

ORDINANCE NO. 1613

AN ORDINANCE UPDATING, CORRECTING, AND AMENDING COMMUNITY DEVELOPMENT CODE SECTIONS 2.030, 18.030, 19.050, 33.020, 53.030, 58.090, 96.010, 98.030, AND 105.040, AND NUMEROUS SECTIONS IN CHAPTERS 52, 55, 85, AND 99, AND REPEALING AND REPLACING CHAPTER 35

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

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

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

**WHEREAS**, the above referenced grant of power has been broadly interpreted as affording all legislative powers that home rule constitutional provisions can grant to Oregon Cities, City of Beaverton v. International Ass'n of Firefighters, Local 1660, Beaverton Shop, 20 Or. App. 293, 531 P 2d 730, 734 (1975); and

**WHEREAS**, the City of West Linn has determined that it is in the best interest of the City to amend the Community Development Code (CDC) to provide for projecting and athletic field signs, temporary uses, docketing of proposed Comprehensive Plan and CDC amendments, new cul-de-sacs and infill development along existing cul-de-sacs, in-lieu fees for required sidewalks and other improvements, expanded public notice, expanded sidewalk use, single family and duplex dwellings in commercial districts, refine and clarify the Design Review submittal requirements, and to reconcile regulatory inconsistencies regarding stormwater control on single family and duplex lots; and

**WHEREAS**, the City of West Linn notified the Department of Land Conservation and Development of its intent to undertake a review of the CDC and propose revisions more than 35 days prior to the first evidentiary hearing on the proposed amendments to the CDC pursuant to the applicable notice provisions; and

**WHEREAS**, the City of West Linn published notice of the Planning Commission public hearing regarding the proposed amendments on March 21, 2013; and

**WHEREAS**, the City of West Linn mailed notice pursuant to the applicable notice provisions of Section 98.070 of the CDC; and

**WHEREAS**, the West Linn Planning Commission held a public hearing regarding the proposed amendments to the CDC on April 3, 2013; and

**WHEREAS**, after considering the public testimony regarding the proposed CDC amendments, the West Linn Planning Commission recommended adoption of proposed CDC amendments; and

**WHEREAS**, the City of West Linn published notice of the City Council public hearing for the proposed CDC amendments on June 6, 2013; and

**WHEREAS**, on June 17, 2013, the City Council conducted a public hearing regarding the proposed CDC amendments; and

**WHEREAS**, the proposed code amendments meet the criteria for approval of legislative amendments stated in Section 98.100 of the CDC; and

**WHEREAS**, the proposed code amendments are compliant with the goals and policies of the Comprehensive Plan; and

**WHEREAS**, the proposed code amendments are compliant with the Statewide Planning Goals; and

**WHEREAS**, the proposed code amendments are compliant with Metro Regional Transportation Functional Plan; and

**WHEREAS**, the measures adopted by this Ordinance comply with the state and other governing laws and are reasonably related to the public health, safety and welfare; and

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

**SECTION 1:** Section 02.030 of the City of West Linn Community Development Code is hereby amended to read as follows:

**02.030 SPECIFIC WORDS AND TERMS**

...

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

...

**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.**

...

**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.**

~~Temporary use. A use which, by its nature, will last under two years. Examples of temporary uses are uses associated with the sale of goods for a specific holiday, activity or celebration, uses associated with construction, and seasonal uses. The temporary use provisions do not apply to businesses seeking a temporary or interim location.~~

**SECTION 2:** Section 18.030 of the City of West Linn Community Development Code is hereby amended to read as follows:

### **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 residential unit above a permitted use.

**SECTION 3:** Section 19.050(1) of the City of West Linn Community Development Code is hereby amended to read as follows:

### **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 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 and on the ground floor of businesses on the Willamette Falls Drive Commercial District where dwellings may also occupy a portion of the ground floor pursuant to CDC 58.050.

**SECTION 4:** The Title of Chapter 33 of the City of West Linn Community Development Code is hereby amended to read as follows:

### **Chapter 33 STORMWATER MANAGEMENT QUALITY AND DETENTION**

**SECTION 5:** Section 33.020 of the City of West Linn Community Development Code is hereby amended to read as follows:

### **33.020 APPLICABILITY**

This chapter applies to all new development and redevelopment sites, as required by the City's Public Works Design Standards, ~~except one and two family dwellings that do not involve a land division.~~

**SECTION 6:** Chapter 35 of the City of West Linn Community Development Code is hereby repealed in its entirety and replaced as follows:

**35.010 APPLICABILITY**

**Notwithstanding the limitations of use established by this code, the approval authority can authorize temporary uses consistent with the provisions of this chapter.**

**35.020 EXEMPTIONS**

**The following temporary uses and structures are exempt from the provisions of this chapter:**

- A. Construction related uses including, but not limited to, trailers and staging areas, on sites approved for the associated development.**
- B. Portable outdoor storage units or similar structures as are typically used for storing items in conjunction with a move, minor remodel, or construction project that will remain on site 14 days or less during a given calendar year.**

**35.030 TEMPORARY USE STANDARDS**

**A. Temporary uses shall be approved if they meet the following standards:**

- 1. Sites accommodating a temporary use shall be appropriate for the proposed use, as determined by the approval authority with consideration of the following:**
  - a. The proposed site shall have adequate parking and circulation space consistent with Chapter 46, Off-Street Parking, Loading and Reservoir Areas; safe ingress and egress consistent with CDC Chapter 48, Access, Egress and Circulation; and adequate line of sight and vision clearance per Chapter 42, Clear Vision Areas.**
  - b. The proposed site shall have a paved or graveled surface sufficient to avoid dust generation and mud tracking from anticipated traffic or erosion control measures, consistent with CDC Section 31.070, shall be used to keep any mud, sediment and dust on site.**
  - c. The proposed use shall conform to all applicable requirements of CDC Chapter 32, Water Resource Protection, Chapter 27, Flood Management Areas, Chapter 28, Willamette and Tualatin River Protection and other City regulations.**

d. The proposed temporary use shall not be materially detrimental to the public welfare, or injurious to the property or improvements in the immediate vicinity.

2. The approval authority may require that structures and trailers allowed as temporary uses for more than 60 days be screened from the view of occupants of any abutting residential and commercial structures, consistent with CDC Chapter 44, unless the applicant demonstrates that such screening is not needed.

3. Drop boxes, trailers, or structures that serve a similar function are allowed, consistent with Subsection 35.030(A), for registered non-profit, religious or benevolent groups, orders or associations, when they are proposed to be located in General Commercial, Office Business Center, Campus Industrial, General Industrial, or Neighborhood Commercial districts.

Drop boxes and structures serving a similar function, not including trailers, shall not exceed seven feet in height or have a footprint of more than 25 square feet on a single site. Their color shall be limited to earth tones.

4. The property owner has authorized the proposed temporary use in writing.

B. The approval authority may attach conditions to any temporary use approval as needed to achieve compliance with the applicable standards of this section or otherwise protect public health, safety, and welfare.

#### 35.050 DURATION OF TEMPORARY USES

Temporary uses may be allowed for up to 60 days, with one additional renewal for no greater duration than the original approval, except as follows:

A. Construction trailers and associated parking and staging areas beyond the site approved for the associated development may be allowed for the duration of active construction projects.

B. Drop boxes, structures serving a similar function, and trailers authorized under Subsection 35.030(A) will be allowed indefinitely, but they will be revoked if they are unused or abandoned for a period of 60 days or if material is not contained by the drop box or trailer and allowed to accumulate outside of the drop box, structure, or trailer.

Upon revocation of the approval, the applicant shall be responsible for removing the drop box, structure, or trailer unless it is abandoned; in that case, removal shall be the responsibility of the property owner.

**C. Temporary uses approved by the City Council pursuant to 99.060(C)(1)(d) shall be for up to one year with one possible renewal of up to one year, for a maximum of two years.**

**SECTION 7:** Section 52.109 of the City of West Linn Community Development Code is hereby amended to read as follows:

**52.109 EXEMPTIONS**

- A. Signs placed inside windows are exempt from the provisions of this chapter.
- B. ~~Signs in the Willamette Falls Drive Commercial Overlay Zone, as defined in Chapter 58 CDC, shall be reviewed and approved subject to the criteria found in CDC 58.090(C)(25). However the dimensional standards for signs in the Willamette Falls Drive Commercial Overlay Zone shall be based on the table in CDC 52.300.C.~~ Parking lot signs—Signs up to three square feet in area with a maximum height no greater than five feet above grade and directed to the interior of a parking lot and not to a right-of-way shall not require a sign permit.
- ~~CD.~~ City signs are exempt from the provisions of this chapter.
- ~~D.E.~~ Sunday signs are allowed within City right-of-way in any residential district on Sundays between the hours of 8:00 a.m. and 6:00 p.m., subject to the following standards:
- E. Signs that are oriented toward spectators at athletic fields or the interior of community recreation facilities are exempt provided that signs that are incidentally visible from the public right-of-way shall be no larger than 32 square feet in size. The signs shall be the same height, and the top of the signs shall be aligned horizontally to form a banner like appearance; the back side of such signs visible from the right-of-way shall be a uniform white, black, or earth tone color.

**SECTION 8:** Section 52.210 of the City of West Linn Community Development Code is hereby amended to read as follows:

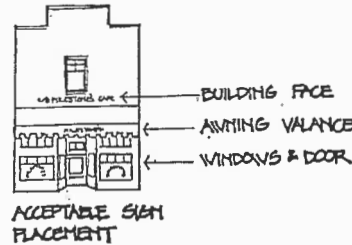
**52.210 APPROVAL STANDARDS**

All signs shall meet the following standards:

...

- K. Signs in the Willamette Falls Drive Commercial District.
  - 1. 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. Signs shall not be of the internally lit can type or channel light type. No backlit awnings are allowed. Illumination by spotlight is permitted. 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 which describe the building in a historical sense are exempt from the allowable square footage restrictions.



2. Sign type face. Antique lettering as shown in the illustration is required. Variations are permitted where the lettering would not clash with the predominant font or style. "Gay Nineties" or "P.T. Barnum" type styles and other exaggerated styles are discouraged. Lettering may be horizontal, vertical, or slanting up from lower left to upper right. Semi-circle designs on windows are permitted. Window lettering should be white, black, or gold with black shading.

**BROKER SHADED**

Caston Antique

Antique Bold

BETON OPEN

Century Shaded

ENGRAVERS

3. Temporary signs. Temporary sandwich board signs are permitted and shall be designed to be consistent with the aforementioned sign and type face provision.

**SECTION 9:** Section 52.300 of the City of West Linn Community Development Code is hereby amended to read as follows:

**52.300 PERMANENT SIGN DESIGN STANDARDS**

City Appvl. Reqd.	Illumination	FREESTANDING SIGNS				ON-WALL SIGNS			PROJECTING SIGNS <sup>5</sup>	
		No. Allowed	Max. Sq. Ft.	Max Ht. (ft.)	ROW Setback (ft.)	No. Allowed	Max Sq. Ft.	Max Ht. (ft.)	No. Allowed	Max. Sq. Ft.

Residential Uses Including Home Occupations	No	No	1	2	4	5	or 1^	2	12	n/a	n/a
Multi-family Complex	Yes	Yes	2	24 total*	8	5	or 2^	24 total*	12	n/a	n/a
Subdivision Monument	Yes	Yes	5 per subdivision	32 total*	8	5	n/a	n/a	n/a	n/a	n/a
Industrial Zone Uses	Yes	Yes	10	32	8	5	3	10%	25	n/a	n/a
Commercial Uses in Residential Zone	Yes	Yes	1	16	8	10	2	5%*	12	n/a	n/a
Commercial Zone	Yes	Yes	1 <sup>1</sup>	32 <sup>2</sup>	8	5	3	10%*	25	<u>1 sign per each business frontage with a customer entrance<sup>4</sup></u>	<u>12</u>
Business Center	Yes	Yes	1	150 <sup>3</sup>	20	15	3	10%*	25	<u>1 sign per each business frontage with a customer entrance<sup>4</sup></u>	<u>12</u>
Business Center Entryway	Yes	Yes	1 per entry	4	3	5	n/a	n/a	n/a	n/a	n/a
Public Uses	Yes	Yes	1 <sup>4e</sup>	24	20	5	No limit	18 total	25	n/a	n/a

Notes for Permanent Sign Design Standards

<sup>4</sup> Projecting signs shall not extend above the roofline at the wall or the top of a parapet wall, whichever is higher. They shall not be located within 20 feet of another projecting sign in the same horizontal plane or project within two feet of the curb or, if there is no curb, the edge of the pavement. All projecting signs shall have clearance above the sidewalk consistent with Subsection 52.210(D). Any illumination shall be external.

<sup>54</sup> Parks may have two signs per frontage. Signs in parks directed at pedestrians or cyclists within the parks are not limited in number or size. Schools may have two signs.

**SECTION 10:** Section 53.030 of the City of West Linn Community Development Code is hereby amended to read as follows:

**53.030 STANDARDS**

**Displays and tables may be placed, and customer service may be conducted, on sidewalks subject to the following:**

- A. A pedestrian accessway, a minimum of four feet in width, shall be maintained free of obstructions on all sidewalks.**



~~A minimum pedestrian accessway of four feet shall be maintained adjacent to the curb (i.e., display or service shall take place adjacent to the business structure.)~~

- ~~B. C. Clear vision requirements of Chapter 42 CDC shall not be violated.~~  
~~C. The d~~ Displays, tables, and or customer service shall not extend beyond the store frontage of the business associated with the products or service, with the exception that businesses at street intersections with extended sidewalks may use the extended sidewalk consistent with this section.
- C. Permission from the Oregon Department of Transportation for use of sidewalks in state right-of-way.
- ~~D. Any temporary commercial signs shall be subject to Planning Director approval.~~

See CDC Section 52.310 regarding temporary signs and Chapter 42 regarding clear vision triangle requirements.

**SECTION 11:** Section 55.070 of the City of West Linn Community Development Code is hereby amended to read as follows:

#### **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 Subsection 99.030(B), shall be a prerequisite to the filing of an application.
- ~~1. The Director shall explain the applicable policies, ordinance provisions, opportunities and constraints which may be applicable to the site and type of proposed development. The Director shall determine which class of design review is required.~~
  - ~~2. The following subjects shall be reviewed at the pre-application conference:~~
    - ~~a. The parcel's location and size, the Comprehensive Plan, zoning, and other possible and applicable ordinance provisions.~~
    - ~~b. The proposed use and types of adjacent land uses and the opportunities for shared use such as parking, or the need for buffers or sound barriers.~~
    - ~~c. The natural features on the site: topography, drainage courses, microclimate vegetation, and soil conditions and stability as these features relate to plan policies and ordinance provisions and the site development plan.~~
    - ~~d. The availability of utilities (on-site and off-site).~~
    - ~~e. The site access and potential traffic problems.~~

- ~~f. The availability of transit, capacity of the road system, and existence of plans for bicycle and pedestrian ways.~~
- ~~g. Existing or potential noise sources.~~
- ~~h. Conditions placed on previous applications.~~
- ~~i. Review submittal requirements.~~
- ~~j. Preferred architectural design and building orientation.~~

C. Documentation of any required meeting with the respective City-recognized neighborhood association per CDC Section 99.038.

~~A prerequisite to the filing of an application for development proposals that include greater than 10 multi-family units or commercial/industrial buildings greater than 1,500 square feet in size, a four-lot or more planned unit development, a 10-lot or greater subdivision, or a zone change that requires a Comprehensive Plan amendment 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. Wireless communication facilities (WCF) shall also fulfill co-location protocol of CDC 57.090.~~

D. The applicant shall submit a completed application form and one digital or electronic copy in an accessible format. In addition, the applicant must submit three copies at the original scale, three copies of all drawings and plans reduced to 11 inches by 17 inches or smaller, and three copies of all other items. Additional copies may be required as determined to be necessary by the Planning Department.

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;<sub>2</sub>
- b. A site plan (CDC 55.120)~~is required.~~<sub>2</sub>
- c. Architectural drawings, including building envelopes and all elevations (CDC 55.140) only if architectural work is proposed;<sub>2</sub>  
and;
- d. Pursuant to CDC 55.085, additional submittal material may be required.

~~One original application form must be submitted. Three copies at the original scale and three copies reduced to 11 inches by 17 inches or smaller of all drawings and plans must be submitted. Three copies of all other items must be submitted. When the application submittal is determined to be complete, additional copies may be required as determined by the Planning 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 sign plan (CDC 55.160); and~~
  - ~~g. A pedestrian and automobile circulation plan.~~
  - fh. **The A utility plan: ~~The application shall include a submittal~~ 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 Subsection 55.100(J) pertaining to crime prevention and, if applicable, CDC Section 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-troughs, 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.

**SECTION 12:** Section 55.100 of the City of West Linn Community Development Code is hereby amended to read as follows:

**55.100 APPROVAL STANDARDS – CLASS II DESIGN REVIEW**

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

...

B. Relationship to the natural and physical environment.

...

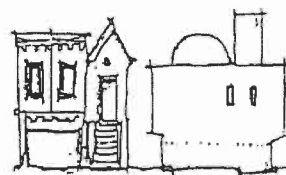
6. Architecture.

~~a. The predominant architecture of West Linn identified in the West Linn vision process was contemporary vernacular residential designs emphasizing natural materials: wood with brick and stone detail. Colors are subdued earth tones: greys, brown, off-whites, slate, and greens. Pitched roofs with overhanging eaves, decks, and details like generous multi-light windows with oversized trim are common. Also in evidence are the 1890s Queen Anne style homes of the Willamette neighborhood. Neo-traditional homes of the newer subdivisions feature large front porches with detailed porch supports, dormers, bracketed overhanging eaves, and rear parking for cars. Many of these design elements have already been incorporated in commercial and office architecture.~~

ab. 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, **materials and colors** of surrounding buildings in the proposed structure. The material and colors shall be complementary to the surrounding buildings.



*contextual design*



*contrasting design*

**SECTION 13:** Section 55.110 of the City of West Linn Community Development Code is hereby amended to read as follows:

**55.110 SITE ANALYSIS**

...

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:

...

6. Potential natural hazard areas including:
  - a. Floodplain areas;
  - b. ~~Areas subject to a high water table;~~ Seeps and springs;
  - c. Landslide areas; and
  - d. Areas having a high erosion potential.
7. Resource areas including:
  - a. ~~Marsh and wetland areas;~~ Wetlands;
  - b. ~~Wildlife habitat areas identified by the City in its Comprehensive Plan;~~ Riparian corridors;
  - c. Streams, including intermittent and ephemeral streams;
  - d. Habitat conservation areas; and
  - e. Large rock outcroppings.
8. ~~The site features including:~~
  - a. ~~Large rock outcroppings;~~
  - b. ~~Areas having unique views; and~~
  - c. ~~Streams and stream corridors.~~
89. Potential historic landmarks and registered archaeological sites. The existence of such sites on the property shall be verified from records maintained by the Planning Department and other recognized sources.
10. ~~The location of trees having a six inch caliper at five feet and where the site is heavily wooded, an aerial photograph at the same scale as the site analysis may be submitted and only those trees that will be affected by the proposed development need be sited accurately; (e.g.,~~

~~construction activity within the dripline of the trees). All significant trees and tree clusters identified by the City Arborist using the criteria of CDC 55.100(B)(2) and all heritage trees, shall be delineated. Trees on non-Type I and II land shall have their “dripline plus 10 feet” protected area calculated per CDC 55.100(B)(2) and expressed in square feet, and also as a percentage of total non-Type I and II area.~~

~~11. Existing ambient noise levels shall be determined in the case of proposed land uses which may be reasonably expected to generate noise (e.g., automotive related uses), and for previously unused sites as described by DEQ. The determination of those levels shall be consistent with current DEQ standards.~~

~~912.~~ Identification information including the name and address of the owner, developer, and project designer, and a lineal scale and north arrow.

~~1013.~~ 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.

~~14. Identify applicable Goal 5 Resources identified in the City’s Comprehensive Plan.~~

**SECTION 14:** Section 55.120 of the City of West Linn Community Development Code is hereby amended to read as follows:

#### **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 lines, ~~section lines, corners, and monuments.~~
- ~~C. The location of at least one temporary benchmark and contours as provided by CDC 55.110(B)(3).~~
- ~~CD.~~ Streams and stream corridors.
- ~~DE.~~ Identification information, including the name and address of the owner, developer, and project designer, and a lineal scale, and north arrow.
- ~~EF.~~ The location, dimensions, and names of all: **1. Existing and proposed platted streets, public pathways, and other public ways and easements on adjacent property** yes and on the site, and all associated rights-of-way.

**~~2. Proposed streets or other public ways and easements on the site.~~**

- FG.** 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.**
  2. ~~Existing structures, improvements, and utility facilities to remain on the site;~~
  3. ~~Proposed structures, improvements, and utility facilities on the site.~~

- GH.** The location and dimensions of:
1. The entrances and exits to the site;
  2. The parking and circulation areas;
  3. ~~Loading and service a~~ Areas for waste disposal, **recycling,** loading, and delivery;
  4. Pedestrian and bicycle ~~circulation areas~~ **routes, including designated routes, through parking lots and to adjacent right-of-ways;**
  5. On-site outdoor recreation spaces and common areas;
  6. All utilities; and
  7. Sign locations.

**H.** The location of areas to be landscaped.

**~~J. The location and type of outdoor light with specific consideration given to crime prevention. A light coverage plan shall be provided.~~**

**~~K. The orientation of structures showing the location of windows and doors.~~**

**~~L. The location of mailboxes.~~**

**~~M. Submit an engineering noise control plan by a licensed acoustical engineer to satisfy appropriate noise standards, identified in CDC 55.100(D)(3), in cases where proposed land use can reasonably be expected to generate noise (e.g., automotive-related uses) or in cases where it is required by the provisions of the West Linn Community Development Code.~~**

**SECTION 15:** Section 55.130 of the City of West Linn Community Development Code is hereby amended to read as follows:

**55.130 GRADING PLAN**

The grading and drainage plan shall be at the same scale as the site analysis (CDC 55.110) and shall include the following:

- A. The location and extent to which grading will take place indicating general contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed.
- B. ~~Plans and statements to demonstrate the ability of the project to meet Appendix 33 requirements of the Uniform Building Code.~~ A registered civil engineer shall prepare a plan and statement that shall be supported by factual data that clearly shows that there will be no adverse impacts from increased intensity of runoff off site, or the plan and statement shall identify all off-site impacts and measures to mitigate those impacts. The plan and statement shall, at a minimum, determine the off-site impacts from a 10-year storm.
- C. Storm detention and treatment plans may be required
- ~~DE.~~ Identification, information, including the name and address of the owner, developer, project designer, and the project engineer.

**SECTION 16:** Section 55.140 of the City of West Linn Community Development Code is hereby amended to read as follows:

#### **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.

**SECTION 17:** Section 55.150 of the City of West Linn Community Development Code is hereby amended to read as follows:

#### **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; 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 schedule; and
3. Supplemental information as required by the Planning Director or City Arborist.

**SECTION 18:** Section 58.090 of the City of West Linn Community Development Code is hereby amended to read as follows:

**58.090 STANDARDS**

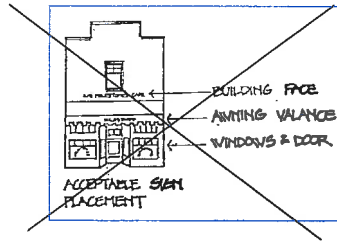
...

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

...

**25. Signs.**

~~a. 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. Signs shall not be of the internally lit can type or channel light type. No backlit awnings are allowed. Illumination by spotlight is permitted. 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 which describe the building in a historical sense are exempt from the allowable square footage restrictions. Signs cannot project out from building face.~~



~~b. Sign type face. Antique lettering as shown in the illustration is required. Variations are permitted where the lettering would not clash with the predominant font or style. "Gay Nineties" or "P.T. Barnum" type styles and other exaggerated styles are discouraged. Lettering may be horizontal, vertical, or slanting up from lower left to upper right. Semi-circle designs on windows are permitted. Window lettering should be either white, black, or gold with black shading.~~

~~**BROKER SHADED**  
Caslon Antique  
**Antique Bold**  
**BETON OPEN**  
Caslon Shaded  
ENGRAVERS~~

~~c. Temporary signs. Temporary sandwich board signs are permitted and shall be designed to be consistent with the aforementioned sign and type face provision.~~

2526. Planters. No planters are allowed.

2627. Paint colors. Body color typically included white, cream, or a light, warm color of low intensity. Accents, trims, windows, etc., should be dark-colored. Contrasting colors should be compatible. Existing colors shall not enjoy protected status when repainting is proposed. A palette or color wheel of acceptable 1880 – 1915 period colors shall be the basis for color selection. No other colors are allowed. The palette is available at the Planning Department.

2728. Ornamental or advertising flags, pennants, or banners. Not permitted on buildings.

2829. New materials. Permitted where it is demonstrated that new material visually replicates originally required material, except siding, which must be wood.

**SECTION 19:** Section 85.150 of the City of West Linn Community Development Code is hereby amended to read as follows:

**85.150 APPLICATION – TENTATIVE PLAN**

A. The applicant shall submit a completed application which shall include:

...

4. ~~A prerequisite to the filing of an application for development proposals that include greater than 10 multi-family units or commercial/industrial buildings greater than 1,500 square feet in size, a four lot or more planned unit development, a 10 lot or greater subdivision, or a zone change that requires a Comprehensive Plan amendment 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.~~

**SECTION 20:** Section 85.200 of the City of West Linn Community Development Code is hereby amended to read as follows:

**85.200 APPROVAL CRITERIA**

...

A. Streets

1. General. The location, width and grade of streets shall be considered in their relation to existing and planned streets, to the generalized or reasonable layout of streets on adjacent undeveloped parcels, to topographical conditions, to public convenience and safety, to accommodate various types of transportation (automobile, bus, pedestrian, bicycle), and to the proposed use of land to be served by the streets. The functional class of a street aids in defining the primary function and associated design standards for the facility. The hierarchy of the facilities within the network in regard to the type of traffic served (through or local trips), balance of function (providing access and/or capacity), and the level of use (generally measured in vehicles per day) are generally dictated by the functional class. The street system shall assure an adequate traffic or circulation system with intersection angles, grades, tangents, and curves appropriate for the traffic to be carried. Streets should provide for the continuation, or the appropriate projection, of existing principal streets in surrounding areas and should not impede or adversely affect development of adjoining lands or access thereto.

To accomplish this, the emphasis should be upon a connected continuous pattern of local, collector, and arterial streets rather than discontinuous curvilinear streets and cul-de-sacs. Deviation from this pattern of connected streets should only be permitted in cases of extreme topographical challenges including excessive slopes (35 percent-plus), hazard areas, steep drainageways, wetlands, etc. In such cases, deviations may be allowed but the connected continuous pattern must be reestablished once the topographic challenge is passed. Streets should be oriented with consideration of the sun, as site conditions allow, so that over 50 percent of the front building lines of homes are oriented within 30 degrees of an east-west axis.

Internal streets are the responsibility of the developer. All streets bordering the development site are to be developed by the developer with, typically, half-street improvements or to City standards prescribed by the City Engineer. Additional travel lanes may be required to be consistent with adjacent road widths or to be consistent with the

adopted Transportation System Plan (TSP) and any adopted updated plans.

An applicant may submit a written request for a waiver of abutting street improvements if the ~~Transportation System Plan TSP~~ prohibits the street improvement for which the waiver is requested. Those areas with numerous (particularly contiguous) under-developed or undeveloped tracts will be required to install street improvements. When an applicant requests a waiver of street improvements and the waiver is granted, the applicant shall pay an in-lieu fee equal to the estimated cost, accepted by the City Engineer, of the otherwise required street improvements. As a basis for this determination, the City Engineer shall consider the cost of similar improvements in recent development projects and may require up to three estimates from the applicant. The amount of the fee shall be established prior to the Planning Commission's decision on the associated application. The in-lieu fee shall be used for in kind or related improvements. ~~propose a fee amount that will be reviewed by the City Manager or the Manager's designee. The City Manager or the Manager's designee will revise the proposed fee as necessary and establish the amount to be paid on a case-by-case basis. The applicant shall pay an in-lieu fee for improvements to the nearest street identified by the City Manager or Manager's designee as necessary and appropriate. The amount of the in-lieu fee shall be roughly proportional to the impact of the development on the street system as determined in subsection (A)(22) of this section.~~

Streets shall also be laid out to avoid and protect tree clusters and significant trees, but not to the extent that it would compromise connectivity requirements per this subsection (A)(1), or bring the density below 70 percent of the maximum density for the developable net area. The developable net area is calculated by taking the total site acreage and deducting Type I and II lands; then up to 20 percent of the remaining land may be excluded as necessary for the purpose of protecting significant tree clusters or stands as defined in CDC 55.100(B)(2).

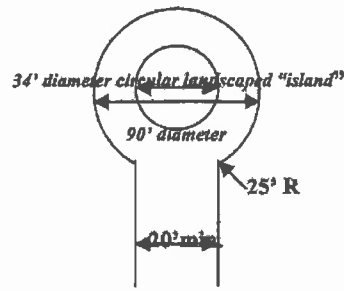
...

11. Cul-de-sacs.

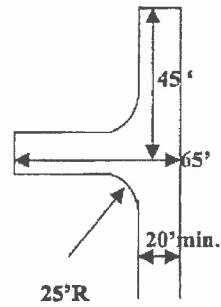
~~Cul-de-sacs are not allowed except as required by topography, slope, site limitations, and lot shapes. Cul-de-sacs shall have maximum lengths of 400 feet and serve no more than 12 dwelling units, unless by variance per Chapter 75 CDC.~~

- a. New cul-de-sacs and other closed-end streets (not including stub streets intended to be connected) on sites containing less than 5 acres, or sites accommodating uses other than residential or mixed use development, are not allowed unless the applicant demonstrates that there is no feasible alternative due to:

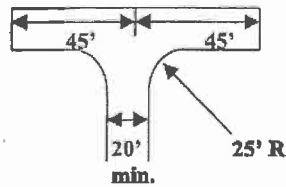
- 1) physical constraints (e.g., existing development, the size or shape of the site, steep topography, or a fish bearing stream or wetland protected by CDC Chapter 32), or
  - 2) existing easements or leases.
- b. New cul-de-sacs and other closed-end streets, consistent with Subsection (11) (a) above, shall not exceed 200 feet in length or serve more than 25 dwelling units unless the design complies with all adopted Tualatin Valley Fire and Rescue (TVFR) access standards and adequately provides for anticipated traffic, consistent with the Transportation System Plan (TSP).
- c. New cul-de-sacs and other closed-end streets (not including stub streets intended to be connected) on sites containing five acres or more that are proposed to accommodate residential or mixed use development are prohibited unless barriers (e.g., existing development, steep topography, or a fish bearing stream or wetland protected by CDC Chapter 32, or easements, leases or covenants established prior to May 1, 1995) prevent street extensions. In that case, the street shall not exceed 200 feet in length or serve more than 25 dwelling units, and its design shall comply with all adopted TVFR access standards and adequately provide for anticipated traffic, consistent with the TSP.
- d. Applicants for a proposed subdivision, partition or a multifamily, commercial or industrial development accessed by an existing cul-de-sac/closed-end street shall demonstrate that the proposal is consistent with all applicable traffic standards and TVFR access standards.
- e. All cul-de-sacs and other closed-end streets shall include direct pedestrian and bicycle accessways from the terminus of the street to an adjacent street or pedestrian and bicycle accessways unless the applicant demonstrates that such connections are precluded by physical constraints or that necessary easements cannot be obtained at a reasonable cost.
- f. All cul-de-sacs/closed-end streets shall terminate with a turnaround built to one of the following specifications (measurements are for the traveled way and do not include planter strips or sidewalks).



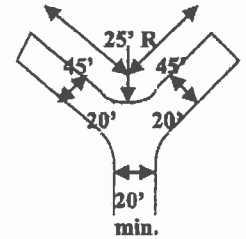
**Cul-de-Sac Turnaround**



**Hammer Head Turnaround**



**"T" Turnaround**



**"Y" Turnaround**

**SECTION 21:** Section 96.010 of the City of West Linn Community Development Code is hereby amended to read as follows:

**96.010 CONSTRUCTION REQUIRED**

A. New construction.

...

4. When an applicant applies for and is granted a waiver of street improvements under Subsection (A)(3) of this section, the applicant shall pay an in-lieu fee **equal to the estimated cost, accepted by the City Engineer, of the otherwise required street improvements. As a basis for this determination, the City Engineer shall consider the cost of similar improvements in recent development projects and may require up to three estimates from the applicant. The in-lieu fee shall be used for in kind or related improvements.** ~~for improvements to be applied to the nearest street identified by the Manager or the Manager's designee, as necessary and appropriate. The amount of the in-lieu fee shall be roughly proportional to the impact of the development on the street system.~~
5. ~~The City's determination of the appropriate in-lieu fee shall constitute an interpretation of the code, as authorized by CDC 99.060(A)(3), and may be appealed subject to the provisions of Chapter 99 CDC.~~

**SECTION 22:** Section 98.030 of the City of West Linn Community Development Code is hereby amended to read as follows:

**98.030 DOCKET**

- A. Comprehensive Plan, CDC and zoning map amendments to be prepared and processed in a given year shall be listed on a docket established consistent with this section.**
- 1. Proposing amendments and projects. Anyone may request a Comprehensive Plan, CDC or zoning map amendment or a related project on a form submitted to the Planning Department.**
  - 2. Planning Commission review. Each year, staff shall present the proposed project list to the Planning Commission to give them the opportunity to review the proposed projects, add projects of interest, and to prioritize the proposed projects within their purview.**
  - 3. City Council review and action. The City Council shall set the docket each year after considering the proposed project list.**
- B. Exception. The City Council may initiate Comprehensive Plan, CDC and zoning map amendments outside of the docketing process.**

**APPLICATION PROCESS: WHO MAY APPLY, TIME PERIOD, REQUIREMENTS**

- ~~A. Who may apply.~~**
- ~~1. A proposed legislative change may be initiated by:~~**
    - ~~a. Motion by the City Council;~~
    - ~~b. Motion by the Planning Commission;~~
    - ~~c. The Planning Director;~~
    - ~~d. Recognized neighborhood association. The association must transmit its requested change to the Planning Director, accompanied by documentation as to the vote of the association and the minutes of its discussion;~~
    - ~~e. Any other party wishing to propose a legislative change may petition the Planning Commission or City Council to consider such change. The Planning Commission or City Council, after considering the petition, may choose to initiate a legislative change or deny the petition.~~  - ~~B. Time period. A proposed legislative change will be heard by the Planning Commission, which acts in an advisory capacity to the Council, within 60 days of initiation of proposal. The proposed legislative change will then be heard by the City Council at the next available meeting, but in any circumstance, no later than 60 days after the Planning Commission recommendation. The date of initiation is the date the motion for change is adopted by the City Council or Planning Commission, or the date the Planning Director has received a proposal from a recognized neighborhood association.~~**
  - ~~C. The City Council may, by same or separate motion, adopt a longer time period for Planning Commission hearings of proposed legislative changes.~~**

**SECTION 23:** Section 99.038 of the City of West Linn Community Development Code is hereby amended to read as follows:

## 99.038 NEIGHBORHOOD CONTACT REQUIRED FOR CERTAIN APPLICATIONS

Prior to submittal of an application for any subdivision, conditional use permit, multi-family project, planned unit development ~~of four or more lots, commercial, office, or industrial development of non-residential buildings~~ over 1,500 square feet, or a zone change that requires a Comprehensive Plan amendment, the applicant shall contact and discuss the proposed development with any affected neighborhood as provided in this section. Although not required for other or smaller projects, contact with neighbors is highly recommended. The Planning Director may require neighborhood contact pursuant to this section prior to the filing of an application for any other development permit if the Director deems neighborhood contact to be beneficial.

**SECTION 24:** Section 99.060 of the City of West Linn Community Development Code is hereby amended to read as follows:

### 99.060 APPROVAL AUTHORITY

...

A. Planning Director authority. The Planning Director shall have the authority to:

1. Approve, deny, or approve with conditions the following applications:

- a. A temporary use or structure application for a period of up to one year ~~six months or less~~ (Chapter 35 CDC), not including uses allowed through another land use approval process.

...

B. Planning Commission authority. The Planning Commission shall have the authority to:

...

2. Approve, deny, or approve with conditions the following applications:

- a. A quasi-judicial zone change application (Chapter 105 CDC).
- b. A temporary use or structure application ~~for a period of greater than six months~~ (Chapter 35 CDC), not including uses allowed through another land use approval process.

...

C. City Council authority. The Council shall have the authority to:

1. Approve, deny, or approve with conditions applications for the following development applications.

- a. A quasi-judicial Comprehensive Plan Map amendment (Chapter 105 CDC).
- b. A quasi-judicial zone change involving a concurrent application for a quasi-judicial Plan Map amendment (Chapter 105 CDC).
- c. Boundary change proposals (Chapter 81 CDC).



**d. Temporary use or structure application (Chapter 35 CDC), including uses allowed through another land use approval process.**

**SECTION 25:** Section 99.080 of the City of West Linn Community Development Code is hereby amended to read as follows:

**99.080 NOTICE**

A. Class A Notice. Notice of proposed action or a development application pursuant to CDC 99.060 shall be given by the Director in the following manner:

1. At least 20 days prior to the scheduled hearing date notice shall be sent by mail to:

a. The applicant or the applicant's agent, and the property owner of record on the most recent property tax assessment roll where such property is located.

...

~~5 The City shall make reasonable efforts to post notice of the application on the City's website at least 10 days prior to the hearing, meeting, or decision date. Failure to comply with this section is not a procedural defect entitling any party to a delay in the hearing process.~~

~~56.~~ The Director shall cause an affidavit of mailing of notice and posting of notice to be filed and made part of the administrative record.

~~67.~~ At the conclusion of the land use action the signs shall be removed.

B. Class B Notice. Notice of a proposed action on a development application pursuant to CDC 99.060 shall be given by the Director in the following manner:

1. At least 14 days prior to the decision date, a notice shall be sent by mail to:

a. The applicant or his agent;  
b. The affected recognized neighborhood association or citizens advisory committee; and

c. All property owners of record within ~~300~~ 100 feet of the site perimeter.

~~d. The City shall make reasonable efforts to post notice of the application on the City's website at least 10 days prior to the hearing, meeting, or decision date. Failure to comply with this section is not a procedural defect entitling any party to a delay in the hearing process.~~

2. At least 10 days prior to the earliest date that the approval authority can take action on the application, the applicant shall place a sign,

provided by the Planning Department, on the subject property in plain view. The sign shall state, "This property is the subject of a land use decision," with the type of use or request indicated.

3. The Director shall cause an affidavit of mailing of notice and posting of notice to be filed and made part of the administrative record.

4. At the conclusion of the land use action the signs shall be removed.

**SECTION 26:** Section 105.040 of the City of West Linn Community Development Code is hereby amended to read as follows:

#### **105.040 QUASI-JUDICIAL AMENDMENTS AND PROCEDURES**

Quasi-judicial amendments to this code and to the map shall be in accordance with the procedures set forth in this code and the following:

...

~~D. A prerequisite to the filing of an application for development proposals that include greater than 10 multi-family units or commercial/industrial buildings greater than 1,500 square feet in size, a four lot or more planned unit development, a 10 lot or greater subdivision, or a zone change that requires a Comprehensive Plan amendment 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.~~

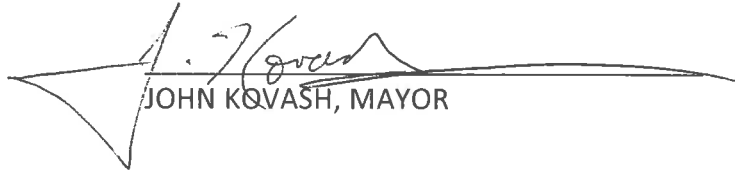
**SECTION 27. Severability.** The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

**SECTION 28. Savings.** Notwithstanding this amendment/repeal, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinance(s) or portions thereof were operative. This section simply clarifies the existing situation that nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

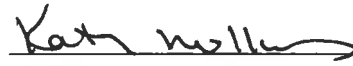
**SECTION 29. Codification.** Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections [27-30]) need not be codified and the City Recorder or his/her designee is authorized to correct any cross-references and any typographical errors.

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


PASSED and ADOPTED this ~~54~~<sup>17</sup><sup>th</sup> day of June, 2013.

  
JOHN KOVASH, MAYOR

The foregoing ordinance was first read by title only in accordance with Chapter VIII, Section 2(C) of the City Charter on the 17th day of June, 2013, and duly PASSED and ADOPTED this 17<sup>E</sup> day of June, 2013.

  
KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

  
CITY ATTORNEY