to decrease noise levels, absorb air pollution, filter dust, or to provide a visual barrier.
- b. The size of the buffer required to achieve the purpose in terms of width and height.
- c. The direction(s) from which buffering is needed.
- d. The required density of the buffering.
- e. Whether the viewer is stationary or mobile.

2. On-site screening from view from adjoining properties of such things as service areas, storage areas, and parking lots shall be provided and the following factors will be considered in determining the adequacy of the type and extent of the screening:

- a. What needs to be screened?
  - b. The direction from which it is needed.
  - c. How dense the screen needs to be.
  - d. Whether the viewer is stationary or mobile.
  - e. Whether the screening needs to be year-round.
3. Rooftop air cooling and heating systems and other mechanical equipment shall be screened from view from adjoining properties.

D. Privacy and noise.

1. Structures which include residential dwelling units shall provide private outdoor areas for each ground floor unit which is screened from view from adjoining units.
2. Residential dwelling units shall be placed on the site in areas having minimal noise exposure to the extent possible. Natural-appearing sound barriers shall be used to lessen noise impacts where noise levels exceed the noise standards contained in West Linn Municipal Code Section 5.487.
3. Structures or on-site activity areas which generate noise, lights, or glare shall be buffered from adjoining residential uses in accordance with the standards in subsection C of this section where applicable.
4. Businesses or activities that can reasonably be expected to generate noise in excess of the noise standards contained in West Linn Municipal Code Section 5.487 shall undertake and submit appropriate noise studies and mitigate as necessary to comply with the code. (See CDC 55.110(B)(11) and 55.120(M).)

If the decision-making authority reasonably believes a proposed use may generate noise exceeding the standards specified in the municipal code, then the authority may require the applicant to supply professional noise studies from time to time during the user's first year of operation to monitor compliance with City standards and permit requirements.

E. Private outdoor area. This section only applies to multi-family projects.

1. In addition to the requirements of residential living, unit shall have an outdoor private area (patio, terrace, porch) of not less than 48 square feet in area;
2. The outdoor space shall be oriented towards the sun where possible; and
3. The area shall be screened or designed to provide privacy for the users of the space.
4. Where balconies are added to units, the balconies shall not be less than 48 square feet, if they are intended to be counted as private outdoor areas.

F. Shared outdoor recreation areas. This section only applies to multi-family projects and projects with 10 or more duplexes or single-family attached dwellings on lots under 4,000 square feet. In those cases, shared outdoor recreation areas are calculated on the duplexes or single-family attached dwellings only. It also applies to qualifying PUDs under the provisions of CDC 24.170.

1. In addition to the requirements of subsection E of this section, usable outdoor recreation space shall be provided in residential developments for the shared or common use of all the residents in the following amounts:
  - a. Studio up to and including two-bedroom units: 200 square feet per unit.
  - b. Three or more bedroom units: 300 square feet per unit.

2. The required recreation space may be provided as follows:
  - a. It may be all outdoor space; or
  - b. It may be part outdoor space and part indoor space; for example, an outdoor tennis court and indoor recreation room; and
  - c. Where some or all of the required recreation area is indoor, such as an indoor recreation room, then these indoor areas must be readily accessible to all residents of the development subject to clearly posted restrictions as to hours of operation and such regulations necessary for the safety of minors.
  - d. In considering the requirements of this subsection F, the emphasis shall be on usable recreation space. No single area of outdoor recreational space shall encompass an area of less than 250 square feet. All common outdoor recreational space shall be clearly delineated and readily identifiable as such. Small, marginal, and incidental lots or parcels of land are not usable recreation spaces. The location of outdoor recreation space should be integral to the overall design concept of the site and be free of hazards or constraints that would interfere with active recreation.
3. The shared space shall be readily observable to facilitate crime prevention and safety.

G. Demarcation of public, semi-public, and private spaces. The structures and site improvements shall be designed so that public areas such as streets or public gathering places, semi-public areas, and private outdoor areas are clearly defined in order to establish persons having a right to be in the space, to provide for crime prevention, and to establish maintenance responsibility. These areas may be defined by:

1. A deck, patio, fence, low wall, hedge, or draping vine;
2. A trellis or arbor;
3. A change in level;
4. A change in the texture of the path material;
5. Sign; or
6. Landscaping.

Use of gates to demarcate the boundary between a public street and a private access driveway is prohibited.

H. Public transit.

1. Provisions for public transit may be required where the site abuts an existing or planned public transit route. The required facilities shall be based on the following:
  - a. The location of other transit facilities in the area.
  - b. The size and type of the proposed development.
  - c. The rough proportionality between the impacts from the development and the required facility.
2. The required facilities shall be limited to such facilities as the following:
  - a. A waiting shelter with a bench surrounded by a three-sided covered structure, with transparency to allow easy surveillance of approaching buses.
  - b. A turnout area for loading and unloading designed per regional transit agency standards.
  - c. Hard-surface paths connecting the development to the waiting and boarding areas.

d. Regional transit agency standards shall, however, prevail if they supersede these standards.

3. The transit stop shall be located as close as possible to the main entrance to the shopping center, public or office building, or multi-family project. The entrance shall not be more than 200 feet from the transit stop with a clearly identified pedestrian link.

4. All commercial business centers (over three acres) and multi-family projects (over 40 units) may be required to provide for the relocation of transit stops to the front of the site if the existing stop is within 200 to 400 yards of the site and the exaction is roughly proportional to the impact of the development. The commercial or multi-family project may be required to provide new facilities in those cases where the nearest stop is over 400 yards away. The transit stop shall be built per subsection (H)(2) of this section.

I. **Public facilities.** An application may only be approved if adequate public facilities will be available to provide service to the property prior to occupancy.

1. **Streets.** Sufficient right-of-way and slope easement shall be dedicated to accommodate all abutting streets to be improved to the City's Improvement Standards and Specifications. The City Engineer shall determine the appropriate level of street and traffic control improvements to be required, including any off-site street and traffic control improvements, based upon the transportation analysis submitted. The City Engineer's determination of developer obligation, the extent of road improvement and City's share, if any, of improvements and the timing of improvements shall be made based upon the City's systems development charge ordinance and capital improvement program, and the rough proportionality between the impact of the development and the street improvements.

In determining the appropriate sizing of the street in commercial, office, multi-family, and public settings, the street should be the minimum necessary to accommodate anticipated traffic load and needs and should provide substantial accommodations for pedestrians and bicyclists. Road and driveway alignment should consider and mitigate impacts on adjacent properties and in neighborhoods in terms of increased traffic loads, noise, vibrations, and glare.

The realignment or redesign of roads shall consider how the proposal meets accepted engineering standards, enhances public safety, and favorably relates to adjacent lands and land uses. Consideration should also be given to selecting an alignment or design that minimizes or avoids hazard areas and loss of significant natural features (drainageways, wetlands, heavily forested areas, etc.) unless site mitigation can clearly produce a superior landscape in terms of shape, grades, and reforestation, and is fully consistent with applicable code restrictions regarding resource areas.

Streets shall be installed per Chapter 85 CDC standards. The City Engineer has the authority to require that street widths match adjacent street widths. Sidewalks shall be installed per CDC 85.200(A)(3) for commercial and office projects, and CDC 85.200(A)(16) and 92.010(H) for residential projects, and applicable provisions of this chapter. Where streets bisect or traverse water resource areas (WRAs) the street width shall be reduced to the appropriate "constrained" cross-section width indicated in the TSP or alternate configurations which are appropriate to site conditions, minimize WRA disturbance or are consistent with an adopted transportation system plan. The street design shall also be consistent with habitat friendly provisions of CDC 32.060(I).

Based upon the City Manager's or Manager's designee's determination, the applicant shall construct or cause to be constructed, or contribute a proportionate share of the costs, for all necessary off-site improvements identified by the transportation analysis commissioned to address CDC 55.125 that are required to mitigate impacts from the proposed development. Proportionate share of the costs shall be determined by the City Manager or Manager's designee, who shall assume that the proposed development provides improvements in rough proportion to identified impacts of the development.

2. **Storm detention and treatment and geologic hazards.** Per the submittals required by CDC 55.130 and 92.010(E), all proposed storm detention and treatment facilities must comply with the standards for the improvement of public and private drainage systems located in the West Linn Public Works Design Standards, there will be no adverse off-site impacts caused by the development (including impacts from increased intensity

of runoff downstream or constrictions causing ponding upstream), and the applicant must provide sufficient factual data to support the conclusions of the submitted plan.

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

3. Municipal water. A registered civil engineer shall prepare a plan for the provision of water which demonstrates to the City Engineer's satisfaction the availability of sufficient volume, capacity, and pressure to serve the proposed development's domestic, commercial, and industrial fire flows. All plans will then be reviewed by the City Engineer.

4. Sanitary sewers. A registered civil engineer shall prepare a sewerage collection system plan which demonstrates sufficient on-site capacity to serve the proposed development. The City Engineer shall determine whether the existing City system has sufficient capacity to serve the development.

5. Solid waste and recycling storage areas. Appropriately sized and located solid waste and recycling storage areas shall be provided. Metro standards shall be used.

J. Crime prevention and safety/defensible space.

1. Windows shall be located so that areas vulnerable to crime can be surveyed by the occupants.

2. Interior laundry and service areas shall be located in a way that they can be observed by others.

3. Mailboxes, recycling, and solid waste facilities shall be located in lighted areas having vehicular or pedestrian traffic.

4. The exterior lighting levels shall be selected and the angles shall be oriented towards areas vulnerable to crime.

5. Light fixtures shall be provided in areas having heavy pedestrian or vehicular traffic and in potentially dangerous areas such as parking lots, stairs, ramps, and abrupt grade changes.

6. Fixtures shall be placed at a height so that light patterns overlap at a height of seven feet which is sufficient to illuminate a person. All commercial, industrial, residential, and public facility projects undergoing design review shall use low or high pressure sodium bulbs and be able to demonstrate effective shielding so that the light is directed downwards rather than omni-directional. Omni-directional lights of an ornamental nature may be used in general commercial districts only.

7. Lines of sight shall be reasonably established so that the development site is visible to police and residents.

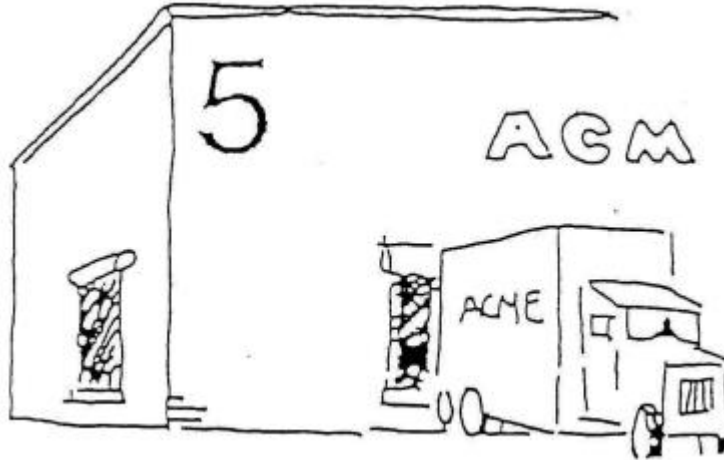
8. Security fences for utilities (e.g., power transformers, pump stations, pipeline control equipment, etc.) or wireless communication facilities may be up to eight feet tall in order to protect public safety. No variances are required regardless of location.

K. Provisions for persons with disabilities.

1. The needs of a person with a disability shall be provided for. Accessible routes shall be provided between all buildings and accessible site facilities. The accessible route shall be the most practical direct route between accessible building entries, accessible site facilities, and the accessible entry to the site. An accessible route shall connect to the public right-of-way and to at least one on-site or adjacent transit stop (if the area is served by transit). All facilities shall conform to, or exceed, the Americans with Disabilities Act (ADA) standards, including those included in the Uniform Building Code.

L. Signs.

1. Based on considerations of crime prevention and the needs of emergency vehicles, a system of signs for identifying the location of each residential unit, store, or industry shall be established.



*buildings shall be numbered for emergency identification*

2. The signs, graphics, and letter styles shall be designed to be compatible with surrounding development, to contribute to a sense of project identity, or, when appropriate, to reflect a sense of the history of the area and the architectural style.
3. The sign graphics and letter styles shall announce, inform, and designate particular areas or uses as simply and clearly as possible.
4. The signs shall not obscure vehicle driver's sight distance.
5. Signs indicating future use shall be installed on land dedicated for public facilities (e.g., parks, water reservoir, fire halls, etc.).
6. Signs and appropriate traffic control devices and markings shall be installed or painted in the driveway and parking lot areas to identify bicycle and pedestrian routes.

M. Utilities. The developer shall make necessary arrangements with utility companies or other persons or corporations affected for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting, and cable television, shall be placed underground, as practical. The design standards of Tables 1 and 2 above, and of subsection 5.487 of the West Linn Municipal Code relative to existing high ambient noise levels shall apply to this section.

N. Wireless communication facilities (WCFs). (This section only applicable to WCFs.) WCFs as defined in Chapter 57 CDC may be required to go through Class I or Class II design review. The approval criteria for Class I design review is that the visual impact of the WCF shall be minimal to the extent allowed by Chapter 57 CDC. Stealth designs shall be sufficiently camouflaged so that they are not easily seen by passersby in the public right-of-way or from any adjoining residential unit. WCFs that are classified as Class II design review must respond to all of the approval criteria of this chapter.

O. Refuse and recycling standards.

1. All commercial, industrial and multi-family developments over five units requiring Class II design review shall comply with the standards set forth in these provisions. Modifications to these provisions may be

permitted if the Planning Commission determines that the changes are consistent with the purpose of these provisions and the City receives written evidence from the local franchised solid waste and recycling firm that they are in agreement with the proposed modifications.

2. Compactors, containers, and drop boxes shall be located on a level Portland cement concrete pad, a minimum of four inches thick, at ground elevation or other location compatible with the local franchise collection firm's equipment at the time of construction. The pad shall be designed to discharge surface water runoff to avoid ponding.
3. Recycling and solid waste service areas.
  - a. Recycling receptacles shall be designed and located to serve the collection requirements for the specific type of material.
  - b. The recycling area shall be located in close proximity to the garbage container areas and be accessible to the local franchised collection firm's equipment.
  - c. Recycling receptacles or shelters located outside a structure shall have lids and be covered by a roof constructed of water and insect-resistive material. The maintenance of enclosures, receptacles and shelters is the responsibility of the property owner.
  - d. The location of the recycling area and method of storage shall be approved by the local fire marshal.
  - e. Recycling and solid waste service areas shall be at ground level and/or otherwise accessible to the franchised solid waste and recycling collection firm.
  - f. Recycling and solid waste service areas shall be used only for purposes of storing solid waste and recyclable materials and shall not be a general storage area to store personal belongings of tenants, lessees, property management or owners of the development or premises.
  - g. Recyclable material service areas shall be maintained in a clean and safe condition.
4. Special wastes or recyclable materials.
  - a. Environmentally hazardous wastes defined in ORS 466.005 shall be located, prepared, stored, maintained, collected, transported, and disposed in a manner acceptable to the Oregon Department of Environmental Quality.
  - b. Containers used to store cooking oils, grease or animal renderings for recycling or disposal shall not be located in the principal recyclable materials or solid waste storage areas. These materials shall be stored in a separate storage area designed for such purpose.
5. Screening and buffering.
  - a. Enclosures shall include a curbed landscape area at least three feet in width on the sides and rear. Landscaping shall include, at a minimum, a continuous hedge maintained at a height of 36 inches.
  - b. Placement of enclosures adjacent to residentially zoned property and along street frontages is strongly discouraged. They shall be located so as to conceal them from public view to the maximum extent possible.
  - c. All dumpsters and other trash containers shall be completely screened on all four sides with an enclosure that is comprised of a durable material such as masonry with a finish that is architecturally compatible with the project. Chain link fencing, with or without slats, will not be allowed.
6. Litter receptacles.
  - a. Location. Litter receptacles may not encroach upon the minimum required walkway widths.

b. Litter receptacles may not be located within public rights-of-way except as permitted through an agreement with the City in a manner acceptable to the City Attorney or their designee.

c. Number. The number and location of proposed litter receptacles shall be based on the type and size of the proposed uses. However, at a minimum, for non-residential uses, at least one external litter receptacle shall be provided for every 25 parking spaces for first 100 spaces, plus one receptacle for every additional 100 spaces. (Ord. 1547, 2007; Ord. 1604 § 52, 2011; Ord. 1613 § 12, 2013; amended during July 2014 supplement; Ord. 1623 § 6, 2014; Ord. 1635 § 26, 2014; Ord. 1636 § 37, 2014; Ord. 1647 § 6, 2016; Ord. 1650 § 1 (Exh. A), 2016; Ord. 1662 § 8, 2017; Ord. 1675 § 45, 2018)

### 55.110 SITE ANALYSIS

The site analysis shall include:

A. A vicinity map showing the location of the property in relation to adjacent properties, roads, pedestrian and bike ways, transit stops and utility access.

B. A site analysis on a drawing at a suitable scale (in order of preference, one inch equals 10 feet to one inch equals 30 feet) which shows:

1. The property boundaries, dimensions, and gross area.
2. Contour lines at the following minimum intervals:
  - a. Two-foot intervals for slopes from zero to 25 percent; and
  - b. Five- or 10-foot intervals for slopes in excess of 25 percent.
3. Tables and maps identifying acreage, location and type of development constraints due to site characteristics such as slope, drainage and geologic hazards, including a slope analysis which identifies portions of the site according to the land types (I, II, III and IV) defined in Chapter 02 CDC.
4. The location and width of adjoining streets.
5. The drainage patterns and drainage courses on the site and on adjacent lands.
6. Potential natural hazard areas including:
  - a. Floodplain areas pursuant to the site's applicable FEMA Flood Map panel;
  - b. Water resource areas as defined by Chapter 32 CDC;
  - c. Landslide areas designated by the Natural Hazard Mitigation Plan, Map 16; and
  - d. Landslide vulnerable analysis areas, designated by the Natural Hazard Mitigation Plan, Map 17.
7. Resource areas including:
  - a. Wetlands;
  - b. Riparian corridors;
  - c. Streams, including intermittent and ephemeral streams;



- d. Habitat conservation areas; and
  - e. Large rock outcroppings.
8. Potential historic landmarks and registered archaeological sites. The existence of such sites on the property shall be verified from records maintained by the Community Development Department and other recognized sources.
9. Identification information including the name and address of the owner, developer, project designer, lineal scale and north arrow.
10. Identify Type I and II lands in map form. Provide a table which identifies square footage of Type I and II lands also as percentage of total site square footage. (Ord. 1408, 1998; Ord. 1425, 1998; Ord. 1442, 1999; Ord. 1463, 2000; Ord. 1526, 2005; Ord. 1544, 2007; Ord. 1565, 2008; Ord. 1590 § 1, 2009; Ord. 1613 § 13, 2013; Ord. 1621 § 25, 2014; Ord. 1635 § 27, 2014; Ord. 1636 § 38, 2014; Ord. 1662 § 9, 2017)

### **55.120 SITE PLAN**

The site plan shall be at the same scale as the site analysis (CDC 55.110) and shall show:

- A. The applicant's entire property and the surrounding property to a distance sufficient to determine the relationship between the applicant's property and proposed development and adjacent property and development.
- B. Boundary lines and dimensions for the perimeter of the property and the dimensions for all proposed lot or parcel lines.
- C. Streams and stream corridors.
- D. Identification information, including the name and address of the owner, developer, project designer, lineal scale and north arrow.
- E. The location, dimensions, and names of all existing and proposed streets, public pathways, easements on adjacent properties and on the site, and all associated rights-of-way.
- F. The location, dimensions and setback distances of all:
  - 1. Existing and proposed structures, improvements, and utility facilities on site; and
  - 2. Existing structures and driveways on adjoining properties.
- G. The location and dimensions of:
  - 1. The entrances and exits to the site;
  - 2. The parking and circulation areas;
  - 3. Areas for waste disposal, recycling, loading, and delivery;
  - 4. Pedestrian and bicycle routes, including designated routes, through parking lots and to adjacent rights-of-way;
  - 5. On-site outdoor recreation spaces and common areas;
  - 6. All utilities, including stormwater detention and treatment; and

7. Sign locations.

H. The location of areas to be landscaped. (Ord. 1442, 1999; Ord. 1613 § 14, 2013; Ord. 1622 § 28, 2014; Ord. 1636 § 39, 2014)

### **55.125 TRANSPORTATION ANALYSIS**

Certain development proposals required that a Traffic Impact Analysis (TIA) be provided which may result in modifications to the site plan or conditions of approval to address or minimize any adverse impacts created by the proposal. The purpose, applicability and standards of this analysis are found in CDC 85.170(B)(2). (Ord. 1584, 2008)

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

For Type I, II and III lands (refer to definitions in Chapter 02 CDC), a registered civil engineer must prepare a grading plan and a storm detention and treatment plan pursuant to CDC 92.010(E), at a scale sufficient to evaluate all aspects of the proposal, and a statement that demonstrates:

- A. The location and extent to which grading will take place indicating general contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed.
- B. All proposed storm detention and treatment facilities comply with the standards for the improvement of public and private drainage systems located in the West Linn Public Works Design Standards.
- C. There is sufficient factual data to support the conclusions of the plan.
- D. Per CDC 99.035, the Planning Director may require the information in subsections A, B and C of this section for Type IV lands if the information is needed to properly evaluate the proposed site plan.
- E. For Type I, II and III lands (refer to definitions in Chapter 02 CDC), the applicant must provide a geologic report, with text, figures and attachments as needed to meet the industry standard of practice, prepared by a certified engineering geologist and/or a geotechnical professional engineer, that includes:
  - 1. Site characteristics, geologic descriptions and a summary of the site investigation conducted;
  - 2. Assessment of engineering geological conditions and factors;
  - 3. Review of the City of West Linn's Natural Hazard Mitigation Plan and applicability to the site; and
  - 4. Conclusions and recommendations focused on geologic constraints for the proposed land use or development activity, limitations and potential risks of development, recommendations for mitigation approaches and additional work needed at future development stages including further testing and monitoring.
- F. Identification information, including the name and address of the owner, developer, project designer, and the project engineer. (Ord. 1463, 2000; Ord. 1613 § 15, 2013; Ord. 1622 § 28, 2014; Ord. 1662 § 10, 2017)

### **55.140 ARCHITECTURAL DRAWINGS**

This section does not apply to single-family residential subdivisions or partitions, or up to two duplexes or single-family attached dwellings.

Architectural drawings shall be submitted showing:

- A. Building elevations and sections tied to curb elevation;
- B. Building materials: color and type; and
- C. The name of the architect or designer. (Ord. 1408, 1998; Ord. 1613 § 16, 2013)

### **55.150 LANDSCAPE PLAN**

This section does not apply to detached single-family residential subdivisions or partitions, or up to two duplexes or single-family attached dwellings.

- A. The landscape plan shall be prepared and shall show the following:
  - 1. Preliminary underground irrigation system, if proposed;
  - 2. The location and height of fences and other buffering of screening materials, if proposed;
  - 3. The location of terraces, decks, patios, shelters, and play areas, if proposed;
  - 4. The location, size, and species of the existing and proposed plant materials, if proposed; and
  - 5. Building and pavement outlines.
- B. The landscape plan shall be accompanied by:
  - 1. The erosion controls that will be used, if necessary;
  - 2. Planting list; and
  - 3. Supplemental information as required by the Planning Director or City Arborist. (Ord. 1408, 1998; Ord. 1613 § 17, 2013)

### **55.170 EXCEPTIONS TO UNDERLYING ZONE, YARD, PARKING, SIGN PROVISIONS, AND LANDSCAPING PROVISIONS**

- A. The Planning Director may grant an exception to the dimensional building setback or yard requirements in the applicable zone based on findings that the approval will satisfy the following criteria:

1. A minor exception that is not greater than 20 percent of the required setback.
  2. A more efficient use of the site.
  3. The preservation of natural features that have been incorporated into the overall design of the project.
  4. No adverse affect to adjoining properties in terms of light, air circulation, noise levels, privacy, and fire hazard.
  5. Safe vehicular and pedestrian access to the site and safe on-site vehicular and pedestrian circulation.
- B. The Planning Director may grant an exception to the off-street parking dimensional and minimum number of space requirements in the applicable zone so long as the following criteria are met:
1. The minor exception is not greater than 10 percent of the required parking;
  2. The application is for a use designed for a specific purpose which is intended to be permanent in nature (for example, a nursing home) and which has a low demand for off-street parking; or
  3. There is an opportunity for sharing parking and there is written evidence that the property owners are willing to enter into a legal agreement; or
  4. Public transportation is available to the site reducing the standards and will not adversely affect adjoining uses, and there is a community interest in the preservation of particular natural feature(s) of the site which make it in the public interest to grant an exception to parking standards.
- C. The Planning Director may grant an exception to the sign dimensional requirements in the applicable zone when the following criteria are met:
1. The minor exception is not greater than 10 percent of the required applicable dimensional standard for signs;
  2. The exception is necessary for adequate identification of the use on the property; and
  3. The sign will be compatible with the overall site plan, the structural improvements, and with the structures and uses on adjoining properties.
- D. The Planning Director may grant an exception to the landscaping requirements in the applicable zone based on findings that the following criteria will be met:
1. A minor exception that is not greater than 10 percent of the required landscaped area.
  2. A more efficient use of the site.
  3. The preservation of natural features that have been incorporated into the overall design of the project.
  4. No adverse effect to adjoining property.

### **55.180 MAINTENANCE**

All on-site improvements shall be the ongoing responsibility of the property owner or occupant.

### **55.190 SHARED OPEN SPACE**

Where the open space is designated on the plan as common open space, the following shall apply:

- A. The open space area shall be shown on the final plan and recorded with the Planning Director.
- B. The open space shall be conveyed in accordance with one of the following methods:
  - 1. By dedication to the City as publicly owned and maintained as open space. Open space proposed for dedication to the City must be acceptable to it with regard to the size, shape, location, improvement, and budgetary and maintenance limitations.
  - 2. By leasing or conveying title (including beneficial ownership) to a corporation, home association, or other legal entity with the City retaining the development rights to the property. The terms of such lease or other instrument of conveyance must include provisions suitable to the City Attorney for guaranteeing the following:
    - a. The continued use of such land for intended purposes.
    - b. Continuity of property maintenance.
    - c. When appropriate, the availability of funds required for such maintenance.
    - d. Adequate insurance protection.
    - e. Recovery for loss sustained by casualty and condemnation, or otherwise.
  - 3. By any method that achieves the objectives set forth in subsection (B)(2) of this section.

### **55.195 ANNEXATION AND STREET LIGHTS**

As a condition of approval for design review for any project that is being annexed to the City, the developer and/or homeowners association shall pay for all expenses related to street light energy and maintenance costs until annexed into the City. The approval for any property annexed must state: "This approval is contingent on voter approval of annexation of the subject property." This means that no permit, final plat, or certificate of occupancy may be issued or approved until annexation is complete. (Ord. 1442, 1999; Ord. 1604 § 53, 2011)

## 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 attached or detached dwelling;
  - a. Duplex Residential Units.
  - b. Triplex Residential Units.
  - c. Quadplex Residential Units.
2. Multi-family dwelling;
3. Townhouse.
4. Cottage Cluster.
- 5 3. Common-wall single-family dwellings above a permitted use;
- 6 4. Residential use of the second floor or a portion of the ground floor of a permitted use;
- 7 5. Residential home;
- 8 6. Family day care;
- 9 7. Bed and breakfast lodging;
- 10 8. Animal sales and services, grooming;
- 11 9. Business support services;
- 12 10. Cultural exhibits and library services;
- 13 11. General retail services;
- 14 12. Medical and dental services;
- 15 13. Personal service facilities;
- 16 14. Professional and administrative services;
- 17 15. Transportation facilities (Type I);
- 18 16. Utility, minor. (Ord. 1515, 2005; Ord. 1547, 2007; Ord. 1604 § 60, 2011; Ord. 1686 § 3, 2018)

**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. (Ord. 1515, 2005; Ord. 1547, 2007; Ord. 1686 § 4, 2018)

**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.
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. (Ord. 1515, 2005; Ord. 1547, 2007; Ord. 1686 § 5, 2018)

### **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. Certified child care center.
2. Community building.
3. Religious institution.
4. Senior center.
5. Public support and public safety facilities, including public parking lots.
6. Nursery.
7. Parks and open space.
8. Eating and drinking establishments.
9. Food and beverage retail sales.
10. Hotel/motel.
11. Construction sales and services.
12. Parking facilities. (Ord. 1515, 2005; Ord. 1547, 2007; Ord. 1655 § 6, 2016; Ord. 1675 § 48, 2018; Ord. 1686 § 6, 2018)

**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:

<u>STANDARD</u>	<u>REQUIREMENT</u>	<u>ADDITIONAL NOTES</u>
<u>Minimum lot size</u>	<u>4,500 sf</u>	<u>Unless defined as an existing lot of record</u>
<u>Maximum</u>	<u>10,000 sf</u>	
<u>Average min. Lot or Parcel size for a Townhouse Project</u>	<u>1,500 sf</u>	
<u>Minimum front lot line</u> <u>Minimum lot width at front lot line</u>	<u>35 ft</u>	<u>Does not apply to Townhouses or Cottage Clusters.</u>
<u>Average Minimum Lot Width</u>	<u>50 ft</u>	<u>Does not apply to Townhouses or Cottage Clusters.</u>
<u>Average Minimum Lot Depth</u>	<u>90 ft</u>	<u>Does not apply to Townhouses or Cottage Clusters.</u>
<u>Minimum Yard Dimensions or</u> <u>Minimum building setbacks</u>		<u>Front, rear, and side yard setbacks for a Cottage Cluster Project are 10 ft. There are no additional setbacks for individual structures on individual lots, but minimum distance between structures shall follow applicable building code requirements.</u>
<u>Front Yard</u>	<u>12 ft</u>	<u>A porch, patio, or pedestrian amenity may be six feet from the front property line</u>
<u>Maximum</u>	<u>20 ft</u>	
<u>Interior Side Yard</u>	<u>7.5 ft</u>	<u>Townhouse common walls that are attached may have a 0 ft side setback.</u>
<u>Street Side Yard</u>	<u>12 ft</u>	
<u>Rear Yard</u>	<u>20 ft</u>	<u>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.</u>
<u>Maximum Building Height</u>	<u>35 ft or 2 stories above grade, whichever is less</u>	
<u>Maximum Building Size</u>	<u>6,000 sf</u>	<u>For all floors above grade excluding porches</u>
<u>Maximum Floor Area Ratio</u>	<u>0.40</u>	<u>Max FAR does not apply to Cottage Clusters.</u>  <u>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. 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</u>

<p><u>Minimum Floor Area Ratio</u></p>	<p><u>0.30</u></p>	<p>The minimum 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</p>
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- ~~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 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.~~
- ~~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; Ord. 1675 § 50, 2018)

### **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 41 CDC, Building Height, Structures on Steep Lots, 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; Ord. 1675 § 49, 2018)

**Chapter 60**  
**CONDITIONAL USES**

## Sections:

- 60.010 PURPOSE
- 60.030 ADMINISTRATION AND APPROVAL PROCESS
- 60.040 TIME LIMIT ON A CONDITIONAL USE APPROVAL
- 60.050 BUILDING PERMITS FOR AN APPROVED CONDITIONAL USE
- 60.060 APPLICATION
- 60.070 APPROVAL STANDARDS AND CONDITIONS
- 60.080 SITE PLAN AND MAP
- 60.090 ADDITIONAL CRITERIA FOR TRANSPORTATION FACILITIES (TYPE II)
- 60.100 ADDITIONAL CRITERIA FOR SCHOOLS AND OTHER GOVERNMENT FACILITIES

**60.010 PURPOSE**

The purpose of this chapter is to provide standards and procedures under which conditional uses may be permitted, enlarged, or altered if the site is appropriate and if other conditions can be met. (Ord. 1589 § 1 (Exh. A), 2010)

**60.030 ADMINISTRATION AND APPROVAL PROCESS**

A. Conditional use applications shall be decided by the Planning Commission in the manner set forth in CDC 99.060(B). A petition for review by the Council may be filed as provided by CDC 99.240(B).

B. All approved conditional use applications in new buildings, or buildings with a major modification, shall be subject to design review under the provisions of Chapter 55 CDC, and in the manner set forth in CDC 99.060(B).

1. Except where stated otherwise in the base zone requirements of 'Other Applicable Development Standards.'

C. All approved conditional use applications within existing buildings shall not be subject to design review. (Ord. 1635 § 28, 2014)

**60.040 TIME LIMIT ON A CONDITIONAL USE APPROVAL**

Approval of a conditional use that required a design review shall be subject to the time limitations set forth in CDC 55.040. Approval of a conditional use that did not require design review shall be void unless either the use is commenced or an extension is granted per CDC 99.325 within three years of the approval. (Ord. 1408, 1998; Ord. 1589 § 1 (Exh. A), 2010; Ord. 1604 § 61, 2011)

### **60.050 BUILDING PERMITS FOR AN APPROVED CONDITIONAL USE**

Building permits for all or any portion of a conditional use shall be issued only on the basis of the conditional use plan and conditions as approved by the Planning Commission. (Ord. 1622 § 21, 2014)

### **60.060 APPLICATION**

- A. A conditional use application shall be initiated by the property owner or the owner's authorized agent.
- B. A prerequisite to the filing of an application is a pre-application conference at which time the Director shall explain the requirements and provide the appropriate forms as specified in CDC 99.030(B) and (C).
- C. A prerequisite to the filing of an application is a meeting with the respective City-recognized neighborhood association, per CDC 99.038, at which time the applicant will present their proposal and receive comments.
- D. An application for a conditional use shall include the completed application form and:
  - 1. A narrative which addresses the approval criteria set forth in CDC 60.070 and which sustains the applicant's burden of proof;
  - 2. A site plan as provided by CDC 60.080; and
  - 3. If site modification or construction is proposed, a storm detention and treatment plan and narrative pursuant to CDC 92.010(E).

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

- E. The applicant shall pay the requisite fee. (Ord. 1401, 1997; Ord. 1442, 1999; Ord. 1621 § 25, 2014; Ord. 1622 § 16, 2014; Ord. 1662 § 13, 2017)

### **60.070 APPROVAL STANDARDS AND CONDITIONS**

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

- 1. The site size and dimensions provide:
  - a. Adequate area for the needs of the proposed use; and

- b. Adequate area for aesthetic design treatment to mitigate any possible adverse effect from the use on surrounding properties and uses.
  2. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and natural features.
  3. The granting of the proposal will produce a facility that provides an overall benefit to the City.
  4. Adequate public facilities will be available to provide service to the property at the time of occupancy.
  5. The applicable requirements of the zone are met, except as modified by this chapter.
  6. The supplementary requirements set forth in Chapters 52 to 55 CDC and CDC 92.010(E) are met, if applicable.
  7. The use will comply with the applicable policies of the Comprehensive Plan.
- B. An approved conditional use or enlargement or alteration of an existing conditional use shall be subject to the development review provisions set forth in Chapter 55 CDC.
- C. The Planning Commission may impose conditions on its approval of a conditional use which it finds are necessary to assure the use is compatible with other uses in the vicinity. These conditions may include, but are not limited to, the following:
1. Limiting the hours, days, place, and manner of operation.
  2. Requiring design features which minimize environmental impacts such as noise, vibration, air pollution, glare, odor, and dust.
  3. Requiring additional setback areas, lot area, or lot depth, or width.
  4. Limiting the building height, size or lot coverage, or location on the site.
  5. Designating the size, number, location and design of vehicle access points.
  6. Requiring street right-of-way to be dedicated and the street to be improved including all steps necessary to address future street improvements identified in the adopted Transportation System Plan.
  7. Requiring participation in making the intersection improvement or improvements identified in the Transportation System Plan when a traffic analysis (compiled as an element of a conditional use application for the property) indicates the application should contribute toward.
  8. Requiring landscaping, screening, drainage, and surfacing of parking and loading areas.
  9. Limiting the number, size, location, height, and lighting of signs.
  10. Limiting or setting standards for the location and intensity of outdoor lighting.
  11. Requiring berming, screening, or landscaping and the establishment of standards for their installation and maintenance.
  12. Requiring and designating the size, height, location, and materials for fences.
  13. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, and drainage areas.
- D. Aggregate extraction uses shall also be subject to the provisions of ORS 541.605.



E. The Historic Review Board shall review an application for a conditional use, or to enlarge a conditional use on a property designated as a historic resource, based on findings of fact that the use will:

1. Preserve or improve a historic resource which would probably not be preserved or improved otherwise; and
2. Utilize existing structures rather than new structures. (Ord. 1291, 1987; Ord. 1408, 1998; Ord. 1544, 2007; Ord. 1614 § 13, 2013; Ord. 1655 § 7, 2016; Ord. 1662 § 14, 2017)

### **60.080 SITE PLAN AND MAP**

A. All site plans and maps shall include the name, address, and telephone number of the applicant, the scale of the site plan, north arrow, and a vicinity map.

B. The applicant shall submit a site plan drawn to an appropriate scale (in order of preference, one inch equals 10 feet to one inch equals 30 feet) which contains the following information:

1. The subdivision name, block, and lot number or the section, township, range, and tax lot number.
2. The lot or parcel boundaries, dimensions, and gross area.
3. The applicant's property and the surrounding property to a distance sufficient to determine the relationship between the applicant's property and proposed development to the adjacent property and development.
4. The location, dimensions, and names of all existing and platted streets and other public ways and easements on adjacent property and on the site.
5. The location, dimensions, and setback distances of all:
  - a. Existing structures, improvements, utilities, and drainage facilities on adjoining properties;
  - b. Existing structures, improvements, utilities, and drainage facilities to remain on the site; and
  - c. Proposed structures or changes to existing structures, improvements, utilities, and drainage facilities.
6. The existing and proposed dimensions of:
  - a. The entrances and exits to the site;
  - b. The parking and circulation areas;
  - c. Loading and service areas for waste disposal, loading and delivery;
  - d. Pedestrian and bicycle circulation area;
  - e. On-site outdoor recreation spaces and common areas; and
  - f. Above-ground utilities.
7. The location of areas to be landscaped and the proposed landscape plan.
8. The location of all trees having a six-inch caliper at a height of five feet.

C. The applicant shall submit the site plan on a map showing two-foot contours up to 20 percent grade and 10-foot contours on grades above 20 percent. (Ord. 1636 § 43, 2014)

#### **60.090 ADDITIONAL CRITERIA FOR TRANSPORTATION FACILITIES (TYPE II)**

A. Construction, reconstruction, or widening of highways, roads, bridges or other transportation facilities that are (1) not designated in the adopted West Linn Transportation System Plan (“TSP”) or (2) not designed and constructed as part of an approved, active, development order are allowed in all zoning districts subject to the conditional use and all other applicable provisions of the CDC and satisfaction of all of the following criteria:

1. The project and its design are consistent with West Linn’s adopted TSP, with the State Transportation Planning Rule (OAR 660-012), and with the adopted Regional Transportation Plan (RTP).
2. The project design is compatible with abutting land uses in regard to noise generation and public safety and is consistent with the applicable zoning and development standards and criteria for the abutting properties.
3. The project design minimizes environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities, and a site with fewer environmental impacts is not reasonably available.
4. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
5. The project includes provisions for bicycle and pedestrian access and circulation consistent with the comprehensive plan, the requirements of this chapter, and the TSP.

B. State transportation system facility or improvement projects. The State Department of Transportation (“ODOT”) shall provide a narrative statement with the application demonstrating compliance with all of the criteria and standards in subsections (A)(1) through (5) of this section. Where applicable, an environmental impact statement or environmental assessment may be used to address one or more of these criteria.

C. Proposal inconsistent with TSP/TPR. If the City determines that the proposed use or activity or its design is inconsistent with the TSP or TPR, then the applicant shall apply for and obtain a plan and/or zoning amendment prior to or in conjunction with conditional use permit approval. (Ord. 1584, 2008; Ord. 1650 § 1 (Exh. A), 2016)

#### **60.100 ADDITIONAL CRITERIA FOR SCHOOLS AND OTHER GOVERNMENT FACILITIES**

Schools and other government facilities that attract a regular and significant volume of users shall, to the greatest extent possible, be centrally located relative to the majority of the population that they will serve and be serviceable by sidewalks and bike routes/lanes. Police and fire stations shall meet these standards to the greatest extent possible but it is acknowledged that access to arterials remains a key locational determinant for those uses. (Ord. 1590 § 1, 2009)