



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

June 5, 2008

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 008-07



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: June 20, 2008

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
Jennifer Donnelly, DLCD Regional Representative
Christine Shirley, FEMA Specialist
Chris Kerr, City of West Linn

<paa> ya/ph/email

Notice of Adoption

In person electronic mailed

DATE STAMP

DEPT OF

JUN 02 2008

LAND CONSERVATION AND DEVELOPMENT

For DLCD Use Only

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

Jurisdiction: **City of West Linn**

Local file number: **CDC-07-02**

Date of Adoption: **4/28/2008**

Date Mailed: **5/30/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date:

- | | |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input checked="" type="checkbox"/> Land Use Regulation Amendment | <input type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: |

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Minor amendments to the City's Community Development Code that will more effectively implement intended policies; relating to subdivision signage, FEMA maps, trash enclosures, and design standards for public facilities."

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **N/A** to:

Zone Map Changed from: **N/A** to:

Location: **N/A** Acres Involved:

Specify Density: Previous: **NA** New:

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

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

DLCD # 007-08 (16559)
 008-07 (16582)

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

None

Local Contact: **Chris Kerr**

Phone: (503) 723-2538 Extension:

Address: **22500 Salamo Rd. #1000**

Fax Number: **503-656-4106**

City: **West Linn**

Zip: **97068-**

E-mail Address: **ckerr@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 Complete Copies** (documents and maps) 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. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
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 now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also 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. 1565
WEST LINN, OREGON

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

WHEREAS, the Community Development Code ("CDC") is an evolving document and that minor errors, references to code sections that no longer exist and opportunities to simplify the format of the CDC 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,

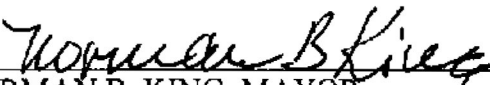
WHEREAS, the City provided legislative notice pursuant to CDC Section 98.070; and,

WHEREAS, the West Linn Planning Commission conducted a public hearing on January 16, 2008 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 public hearings on February 11, 2008 and April 14, 2008 and hereby adopts the findings of fact and conclusions in the record justifying its decision,

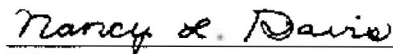
NOW, THEREFORE, THE CITY OF WEST LINN ORDAINS AMENDMENTS TO THE WEST LINN COMMUNITY DEVELOPMENT CODE AS FOLLOWS IN ATTACHMENT "A".

PASSED AND APPROVED THIS 28th DAY OF APRIL 2008.



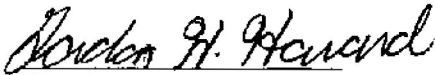
NORMAN B. KING, MAYOR

ATTEST:



Witness

APPROVED AS TO FORM:



City Attorney

ATTACHMENT "A"

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

02.030 SPECIFIC WORDS AND TERMS

Flood management areas. All lands contained in the Flood Management Area Overlay Zone which include: lands within the 100-year floodplain, flood area, and floodway as shown on the FEMA flood insurance map dated ~~March 15, 1977~~ June 17, 2008; the area of inundation for the February 1996 flood, and lands which have documented evidence of flooding.

Below-grade crawl space. Shall mean an enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade. The height of the crawlspace, as measured from the interior grade of the crawlspace to the top of the crawlspace foundation, may not exceed 4 feet at any point.

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

"Development". Any man-made change defined as the construction of buildings or other structures, mining, dredging, paving, filling, grading or site clearing, and grubbing in amounts greater than 10 cubic yards on any lot or excavation. **Within the Flood Management Area, this term shall also include storage of equipment or materials.**

"Substantial damage". Within the Flood Management Area, means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

08.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

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

1. Home occupations, ~~Type I~~, subject to the provisions of Chapter 37.

08.060 CONDITIONAL USES

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

1. Cultural exhibits and library services.

- ~~2. Home occupations, Type II, subject to the provisions of Chapter 37.~~
 3. 2. Lodge, fraternal and civic assembly.
 4. 3. Public safety facilities.
 5. 4. Recycle collection center.
 6. 5. Religious institution.
 7. 6. Schools.
 8. 7. Utilities, major.
 9. 8. Aggregate extraction except aggregate extraction on submersible land subject to valid permits from the U.S. Army Corp of Engineers, and the Oregon State Land Board.
-

09.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

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

1. Home occupations, ~~Type I~~, subject to the provisions of Chapter 37.

09.060 CONDITIONAL USES

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

1. Cultural exhibits and library services.
 - ~~2. Home occupations, Type II, subject to the provisions of Chapter 37.~~
 3. 2. Lodge, fraternal and civic assembly.
 4. 3. Public safety facilities.
 5. 4. Recycle collection center.
 6. 5. Religious institution.
 7. 6. Schools.
 8. 7. Utilities, major.
 9. 8. Aggregate extraction except aggregate extraction on submersible land subject to valid permits from the U.S. Army Corp of Engineers, and the Oregon State Land Board.
-

10.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

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

1. Home occupations, ~~Type I~~, subject to the provisions of Chapter 37.

10.060 CONDITIONAL USES

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

1. Cultural exhibits and library services.
- ~~2. Home occupations, Type II, subject to the provisions of Chapter 37.~~

3. 2. Lodge, fraternal and civic assembly.
4. 3. Public safety facilities.
5. 4. Public support facilities.
6. 5. Recycle collection center.
7. 6. Religious institution.
8. ~~7.~~ Schools.
9. 8. Senior center.
10. 9. Utilities, major.

11.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

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

1. Home occupations, **Type I**, subject to the provisions of Chapter 37.

11.060 CONDITIONAL USES

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

1. Cultural exhibits and library services.
2. ~~Home occupations, Type II, subject to the provisions of Chapter 37.~~
3. 2. Lodge, fraternal and civic assembly.
4. 3. Public safety facilities.
5. 4. Public support facilities.
6. 5. Recycle collection center.
7. 6. Religious institution.
8. 7. Schools.
9. 8. Senior center.
10. 9. Utilities, major.

12.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

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

1. Home occupations, **Type I**, subject to the provisions of Chapter 37.

12.060 CONDITIONAL USES

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

1. Children's day care center.
2. Cultural exhibits and library services.
3. ~~Home occupations, Type II, subject to the provisions of Chapter 37.~~
4. 3. Lodges, fraternal and civic assembly. (ORD. 1378)

5. 4. Public safety facilities.
6. 5. Public support facilities. (ORD. 1377)
7. 6. Recycle collection center.
8. 7. Religious institution. (ORD. 1378)
9. 8. Schools.
10. 9. Senior center. (ORD. 1411)
11. 10. Utilities, major.

13.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

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

1. Manufactured home park, subject to the provisions of Chapter 36 and 55.
2. Home occupations, **Type I**, subject to the provisions of Chapter 37.

13.060 CONDITIONAL USES

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

1. Children's day care. (ORD. 1378)
2. Cultural exhibits and library services.
3. ~~Home occupations, Type II, subject to the provisions of Chapter 37.~~
4. 3. Lodge, fraternal and civic assembly. (ORD. 1378)
5. 4. Manufactured home subdivision subject to the provisions of Chapter 36.
6. 5. Public safety facilities. (ORD. 1378)
7. 6. Public support facilities. (ORD. 1377)
8. 7. Recycle collection center. (ORD. 1308)
9. 8. Schools. (ORD. 1378)
10. 9. Senior center. (ORD. 1411)
11. 10. Utilities, major.

14.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

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

1. Manufactured home park, subject to the provisions of Chapters 36 and 55.
2. Home occupations, **Type I**, subject to the provisions of Chapter 37.

15.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

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

1. Home occupations, ~~Type-I~~, subject to the provisions of Chapter 37.

16.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

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

1. Home occupations, ~~Type-I~~, subject to the provisions of Chapter 37.

19.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

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

1. Multiple family units: as a mixed use in conjunction with commercial development, only above the first floor of the structure and on the ground floor of businesses on Willamette Falls Drive pursuant to CDC Section 58.050.

2. Animal sales and services: kennels, as prescribed with no exterior runs or storage.

3. Animal sales and services: veterinary (small animals), as prescribed with no exterior runs or storage.

4. Signs, subject to the provisions of Chapter 52.

5. Temporary use, subject to the provisions of Chapter 35.

6. Home Occupations, ~~Type-I~~ subject to the provisions of Chapter 37.

19.060 CONDITIONAL USES

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

1. Children's day care center.

2. Automotive and equipment:

- a. Cleaning.

- b. Repairs, heavy equipment.

- c. Repairs, light equipment.

- d. Sales/rentals, heavy equipment.

- e. Sales/rentals, light equipment.

- f. Storage, recreation vehicles and boats.

3. Construction, sales and services.

4. Heliports.

5. Hospitals.

6. Light industrial, manufactured.

7. Light industrial, finished products.

8. Spectator sports facilities.

9. Vehicle fuel sales.

10. Utilities, major.

11. Wholesale storage and distribution:

- a. Mini-warehouse.

b. Light.

12. Single-family homes, which were presently non-conforming structures and were damaged, whereby the cost of rebuilding the damaged portions would exceed 50 percent of the then current replacement cost of the entire building. Determination of rebuilding costs shall be per Section 66.070(A).

~~13. Home occupations, Type II, subject to the provisions of Chapter 37.~~

~~14. 13.~~ Household hazardous waste depot.

~~15. 14.~~ Super stores.

~~16. 15.~~ Amusement enterprises.

~~17. 16.~~ Public agency administration.

~~18. 17.~~ Public safety facilities.

~~19. 18.~~ Public support facilities.

~~20. 19.~~ Recycle collection center.

~~21. 20.~~ Transient lodging.

~~22. 21.~~ Postal services.

~~23. 22.~~ Religious institutions. (ORD. 1463)

~~24. 23.~~ Schools (with under 200 students). (ORD. 1463) (ORD 1523)

21.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

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

1. Animal sales and services: veterinary (small animals) as prescribed with no exterior runs or storage.
2. Multiple family units, as a mixed use in conjunction with commercial development, only above the first floor of the structure.
3. Signs, subject to the provisions of Chapter 52.
4. Temporary use, subject to the provisions of Chapter 35.
5. Home occupation, **Type I**, subject to provisions of Chapter 37.

25.070 CONSTRUCTION/REMODEL STANDARDS

C. PARKING

2. Standards, Parking:

- a. No residential lot shall be converted solely to parking use.
- b. All vehicle access and storage (i.e., boats, camper shells, trailers, recreational vehicles, etc.) shall be stored or parked in the rear of the property as opposed to the front or side yards.
- c. On corner lots or where homes face streets, the parking and storage shall be located on the alley side of the house.
- d. No front yard curb cut shall be established unless it is determined by City Engineer that all reasonable access alternatives have been exhausted.
- e. The parking provisions of Section 26.050(B) shall apply to any non-conforming uses of a structure (i.e., bed and breakfast), ~~as well as any application for~~

~~Class II home occupations.~~ These provisions would not apply to General Commercial zone uses in the Historic District.

27.010 PURPOSE

The purpose of CDC Chapter 27 is to create a Flood Management Area Overlay Zone in order to protect flood management areas that are identified on the flood management area map incorporated by reference as a part of CDC Chapter 27. Flood management areas contain land identified by the Federal Insurance Administration in a scientific and engineering report entitled "~~The Flood Insurance Study for the City of West Linn, Oregon, Clackamas County~~ The Flood Insurance Study for Clackamas County, Oregon and incorporated areas", dated ~~March 15, 1977~~ June 17, 2008 with accompanying Flood Insurance Maps; the area of inundation for the February 1996 flood based on data provided by Metro; and lands that have physical or documented evidence of flooding within recorded history. Flood management areas provide the following functions: protect life and property from dangers associated with flooding; flood storage, reduction of flood velocities, reduction of flood peak flows and reduction of wind and wave impacts; maintain water quality by reducing and sorting sediment loads, process chemical and organic wastes and reduce nutrients; recharge, store, and discharge groundwater; provide plant and animal habitat; and support riparian ecosystems. (ORD 1522)

27.045 CRITICAL FACILITIES

Construction of new critical facilities shall be, to the greatest extent possible, located outside the limits of the SFHA. Construction of new critical facilities shall only be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

27.080 RESIDENTIAL CONSTRUCTION

A. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to at least one foot above the base flood elevation.

B. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on

exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a professional civil engineer or architect licensed to practice in the state of Oregon, and must meet or exceed the following minimum criteria:

1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
2. The bottom of all openings shall be no higher than one foot above grade.
3. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry or exit of floodwaters.
4. Fully enclosed areas below the base flood elevation shall only be used for parking, access, and limited storage.
5. Service equipment (e.g., furnaces, water heaters, washer/dryers, etc.) is not permitted below the base flood elevation.
6. All walls, floors, and ceiling materials located below the base flood elevation must be unfinished and constructed of materials resistant to flood damage.

C. Crawlspaces. Crawlspaces are a commonly used method of elevating buildings in Special Flood Hazard Areas (SFHAs) to or above the Base Flood Elevation (BFE), and are allowed subject to the following requirements:

1. **The building is subject to the Flood-Resistant Construction provisions of the Oregon Residential Specialty Code.**
2. **They shall be designed by a professional engineer or architect licensed to practice in the State of Oregon to meet the standards contained in the most current Federal Emergency Management Agency's (FEMA) Technical Bulletin.**
3. **The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.**
4. **Flood vent openings shall be provided on at least two sides that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. The total area of the flood vent openings must be no less than 1 square inch for each square foot of enclosed area. The bottom of each flood vent opening can be no more than 1 foot above the lowest adjacent exterior grade. For guidance on flood openings, see FEMA Technical Bulletin 1-93, Openings in Foundation Walls.**
5. **Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls (studs and sheathing), but also any, joists, insulation, or other materials that extend below the BFE. For more detailed guidance on flood-resistant materials see FEMA Technical Bulletin 2-93, Flood-Resistant Materials Requirements.**
6. **Utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters. For further guidance on the placement**

of building utility systems in crawlspaces, see FEMA 348, Protecting Building Utilities From Flood Damage. Flood-resistant materials and utilities, access, and ventilation openings in crawlspaces are further addressed in this bulletin.

7. The interior grade of a crawlspace below the BFE must not be more than 2 feet below the lowest adjacent exterior grade (LAG).

8. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed 4 feet at any point. This limitation will also prevent these crawlspaces from being converted into habitable spaces.

9. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. Possible options include natural drainage through porous, well-drained soils and drainage systems such as low-point drains perforated pipes, drainage tiles, or gravel or crushed stone drainage by gravity.

10. The velocity of floodwaters at the site should not exceed 5 feet per second for any crawlspace. For velocities in excess of 5 feet per second, other foundation types should be used.

11. For more detailed information refer to FEMA Technical Bulletin 11-01 or the most current edition.

12. The use of below grade crawlspaces to elevate the building to 1-ft. above the BFE may cause an increase in flood insurance premiums which, are beyond the control of the City.

37.010 PURPOSE

The purpose of this section is to provide for home occupations in residential zones as a means of providing convenient employment opportunities and decreasing the dependence on the auto. The standards contained in this chapter are intended to assure that home occupations will be compatible and consistent with the residential uses, and will not have a detrimental effect on neighboring properties. (ORD. 1396)

37.020 GENERAL STANDARDS

A. A ~~Type-I~~ home occupation shall comply with all the following operating standards:

1. The home occupation shall be a secondary use to the primary use of the house as a residence.

2. In no way shall the appearance of the residential structure or yard be altered, or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character by the use of colors, materials, construction, lighting, show windows, signs, or advertising visible outside the premises to attract customers or clients, other than a sign as permitted per Section 37.020(A)(9).

3. There shall be no outdoor use or storage of material or mechanical equipment that is not part of the residential use. (ORD. 1463)

4. An accessory building which meets the provisions of Chapter 34 may be used for the home occupation.

5. Any parking generated by patrons shall be accommodated on site.

6. Off-street parking areas with three or more spaces shall be screened by a fence constructed per Chapter 44 specifications, topography, vegetation, or a combination of these methods. Screening vegetation must be in place by the time the applicant submits a home occupation application, or be reasonably expected to provide effective screening within a year and a half of approval of said application. (ORD. 1463)

7. No equipment or process shall be used in a home occupation which creates noise, odor, smoke, fumes, fallout, vibration, heat, glare, or electrical interference resulting detectable to the normal senses off the lot. (ORD. 1463)

8. No more than three employees, other than the residents, shall be engaged in service on the premises at any given time.

9. a. The use of signs shall be limited to one sign not greater than one foot by six inches in area and flush-mounted to the residential dwelling. In the event that the residential dwelling is set back more than 100 feet from the abutting public street, or otherwise obstructed from view due to topography or landscaping, the allowed sign may be located at the driveway access. Freestanding signs shall be mounted on a base equal to, or less than, the width of the sign. The free-standing sign and its base shall not exceed three feet in height. Approval standards in Section 52.200(A)(1) governing sign design apply.

b. Signs advertising home occupations in the Historic District or in a designated Historic Landmark per CDC 26 shall be subject to the design standards in 58.090(C)(25)(b).

10. Vehicles associated with the home occupation shall not be left with engines idling, or loaded or unloaded between the hours of 6 p.m. and 7 a.m. Monday through Friday, or between the hours of 6 p.m. to 9 a.m. on Saturday and Sunday. Other noise-generating machinery associated with conducting a home occupation shall also follow these guidelines.

11. The owner of the business must reside in the primary structure on the premises.

A **B**. ~~Type-I~~ **H**ome occupations shall comply with all the following operating standards:

~~1. The home occupation, including storage areas and any accessory structures shall occupy no more than 20 percent of the gross floor area or 300 square feet of floor area, whichever is greater.~~

~~2. 1.~~ Only one vehicle no larger than a ¾ ton truck may be used by the occupant, directly or indirectly, in connection with a home occupation. An off-street parking space shall be provided for this vehicle.

~~3. 2.~~ The use creates no more than five **total** deliveries, ~~or employee and customer~~ **vehicular** trips ~~(to and from)~~ per day, ~~not including instruction of pupils.~~ **One trip is equal to one vehicle entering the site and exiting the site.**

~~B. — A Type II home occupation shall require Conditional Use approval per the provisions of Chapter 60, and shall comply with all of the following operating standards.~~

~~1. — The home occupation, including storage and any accessory structures, shall occupy no more than 30 percent of the gross floor area.~~

~~2. — Up to three commercial grade vehicles, no larger than 1-1/2 ton, may be used by the occupant, directly or indirectly, in connection with a home occupation. Off street parking spaces shall be provided for these vehicles, and all but one shall be parked or stored in an enclosed building. Parking these vehicles in the public right of way is not permitted.~~

~~3. — The use creates no more than 10 deliveries or customer trips per day (to and from), not including instruction of pupils and trips generated by bed and breakfast guests.~~

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 a Class II 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. (ORD. 1547)~~

~~C. — An application for a Type II home occupation shall, in addition to the completed application form(s), include a narrative which addresses the appropriate criteria set forth in Section 37.020. (ORD. 1396)~~

~~D. — For a Type II home occupation, the names and addresses of all who are property owners of record within 300 feet of the site shall be determined by the Director.~~

~~E.B.~~ The applicant shall pay the requisite fee.

37.060 ADMINISTRATION AND APPROVAL STANDARDS

A. ~~Type I~~ Home Occupations.

1. A ~~Type I~~ home occupation is a decision made by the Planning Director in accordance with the provisions of Section 99.060(A), except that no notice shall be required. (ORD. 1463)

2. The Planning Director shall approve, approve with conditions, or deny an application for a ~~Type I~~ home occupation in accordance with the standards set forth in Sections 37.020(A) and 37.020(B) for ~~Type I~~ home occupations.

3. The Director's decision may be appealed by the applicant to the City Council as provided in Section 99.240(A). (ORD. 1474)

B. — ~~Type II Home Occupations.~~

~~1. — A Type II home occupation is considered a conditional use and is subject to a Class I design review. The cost of this review is covered in the Home Occupation Type II fee. (ORD. 1463)~~

~~2. — The Planning Commission shall approve, approve with conditions, or deny an application for a Type II home occupation in accordance with the procedures set forth in Section 99.060(B) and upon the criteria set forth in~~

~~Section 37.020(A and C) for Type II home occupations and the criteria set forth in Section 60.070. (ORD. 1463)~~

~~3. The Planning Commission's decision may be reviewed by the Council as provided in Section 99.240(B).~~

37.080 REVOCATION

The Director may revoke a ~~Type I and Type II~~ home occupation permit if the criteria of Section 37.020(A) or (B), ~~or (C) respectively~~, are violated. (ORD. 1463)

52.300 PERMANENT SIGN DESIGN STANDARDS

	FREESTANDING SIGNS						ON WALL SIGNS		
	City Appvl. Req'd	Illumin ation	No. Allwd.	Max. Sq. Ft.	Max Height (ft.)	ROW setbck (ft.)	No. Allwd	Max Sq. Ft.	Max Ht. (ft.)
Residential uses including Type I and II Home Occ.	No	No	1	2	4	5	or 1^	2	12
Multi-family Complex	Yes	Yes	2	24 total*	8	5	or 2^	24 total*	12
Subdivision Monument	Yes	Yes	5 per subdiv	32 total*	8	5	n/a	n/a	n/a
Industrial Zone Uses	Yes	Yes	10	32	8	5	3	10%	35 <u>25</u>
Commercial Uses in Residential Zone	Yes	Yes	1	16	8	10	2	5%*	12
<u>Commercial Zone Uses in Nonresidential Zone</u>	Yes	Yes	1 ¹	32 ²	8	5	3	10%*	25
Business Center	Yes	Yes	1	150 ³	20	15	3	10%*	25
Business <u>Center</u> Entryway	Yes	Yes	1 per Entry	4	3	5	n/a	n/a	n/a
Public Uses	Yes	Yes	1 ⁴	24	20	5	No limit	18 total	25

Notes for Permanent Sign Design Standards

* To calculate maximum area, numbers followed with the word "total" are the maximum total area of all signs combined. Standards expressed as consents represent the allowed signage size a percentage of one building face. For example, a wall 10 feet tall by 30 feet wide has 300 square

feet. If the standard is 10%, signs totaling 30 square feet are permitted. The maximum percentage is for the building – a building with multiple occupants is restricted to the stated percentage per building, not per occupant.

^ For number of signs allowed, "or 1" and "or 2" designate that the total number of freestanding and wall signs cannot exceed the number stated. If the standard is "or 1," the applicant may have one freestanding sign or one wall sign, but not both.

¹Gas stations may have two freestanding signs.

²Restaurants with drive through or take-out windows may have an additional 32 square feet.

³Up to 35 percent of the total sign area may be used as a changeable copy sign. Where business centers are located within 200 feet of I-205 right-of-way, the freestanding sign may be freeway-oriented. Freeway-oriented signs shall have a maximum total sign area of 210 square feet and a maximum height of 20 feet above the grade of the nearest lane or I-205 or 60 feet, whichever is less. Freeway-oriented signs shall be oriented to view from I-205. Freeway-oriented signs shall not be smaller than 80 square feet. The approval authority may allow a 10 percent increase in the total square footage in order to accommodate unique design problems.

⁴Parks 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.

N/a means not applicable.

(ORD. 1539)

55.100 APPROVAL STANDARDS – CLASS II DESIGN REVIEW

O. REFUSE AND RECYCLING STANDARDS

1. All commercial, industrial and multifamily developments over five units requiring Class II Design Review shall comply with the standards set forth in these provisions. Modifications to these provisions may be permitted if the Planning Commission determines that the changes are consistent with the purpose of these provisions and the City receives written evidence from the local franchised solid waste and recycling firm that they are in agreement with the proposed modifications.

2. Compactors, containers, and drop boxes shall be located on a level Portland Cement concrete pad, a minimum of four (4) inches thick, at ground elevation or other location compatible with the local franchise collection firm's equipment at the time of construction. The pad shall be designed to discharge surface water runoff to avoid ponding.

3. Recycling and solid waste service areas:

a. Recycling receptacles shall be designed and located to serve the collection requirements for the specific type of material.

b. The recycling area shall be located in close proximity to the garbage container areas and be accessible to the local franchised collection firm's equipment.

c. Recycling receptacles or shelters located outside a structure shall have lids and be covered by a roof constructed of water and insect resistive material. The maintenance of enclosures, receptacles and shelters is the

responsibility of the property owner.

d. The location of the recycling area and method of storage shall be approved by the local fire marshal.

e. Recycling and solid waste service areas shall be at ground level and/or otherwise accessible to the franchised solid waste and recycling collection firm.

f. Recycling and solid waste service areas shall be used only for purposes of storing solid waste and recyclable materials and shall not be a general storage area to store personal belongings of tenants, lessees, property management or owners of the development or premises.

g. Recyclable material service areas shall be maintained in a clean and safe condition.

4. Special Wastes or Recyclable materials

a. Environmentally hazardous wastes defined in ORS 466.005 shall be located, prepared, stored, maintained, collected, transported, and disposed in a manner acceptable to the Oregon Department of Environmental Quality.

b. Containers used to store cooking oils, grease or animal renderings for recycling or disposal shall not be located in the principal recyclable materials or solid waste storage areas. These materials shall be stored in a separate storage area designed for such purpose.

5. Screening and Buffering

a. Enclosures shall include a curbed landscape area at least three (3) feet in width on the sides and rear. Landscaping shall include, at a minimum, a continuous hedge maintained at a height of 36 inches.

b. Placement of enclosures adjacent to residentially zoned property and along street frontages is strongly discouraged. They shall be located so as to conceal them from public view to the maximum extent possible.

c. All dumpsters and other trash containers shall be completely screened on all four sides with an enclosure that is comprised of a durable material such as masonry with a finish that is architecturally compatible with the project. Chain link fencing, with or without slats, will not be allowed.

6. Litter receptacles.

a. Location. Litter receptacles may not encroach upon the minimum required walkway widths.

b. Litter receptacles may not be located within public right-of-ways except as permitted through an agreement with the City in a manner acceptable to the City Attorney or his/her designee.

c. Number. The number and location of proposed litter receptacles shall be based on the type and size of the proposed uses. However, at a minimum, for non-residential uses, at least one (1) external litter receptacle shall be provided for every 25 parking spaces for first 100 spaces, plus one (1) receptacle for every additional 100 spaces.

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~~

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 and public safety facilities, including public parking lots.
8. Nursery.
9. Parks and open space.
10. Boutiques.
11. Small business equipment sales and service.
12. Craft shops.
13. Cultural exhibits and library services.
14. Eating and drinking establishments 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.

59.070 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.

6. These design standards, (B) (1) through (5) above, shall not apply to public facilities such as reservoirs, water towers, treatment plants, fire stations, pump stations, power transmission facilities, etc. It is recognized that many of these facilities, due to their functional requirements, cannot readily be configured to meet these design standards. However, attempts shall be made to make the design sympathetic to surrounding properties through compatible architecture, enhanced landscaping, setbacks, buffers, and any other reasonable means.

85.160 SUBMITTAL REQUIREMENTS FOR THE TENTATIVE PLAN

D. The following general information shall be shown on the tentative plan of subdivision or partition:

1. Proposed name of the subdivision and streets; these names shall not duplicate nor resemble the name of any other subdivision or street in the City and shall be **approved determined** by the ~~Planning Commission or Planning Director, as applicable~~ **City Manager, or designee.** Street names should be easily spelled, pronounced, and of limited length. **All new street names must, to the greatest extent possible, respect and be representative of the surrounding geography and existing street names. Street names should consider any prominent historical City figures or neighborhood themes that exist. Subdivision street names may not reference the names of the builder or developer.**

97.050 APPROVAL CRITERIA

The City Council shall approve, alter or amend, or deny a street name change based on findings of fact for each of the following criteria.

A. Conformance with street naming standards contained under Section ~~87.030(F)~~ **85.160 (D)(1).**

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.

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.

B. The Planning Commission shall have the authority to:
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).
- ~~c. 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. c.~~ A variance to the access provisions as provided by Section 48.070.
- e. d. 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. e.~~ Enlargement or alteration of a non-conforming use as provided by Section 65.130(A).
- ~~g. f.~~ Enlargement or alteration of a non-conforming structure, except a single-family residence as provided by Section 66.070.
- ~~h. g.~~ A variance, Class II application as provided by Section 75.030.
- ~~i-h.~~ A subdivision application.
- ~~j. i.~~ A planned unit development application for approval of a tentative development plan under the provisions of Section 24.020(C) except those processed under the expedited review process of ORS 197.365. (ORD 1525)
- ~~k. j.~~ Design Review, Class II. (ORD 1525)
- ~~l. k.~~ Any other matter not specifically assigned to the Director under the provisions of Section 99.060(A). (ORD 1525)
- ~~m. l.~~ Any matter referred to the Commission by the Director as provided by Section 99.075
- ~~o. m.~~ A water resource area permit pursuant to Chapter 32. (ORD. 1545)

99.080 NOTICE

D. Table of Notices. The following notice summary identifies the appropriate type of notice for the various land use applications of CDC Section 99.060(A)(B)(C)(D) and (E).

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 No Notice No Notice
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	No Notice
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 Permit or Wetland and Riparian Area Permit	B**
Flood Management Area	B**
Zone Change	A
Determination of Unlisted Use	No Notice
Code Interpretation	No Notice
Final Plat	No Notice
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

Devrev-Ordinances2007-CDC amendment pkg

West Linn

Planning Department
22500 Salamo Road, #1000
West Linn, Oregon 97068



Plan Amendment Specialist
Dept of Land Conservation/Dev.
635 Capitol Street NE, Ste: 150
Salem, OR 97301-2540

97301-2540 0007

