



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

March 13, 2007



TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of West Linn Plan Amendment
DLCD File Number 005-06

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: March 28, 2007

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Stacy Humphrey, DLCD Regional Representative
Peter Spir, City of West Linn

<paa> ya/ph

2 Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

DEPT OF
LAND CONSERVATION
AND DEVELOPMENT
For DLCD Use Only
MAR 08 2007

Jurisdiction: CITY OF WEST LINN Local file number: MISC-06-37
Date of Adoption: FEBRUARY 26, 2007 Date Mailed: MARCH 7, 2007
Date original Notice of Proposed Amendment was mailed to DLCD: OCTOBER 24, 2006

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: _____

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".
MINOR HOUSEKEEPING CHANGES TO DEVELOPMENT CODE.
NON-SUBSTANTIVE BUT AT LEAST IT WILL MAKE
CODE LANGUAGE MORE UNDERSTANDABLE.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME".
If you did not give Notice for the Proposed Amendment, write "N/A".
SAME

Plan Map Changed from: — to: _____
Zone Map Changed from: — to: _____
Location: _____ Acres Involved: _____
Specify Density: Previous: _____ New: _____
Applicable Statewide Planning Goals: NONE
Was an Exception Adopted? YES NO

DLCD File No.: 005-06(15650)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (45) days prior to first evidentiary hearing? Yes No

If no, do the statewide planning goals apply? Yes No

If no, did Emergency Circumstances require immediate adoption? Yes No

Affected State or Federal Agencies, Local Governments or Special Districts:

NONE

Local Contact: PETER SPIR Phone: (503)656-4211 Extension: _____

Address: 22500 SALAMO ROAD City: WEST LINN, OR

Zip Code + 4: 97068 Email Address: PSPIR@CI.WEST-LINN. OR.US

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

**ORDINANCE NO. 1547
WEST LINN, OREGON**

**AN ORDINANCE AMENDING MULTIPLE CHAPTERS OF THE WEST LINN
COMMUNITY DEVELOPMENT CODE**

WHEREAS, the Community Development Code is an evolving document and that minor errors, references to code sections that no longer exist and opportunities to simplify the format of the Community Development Code or streamline the review process in the case of minor ministerial actions present themselves; and,

WHEREAS, the City has historically undertaken to make such similar minor amendments in years past; and,

WHEREAS, the City provided legislative notice pursuant to CDC Section 98.070; and,

WHEREAS, the West Linn Planning Commission conducted a public hearing on December 28, 2006 and recommended that the amendments be adopted by the City Council and incorporated into the West Linn Community Development Code; and,

WHEREAS, the City Council held a public hearing on February 12, 2007 and hereby adopts the findings of fact and conclusions in the record justifying its decision;

**NOW, THEREFORE, THE CITY OF WEST LINN ORDAINS AMENDMENTS
TO THE WEST LINN COMMUNITY DEVELOPMENT CODE AS FOLLOWS:**

(Deletions are struck through with a line while proposed additions are underlined and highlighted with bold typeface.)

24.100 APPROVAL CRITERIA

- A. The approval criteria of Section 55.100, Design Review, shall apply to non-exempted projects per Section 55.025. Single-family detached, single family attached, and duplex residential units proposed shall comply with the provisions of Chapter 43 **at time of building permit application.** (Ord. 1463)

46.050 JOINT USE OF A PARKING AREA

- A. Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when the ~~peak~~ hours of operation **of the proposed uses** do not overlap, and a finding can be made that parking can be accommodated for ~~both~~ **all** uses provided that satisfactory legal evidence is presented to the City in the form of deeds, leases, and/or contracts to establish the joint use. The applicant shall agree to pay all reasonable legal costs incurred by the City for review.
-

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 "A" above 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 car pools and van pools shall be located closer to the entryway to the building entrances 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.**
-

46.090(A)(3)

(e) Visitor parking for multi-family residences

1 off-street space for every ~~5~~ **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 ~~15~~ **18** feet of project abutting public street frontage where on-street parking is allowed. ~~up to a minimum of 1 space for every 10 apartment units.~~

(ORD. 1463)

55.100(B)(7)(k)

For multi-family and townhouse projects, in order to maximize the amount of space along the street that is available for parking, individual curb cuts for each unit shall be discouraged. Consolidated curb cuts shared by two or more units preserve more uninterrupted curb line that can accommodate more on street parking, and reduce impermeable surfaces.

55.020 APPLICABILITY

This chapter provides two levels of design review: Class I and Class II. Class I design review applies to land uses and activities that require only a minimal amount of review. Class II design review is reserved for land use and activities that require comprehensive review. Class I design review applies to the following land uses and activities:

1. Sidewalks.¹
2. Transit shelters.
3. ~~Recreation amenities or facilities including playground equipment, picnic shelters, playing fields (city park, private [e.g., day care], or school yard).~~

56.090 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. Section 56.100~~(B)(1-4)~~ **(C)(1-5)**, "Relationship to the natural physical environment," shall apply except in those cases where the proposed development site is substantially developed and built out with no natural physical features that would be impacted.
 2. Section 56.100~~(C)~~ **(D)**, "Facility design, et al," shall only apply in those cases that involve exterior architectural construction, remodeling, or changes.

52.104 THE APPLICATION

A. Permanent Sign Permits

1. An application for a permanent sign permit shall be initiated by the property owner or the owner's authorized agent.
 2. ~~A pre-application conference shall be a prerequisite to the filing of an application.~~
-

37.040 THE APPLICATION

- A. A home occupation application shall be initiated by the occupant. If the occupant is not the owner of the premises, the signature of the owner is required on the application. (ORD. 1463)
- B. A prerequisite to the filing of an **Class II** application is a pre-application conference at which time the Director shall explain the requirements and provide the appropriate forms as set forth in Section 99.030(B). **Class I home occupations shall not require a pre-application conference.**
-

46.150(A)(8) Off-street parking spaces for single and two-family 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 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.** (ORD. 1463)

Amend section 99.080(D) as follows:

TYPES OF NOTICE FOR LAND USE ACTIONS

Land Use Action	Type of Notice
Boundary Change:	C
Comprehensive Plan: Map Amendment Plan/Code Text Amendment (Legislative Action)	A A***
Conditional Use	A
Design Review: Class I Class II	C B
Enlarge or Alter Non-Conforming Use/Structure: Commercial or Industrial Single-Family Residential	A C
Historic District: Amendments Demolition New Home Construction Major Renovations or Additions Minor Renovations or Additions Construction of non-exempt accessory structures and garages	A B C C C C
Home Occupation: Type I Type II	No Notice B
Lot Line Adjustment	No Notice
Minor Partition	B
Planned Unit Development	A
Sidewalk Use Permit	No Notice
Sign Permit	C
Subdivision	A
Temporary Use Permit: 60 days or less; 60-day extension Over 60 days, up to 1 year	No Notice B
Tualatin River Setback: Uses permitted outright & not subject to design review Uses permitted outright & subject to design review Uses requiring conditional use permit & design review	No Notice C A
Street Vacations	(per state statute requirements)
Variances: Class I (involves a small change with minor or no effect) Class II (involves a significant change from code requirements)	C A
Willamette River Greenway: Development Permit Uses requiring conditional use permit & design review	B** A**
Erosion and Sediment Control Permit	No Notice
Natural Drainageway Water Resource Area Permit or Wetland and Riparian Area Permit	B**
Flood Management Area	B**
Zone Change	A
Determination of Unlisted Use	No Notice
Code Interpretation	Newspaper Notice
Final Plat	C
Extension of Approval for Subdivision, PUD, etc.	C
Appeal of Decision	A
Revocation of Approval	A
Amendment of Application	A

*Except no notice to newspaper

**Plus COE/DSL is notified

***Newspaper notice plus DLCD notice only

99.060 APPROVAL AUTHORITY

This section explains the authority of Planning Director, Planning Commission, City Council, and Historic Review Board as it relates to quasi-judicial and legislative action.

PLANNING DIRECTOR AUTHORITY

- A. The Planning Director shall have the authority to:
1. Approve, deny, or approve with conditions, applications pursuant to Section 99.110 for the following development applications in accord with the provisions of Section 99.160 of this chapter:
 - a. A temporary use application for 60 days or less.
 - b. A home occupation, Type I application.
 - c. An accessway.
 - d. A minor partition.
 - e. A final subdivision plat.
 - f. A final partition plat.
 - g. A lot line adjustment.
 - h. Enlargement or alteration of a non-conforming single-family structure.
 - i. Decide applications for a determination of an unlisted use or unlisted parking requirements.
 - j. A minor alteration to a historic landmark or a structure in the Historic District.
 - k. Off-street parking application.
 - l. Design Review, Class I.
 - m. A sign application.

- n. For an enlargement or alteration of a non-conforming structure containing a conforming use.
 - o. Sidewalk use permit.
 - p. Flood management area permit. (ORD. 1463)
 - q. Erosion and sediment control permit. (ORD. 1463 & 1510)
 - r. Tualatin River Protection**
 - s. Water Resource Area**
 - t. Class I Variance**
 - u. Willamette River Greenway**
2. Approve a use permitted under prescribed conditions provided all of the conditions are satisfied.
 3. Make initial interpretations of the provisions of the Code.
 4. Make the initial determination regarding the status of the following:
 - a. Non-conforming use.
 - b. Non-conforming structure involving a non-conforming use.
 - c. Non-conforming use of land.
 5. Revocation or modification of approval - failure to fulfill conditions.

(ORD. 1474)

PLANNING COMMISSION AUTHORITY

- B. The Planning Commission shall have the authority to:
1. Make a recommendation to approve, deny, or approve with conditions to the Council:
 - a. A quasi-judicial Comprehensive Plan Map amendment. City Council shall decide on the application based on the record.

- b. A quasi-judicial zone change involving a concurrent application for a quasi-judicial Plan Map amendment as provided by Section 99.030(A). City Council shall decide on the application based on the record.
 - c. Zone changes which involve a concurrent application for a Comprehensive Plan Map amendment as provided by Section 99.030(A) shall receive a recommendation to approve, deny, or approve with conditions or modifications from the Planning
 - d. Commission before being passed on to City Council for the final decision. (ORD. 1442)
2. Approve, deny, or approve with conditions:
- a. A quasi-judicial zone change application,
 - b. A development application referred to the Planning Commission pursuant to Section 99.060(B)(2)(m).
 - ~~e. A Willamette River Greenway permit application.~~
 - ~~d. A Tualatin River setback application.~~
 - c. e. A home occupation, Type II application as provided by Section 37.040(B)(1) and revocation of a permit as provided by Section 37.060(B)(2).
 - d. f. A variance to the access provisions as provided by Section 48.070.
 - e. g. A conditional use/design review application as provided by Section 60.030(A), and extension of time application under the provisions of Section 60.040(A).
 - f. h. Enlargement or alteration of a non-conforming use as provided by Section 65.130(A).

- g. i. Enlargement or alteration of a non-conforming structure, except a single-family residence as provided by Section 66.070.
 - h. j. A variance, Class I or II application as provided by Section 75.030.
 - i. k. A subdivision application.
 - l. ~~A water resource are permit pursuant to Chapter~~
- 32

32.030 PERMIT REQUIRED

No person shall be permitted to fill, strip, install pipe, undertake construction, or in any way alter an existing drainageway without first obtaining a permit to do so from the Planning ~~Commission~~ **Director**, paying the requisite fee, and otherwise complying with all applicable provisions of this ordinance. (ORD. 1474)

32.050 APPROVAL CRITERIA

The Planning ~~Commission~~ **Director** shall make a written finding with respect to the following criteria when approving, approving with conditions, or denying an application for altering a natural drainageway, or for development projects that have natural drainageways within their project boundaries. (ORD. 1474)

32.060 APPEAL

Any decision by the Planning ~~Commission~~ **Director** on a natural drainageway application may be appealed to the City Council as described by Section 99.240(A).
(ORD. 1474)

CDC 91.020(B) is amended is follows:

91.020 PERFORMANCE BOND WITH IMPROVEMENTS REQUIRED

- A. Prior to commencement of construction of said improvements and to assure full and faithful performance thereof, the developer shall file one of the following: (ORD. 1502)
1. A surety bond executed by a surety company authorized to transact business in the state, such bond to be in a form approved by the City Attorney;
 2. A personal bond cosigned by at least one additional person together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of ability to proceed in accordance with the agreement in a form approved by the City Attorney;
 3. Cash;
 4. Executed application for Bancroft bonding in approved improvement district; or,
 5. An irrevocable assignment agreement executed by a financial institution in a form approved by the City Attorney.
- B. Such assurance of full and faithful performance shall be for a sum approved by the City Engineer as sufficient to cover ~~120~~ 125 percent of the cost of the improvements and repairs, including related engineering and incidental expenses, and to cover the cost of City inspections.

CDC Section 99.270 is amended as follows:

99.270 CONTENTS OF NOTICE ON APPEAL OR REVIEW

Notice given to persons entitled to mailed notice under Section 99.260 shall:

- A. Reference the application sought to be appealed or reviewed;
 - B. List the date, time, and location of the hearing;
 - C. State the appellant or petitioner name(s);
 - D. List the specific grounds of the appeal or review;
 - E. List any grounds for appeal or review stated in the application for appeal or review, but state that the appeal or review is not limited to the stated grounds for appeal or review and that all relevant issues may be considered;
 - ~~F. State that only those with standing can testify, to include an explanation of standing;~~
 - ~~G.~~F State that the hearing on appeal shall be *de novo*, ~~or the petition for review shall be on the record;~~
 - ~~H.~~G Include the name of government contact and phone number;
 - ~~I.~~H State that the application and record are available for inspection at no cost, and copies at a reasonable cost. (ORD. 1382)
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~~25.500 WILLAMETTE NEIGHBORHOOD MIXED USE TRANSITIONAL
ZONE.~~

~~25.510 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)~~

~~25.520 PROCEDURES AND APPROVAL PROCESS~~

- ~~A. — A use permitted outright, Section 25.530, 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.~~
 - ~~B. — A use permitted under prescribed conditions, Section 25.550, 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 Section 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 Section 99.240(A).~~

~~C. The approval of a conditional use (Section 25.560) is discretionary with the Planning Commission. The approval process and criteria for approval are set forth in Chapter 60, 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, Non-conforming Uses in Structures.~~
- ~~2. Chapter 66, Non-conforming Structures.~~
- ~~3. Chapter 67, Non-conforming Uses of Land.~~
- ~~4. Chapter 68, Lots of Record.~~
- ~~5. Chapter 75, Variances. (ORD 1515)~~

25.530 PERMITTED USES

~~The following are uses permitted outright in this zone:~~

- ~~1. Single family detached dwelling~~
- ~~2. Multi-family dwelling~~
- ~~3. Common wall single family dwellings above a permitted use~~
- ~~4. Residential use of the second floor or a portion of the ground floor of a permitted use~~
- ~~5. Residential home~~
- ~~6. Family day care~~
- ~~7. Home occupations Type 1 & Type 2~~
- ~~8. Bed and Breakfast lodging (ORD 1515)~~

25.540 ACCESSORY USES

~~Accessory uses are allowed in this zone as provided by Chapter 34. (ORD 1515)~~

25.550 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 Section 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 4X4 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 4 feet, and a minimum setback of 5 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.~~
 - e. ~~All other provisions of Chapter 52: Signs are applicable unless they conflict with the provisions of this Chapter.~~
2. ~~Temporary use, subject to the provisions of Chapter 35.~~
3. ~~Home occupations, subject to the provisions of Chapter 37. (ORD 1515)~~

25.560 CONDITIONAL USES

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

1. ~~Children's day care center.~~
2. ~~Community center for civic or cultural events.~~
3. ~~Small appliance repair services.~~
4. ~~Governmental offices.~~

- ~~5. Religious institution.~~
- ~~6. Senior or community center.~~
- ~~7. Public support facilities, including public parking lots.~~
- ~~8. Nursery.~~
- ~~9. Parks and open space.~~
- ~~10. Boutiques.~~
- ~~11. Small business equipment sales and service.~~
- ~~12. Craft shops.~~
- ~~13. Cultural exhibits and library services.~~
- ~~14. Eating and drinking establishments except no drive through service.~~
- ~~15. Retail sales and service, except no drive through service.~~
- ~~16. Professional and administrative services.~~
- ~~17. Medical or dental offices or clinics.~~
- ~~18. Financial, insurance, and real estate services, except no drive through service. (ORD 1515)~~

~~25.570 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS~~

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

- ~~1. The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.~~
- ~~2. The average minimum lot width shall be 50 feet.~~
- ~~3. The average minimum lot depth shall not be less than 90 feet.~~
- ~~4. The minimum yard dimensions or minimum building setback area from the lot line shall be:~~

- a. ~~For a front yard, 12 feet minimum and 20 feet maximum to the structure, except that a porch, patio, or pedestrian amenity may be 6 feet from the front property line.~~
 - b. ~~For an interior side yard, 7 1/2 feet.~~
 - c. ~~For a side yard abutting a street, 12 feet.~~
 - d. ~~For a rear yard, 20 feet. However, where the use abuts a residential district, the setback distance required in the residential district shall apply, and within the setback area a buffer of at least 10 feet of landscaping in addition to a fence is required.~~
5. ~~The maximum building height shall be two stories above grade, or 35 feet, whichever is less.~~
 6. ~~Maximum building size for all floors shall not exceed 6,000 square feet above grade excluding porches.~~
 7. ~~The building floor area ratio shall be .4, except that the ground floor of the building shall not exceed 5,000 square feet.~~
 8. ~~The minimum lot size shall be 4,500 square feet and the maximum lot size shall be 10,000 square feet, unless defined as an existing lot of record.~~
 - B. ~~Design Standards. All uses in the mixed use zone shall comply with the provisions of Chapter 55, except for Section 55.100 (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 façade of the house.~~

- ~~5. There shall be no illuminated outdoor advertising on accessory buildings, equipment, or vending machines. (ORD 1515)~~

~~**25.580 ADDITIONAL USE REQUIREMENTS**~~

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

- ~~1. Permitted uses may only be open from 6 a.m. to 10 p.m. and are subject to the noise provisions of Chapter 55.~~
- ~~2. 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.~~
- ~~3. If a qualified historic residential landmark in the Willamette neighborhood is destroyed, it may be rebuilt on the original building footprint. (ORD 1515)~~

~~**25.585 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 Section 60.070 (1) and (2).
(ORD 1515)~~

~~**25.590 OTHER APPLICABLE DEVELOPMENT STANDARDS**~~

~~The provisions of Chapter 25, Sections 25.060, 25.070, 25.080, and 25.090, apply to properties currently identified in the West Linn historic inventory, Chapter 26, Historic Landmarks. The following standards apply to all development including permitted uses:~~

- ~~1. Chapter 28, Willamette River Greenway.~~
- ~~2. Chapter 36, Manufactured Homes.~~
- ~~3. Chapter 30, Wetlands and Riparian Area.~~
- ~~4. Chapter 34, Accessory Structures.~~
- ~~5. Chapter 35, Temporary Uses.~~

6. ~~Chapter 37, Home Occupations.~~
 7. ~~Chapter 38, Additional Yard Area Required, Exceptions to Yard Requirements, Storage in Yards and Projections into Yards.~~
 8. ~~Chapter 40, Building Height Limitations and Exceptions.~~
 9. ~~Chapter 42, Clear Vision Areas.~~
 10. ~~Chapter 44, Fences, Screening of Outdoor Storage.~~
 11. ~~Chapter 48, Access.~~
 12. ~~Chapter 46, Off Street Parking and Loading, except for the provisions of Section 46.140, apply to all uses.~~
 13. ~~Chapter 55, Design Review.~~
 14. ~~Chapter 54, Installation and Maintenance of Landscaping.~~
 15. ~~Chapter 53, Sidewalk Use.~~
- ~~(AMENDED PER ORD. 1515; 2-05, ORD. 1538; 6/06)~~

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**~~25.500~~ 59.000 WILLAMETTE NEIGHBORHOOD MIXED USE
TRANSITIONAL ZONE.**

~~25.510~~ 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)

~~25.520~~ 59.020 PROCEDURES AND APPROVAL PROCESS

- A. A use permitted outright, Section ~~25.530~~ **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.
- B. A use permitted under prescribed conditions, Section ~~25.550~~ **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 Section 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 Section 99.240(A).

- C. The approval of a conditional use (Section ~~25.560~~**59.060**) is discretionary with the Planning Commission. The approval process and criteria for approval are set forth in Chapter 60, 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, Non-conforming Uses in Structures.
 - 2. Chapter 66, Non-conforming Structures.
 - 3. Chapter 67, Non-conforming Uses of Land.
 - 4. Chapter 68, Lots of Record.
 - 6. Chapter 75, Variances. (ORD 1515)
 - 7.

~~25.530~~ 59.030 PERMITTED USES

The following are uses permitted outright in this zone:

- 1. Single-family detached dwelling
- 2. Multi-family dwelling
- 3. Common-wall single-family dwellings above a permitted use
- 4. Residential use of the second floor or a portion of the ground floor of a permitted use
- 5. Residential home
- 6. Family day care
- 7. Home occupations Type 1 & Type 2
- 8. Bed and Breakfast lodging (ORD 1515)

~~25.540~~ 59.040 ACCESSORY USES

Accessory uses are allowed in this zone as provided by Chapter 34. (ORD 1515)

~~25.550~~ 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 Section 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 4X4 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 4 feet, and a minimum setback of 5 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.
 - e. All other provisions of Chapter 52: Signs are applicable unless they conflict with the provisions of this Chapter.
2. Temporary use, subject to the provisions of Chapter 35.
4. Home occupations, subject to the provisions of Chapter 37. (ORD 1515)

~~25.560~~ 59.060 CONDITIONAL USES

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

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

~~25.570~~ 59.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED

OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS

- A. Except as may be otherwise provided by the provisions of this Code, the following are the requirements for uses within this zone:
 1. The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.

2. The average minimum lot width shall be 50 feet.
3. The average minimum lot depth shall not be less than 90 feet.
4. The minimum yard dimensions or minimum building setback area from the lot line shall be:
 - a. For a front yard, 12 feet minimum and 20 feet maximum to the structure, except that a porch, patio, or pedestrian amenity may be 6 feet from the front property line.
 - b. For an interior side yard, 7-1/2 feet.
 - c. For a side yard abutting a street, 12 feet.
 - d. For a rear yard, 20 feet. However, where the use abuts a residential district, the setback distance required in the residential district shall apply, and within the setback area a buffer of at least 10 feet of landscaping in addition to a fence is required.
5. The maximum building height shall be two stories above grade, or 35 feet, whichever is less.
6. Maximum building size for all floors shall not exceed 6,000 square feet above grade excluding porches.
7. The building floor area ratio shall be .4, except that the ground floor of the building shall not exceed 5,000 square feet.
8. The minimum lot size shall be 4,500 square feet and the maximum lot size shall be 10,000 square feet, unless defined as an existing lot of record.
 - B. Design Standards. All uses in the mixed-use zone shall comply with the provisions of Chapter 55, except for Section 55.100 (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 façade of the house.
5. There shall be no illuminated outdoor advertising on accessory buildings, equipment, or vending machines. (ORD 1515)

25.580 59.080 ADDITIONAL USE REQUIREMENTS

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

1. Permitted uses may only be open from 6 a.m. to 10 p.m. and are subject to the noise provisions of Chapter 55.
2. 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.
3. If a qualified historic residential landmark in the Willamette neighborhood is destroyed, it may be rebuilt on the original building footprint. (ORD 1515)

25.585 59.090 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 Section 60.070 (1) and (2).
(ORD 1515)

25.590 59.100 OTHER APPLICABLE DEVELOPMENT STANDARDS

The provisions of Chapter 25, Sections 25.060, 25.070, 25.080, and 25.090, apply to properties currently identified in the West Linn historic inventory, Chapter 26,

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

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8. Chapter 40, Building Height Limitations and Exceptions.
9. Chapter 42, Clear Vision Areas.
10. Chapter 44, Fences, Screening of Outdoor Storage.
11. Chapter 48, Access.
12. Chapter 46, Off-Street Parking and Loading, except for the provisions of Section 46.140, apply to all uses.
13. Chapter 55, Design Review.
14. Chapter 54, Installation and Maintenance of Landscaping.
16. Chapter 53, Sidewalk Use.

PASSED AND APPROVED THIS 26th DAY OF FEBRUARY 2007.

Norman B. King
Norman B. King, Mayor

ATTEST:

Nancy R. Davis
Witness

APPROVED AS TO FORM:

Smithy V. Keenan
City Attorney