



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

10/04/2011

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of West Linn Plan Amendment
DLCD File Number 002-11

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. 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: Wednesday, October 19, 2011

This amendment was submitted to DLCD for review 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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Chris Kerr, City of West Linn
Angela Lazarean, DLCD Urban Planning Specialist
Jennifer Donnelly, DLCD Regional Representative

<paa> Y



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

In person electronic mailed

D
A
T
E

S
T
A
M
P

DEPT OF
SEP 29 2011
LAND CONSERVATION
AND DEVELOPMENT
For Office Use Only

Jurisdiction: **City of West Linn**

Local file number: **CDC 09-05**

Date of Adoption: **9/26/2011**

Date Mailed: ~~9-30-2011~~ **9/28/2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 5-13-2011

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Housekeeping, reformatting and minor code amendments to our Community Development Code (CDC). They are minor in nature and are being grouped in one package for expedience. The proposed amendments include:

1. Clarification of terms and uses defined in the Code.
2. Reformatting such that all definitions are found in one chapter.
3. Edits to be consistent with the City's Municipal Code.
4. General edits for clarity and to resolve internal inconsistencies.

Does the Adoption differ from proposal? Yes, Please explain below:

A proposed amendment to the home occupation standards has been remanded back to the Planning Commission for additional notice and recommendation.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1 **2** **3** **4** **5** **6** **7** **8** **9** **10** **11** **12** **13** **14** **15** **16** **17** **18** **19**

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

DLCD File No 002-11 (18832) [16777]

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 file No. _____

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

Local Contact: **Chris Kerr, Senior Planner** Phone: (503) 723-2538 Extension: _____
Address: **22500 Salamo Rd.** Fax Number: - -
City: **West Linn** Zip: **97068-** E-mail Address: **ckerr@westlinnoregon.gov**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on **light green paper if available**.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on **8½ -1/2x11 green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

WEST LINN CITY COUNCIL
NOTICE OF ADOPTED AMENDMENT
ORDINANCE NO. 1604
WEST LINN, OREGON

CITY PROJECT NUMBER: CDC-09-05

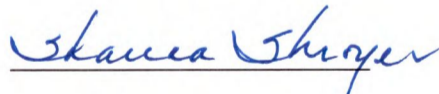
AMENDING CHAPTERS 2, 3, 8, 9, 10, 11, 12, 13, 14, 15, 16, 19, 21, 25, 28, 34, 37, 40, 41, 46, 52, 55, 56, 57, 58, 59, 60, 66, 75, 85, 89, 98, 99 AND 106 OF THE COMMUNITY DEVELOPMENT CODE OF THE CITY OF WEST LINN

At their regular meeting of September 26, 2011 the West Linn City Council voted to adopt code amendments to the Community Development Code that correct errors, eliminate internal inconsistencies and ambiguities, and clarify text to reflect existing code interpretations in order to improve the administration of the code.

The code amendments and the findings made by the Council are available for review in the Planning Department, located in City Hall, at 22500 Salamo Road, West Linn during regular office hours Monday through Friday. This information may also be available on the City's website <http://westlinnoregon.gov>. Any questions can be directed to Chris Kerr, Senior Planner, at 723-2538. Appeals of this decision may be made by filing a notice of intent to appeal with the State Land Use Board of Appeals (LUBA) within 21 days and by complying with all other applicable provisions in ORS 197.830 to 197.845.

This Notice was mailed on September 28 2011.

Attest:





Memorandum

Date: September 9, 2011
To: Chris Jordan, City Manager
From: Chris Kerr, Senior Planner
Subject: Minor amendments to the Community Development Code (CDC-09-05)

Purpose

The proposed amendments to the Community Development Code (CDC) will correct errors, eliminate internal inconsistencies and ambiguities, and clarify text to reflect existing code interpretations in order to improve the administration of the code. This project is part of the City's on-going effort to make the regulations more understandable and user friendly for developers, residents, and staff.

Background

The City regularly processes updates to the CDC to address these issues as part of a comprehensive 'regulatory improvement package'. The proposed amendments are a compilation of those identified by Staff, Planning Commissioners, City Councilors, the City attorney and the public since the last CDC regulatory improvement package was approved in 2009.

On August 3 and August 17, 2011, the Planning Commission held public hearings on the proposed amendments. Five people testified in support of a proposed amendment pertaining to home occupations.

The Planning Commission voted unanimously to recommend approval of the proposed amendments contained in Attachment 2. However, they elected to not include one proposed amendment that would have increased the number of vehicular trips permitted for home occupations.

Discussion

Potential amendment retaining to home occupations. Since the code was amended several years ago to apply a limitation of five trips per day associated with a home occupation, a concern has been raised that the trip limitation renders some commonly accepted home occupations unworkable. These include in-home music or language teachers and businesses that require some limited contact with customers, such as accountants or attorneys. These types of uses are generally acceptable to the public, but they often exceed the 'five trips per day' limitation currently in the code.

The Planning Commission recognized that the current limit on vehicle trip generation limits some seemingly appropriate home occupations; however, they concluded that the potential impacts an

amendment increasing vehicle trips for such uses warranted more extensive public outreach than is provided under a 'minor regulatory improvement package'.

The Council may agree with the Planning Commission's recommendation that the topic be deferred to enable more extensive public outreach and comment on the topic. If that is not the case, staff has included for the Council's consideration two alternative amendments related to vehicular trips for home occupations. Two alternatives are as follows:

ALTERNATIVE 1:

37.020 GENERAL STANDARDS

A. A home occupation shall comply with all the following operating standards:

...

13. The use creates no more than ~~five ten~~ total ~~deliveries~~ vehicle trips per day including employees, all deliveries, and customers. ~~vehicular trips per day~~. One trip is equal to one vehicle entering the site and exiting the site.

ALTERNATIVE 2:

A. A home occupation shall comply with all the following operating standards:

...

13. The use creates no more than five total ~~deliveries~~ vehicle trips during the peak hour of use including employees, all deliveries, and customers. ~~vehicular trips per day~~. One trip is equal to one vehicle entering the site and exiting the site.

Either alternative will address those home occupations that require more than five trips over the course of the day. However, in staff's experience, vehicle trips spread out over the course of the day are less of an issue than at one time (e.g., workers and equipment arrive at 7:00 AM prior to leaving for a job site). To address this concern, Alternative 2 proposes to limit the number of vehicle trips to five per peak hour as opposed to ten per day. The intent is to continue to include a quantifiable method of limiting the impacts of a home occupation on the surrounding residents, while allowing a continuous, low level stream of traffic, such as is the case with instruction of pupils. Additionally, using a peak hour standard will make enforcement more practical, as it will be easier to count traffic during one peak hour rather than all day. As an example, this would prevent the landscape business from having 10 trucks arrive at 6:00 AM and then re-convene at 5:00 PM, but allow a teacher to have five students in morning, then five more at different times over the course of the day.

Other notable proposed amendments. To assist the City Council with their review of the proposed amendments, please find below a listing of the amendments that likely require greater scrutiny:

1. Chapter 2: Definitions. (Attachment 2, page 2) An organizational change will relocate all defined terms within the CDC into one single location (Chapter 2: Definitions) rather than scattered throughout the code. This reformatting will make defined terms easier to locate and correct errors related to the fact that the code includes multiple definitions for certain terms. Also, definitions of the following terms are being refined to provide greater clarity to their understanding:
 - "Accessory structure" – to be amended to provide clarity and specific examples.

- “Lodge, fraternal and civic assembly” – to be amended to provide clarity and to add indoor community recreation as an example.
 - “Structure” – to be amended to provide clarity and specific examples.
 - “Utilities” – to be amended to provide clarity and specific examples.
 - “Yard” – to be amended to provide clarity and specific examples.
2. Chapter 19: General Commercial. (Attachment 2, page 36) To be amended to include “lodge, fraternal community center, and civic assembly” as a potential Conditional Use. This use appears to be consistent with other similar civic type uses already included as conditional uses in this zone, such as postal services, public support facilities, libraries and cultural exhibits.
 3. Chapter 55: Design Review. (Attachment 2, page 52) Clarification is provided regarding the permitted in-kind replacement of building materials. Also, to correctly reference the most recent changes approved in the Municipal Code related to noise criteria.
 4. Chapter 99: Procedures for Decision Making: Quasi judicial: (Attachment 2, page 64) Clarifies procedures for situations whereby all members of a hearing body abstain or are disqualified on an item.

Approval criteria

The approval criteria for legislative amendments are found in Chapter 98 of the CDC.

98.100 STANDARDS FOR DECISION

- A. *The recommendation of the Planning Commission and the decision by the City Council shall be based on consideration of the following factors:*
 1. *The Statewide planning goals and rules adopted under Chapter 197 ORS and other applicable State statutes;*
 2. *Any federal or State statutes or rules found applicable; and*
 3. *Applicable plans and rules adopted by the Metropolitan Service District.*
 4. *The applicable Comprehensive Plan policies and map; and*
 5. *The applicable provisions of the implementing ordinances.*
- B. *Consideration may also be given to:*
 1. *A mistake or inconsistency in the Comprehensive Plan or implementing ordinance as it relates to the property which is the subject of the proposal; and*
 2. *Factual oral testimony or written statements from the parties, other persons and other governmental agencies relevant to the existing conditions or factors in subsection A or (B)(1) of this section. (Ord. 1226, 1988; Ord. 1474, 2001)*

The applicable standards from CDC Section 98.100 are addressed in the findings that follow.

Finding No. 1:

Statewide Goal 1 Citizen Involvement. The City's acknowledged Comprehensive Plan and CDC provide for or exceed all requirements for a citizen involvement program which defines the procedures by which the general public will be notified in the on-going land use planning process. All required notification measures and opportunities for input as specified in these documents were provided during this process. Additionally, many of the proposed amendments were drafted in response to comments by citizens. A clear purpose of these amendments is to allow for greater ease of use for the citizens of the community, which will broaden and improve public understanding and awareness and of the land use process.

Finding No. 2:

These amendments are minor in nature and do not represent any major changes in policy; however, the proposed amendments that modify the manner in which vehicular trips are measured for home occupation uses is intended to promote home occupations in the City with a recognition of the potential adverse impacts that can be created. This is consistent with and furthers the following components of the City's Comprehensive Plan:

Goal 6: Air, Water, and Land Resources Quality- Policy 5: "The City also recognizes the importance of home occupations in reducing commuting and helping limit the need for additional public infrastructure."

Goal 9: Economic Development - Policy 1: "Promote home occupations by developing and implementing supportive zoning and building codes and services and other regulations; require compatibility with surrounding neighborhoods."

Finding No. 3:

These amendments are minor in nature and do not represent any major changes in policy and there are no applicable State or Federal statutes, or and Metropolitan Service District rules or other applicable ordinances beyond those being addressed in the Statewide Planning Goals that apply to these amendments.

Options

1. The City Council could approve the amendments, as proposed; or
2. The City Council could approve of some, or all, of the amendments with modifications; or
3. The City Council could deny the proposal, thereby leaving the Code 'as is'.

Recommendation

Staff recommends approval of these amendments.

**ORDINANCE NO. 1604
WEST LINN, OREGON**

AMENDING CHAPTERS 2, 3, 8, 9, 10, 11, 12, 13, 14, 15, 16, 19, 21, 25, 28, 34, 37, 40, 41, 46, 52, 55, 56, 57, 58, 59, 60, 66, 75, 85, 89, 98, 99 AND 106 OF THE WEST LINN COMMUNITY DEVELOPMENT CODE

WHEREAS, the Community Development Code (“CDC”) is an evolving document that is modified for clarity and to correct errors and inconsistencies that are identified; and

WHEREAS, correcting errors, eliminating ambiguity, and simplifying the format of the CDC will enhance its usefulness; and

WHEREAS, the proposed code amendments meet the criteria for 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 City of West Linn notified the Department of Land Conservation and Development more than 45 days prior to the first evidentiary hearing on the proposed amendments; and

WHEREAS, the City provided legislative notice of its intent to revise the CDC pursuant to CDC notice provisions; and

WHEREAS, the City of West Linn published notice of the West Linn Planning Commission public hearing regarding the proposed amendments on July 21, 2011; and

WHEREAS, the Planning Commission conducted public hearings on the proposed amendments on August 3, 2011 and August 17, 2011; and

WHEREAS, after considering the public testimony regarding the proposed code amendments, the Planning Commission recommended approval of the amendments; and

WHEREAS, the City of West Linn published notice of the City Council public hearing regarding the proposed amendments on September 11, 2011; and

WHEREAS, the City Council conducted a public hearing on September 26, 2011, 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.

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

Section 1: Section 02.010 of the City of West Linn Community Development Code is hereby amended to add the following:

...

D. Words not specifically defined herein shall have the meaning specified in Webster's Third New International Dictionary of the English Language, Unabridged.

Section 2: Section 02.030 of the City of West Linn Community Development Code is hereby repealed and replaced in its entirety as follows:

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

Access. The way or means by which pedestrians and vehicles enter and leave property.

Access point. An access point includes a driveway, public or private street or access easement.

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

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

- A. Greenhouse or hothouse;
- B. Swimming pools;
- C. Children's playhouses and structures;
- D. Sheds;
- E. Barns;
- F. Gazebos;
- G. Solar and wind energy systems;
- H. Garages;
- I. Dog houses for up to four dogs, bird feeders, or other pet shelters;
- J. Appurtenances such as mailboxes and heat pumps; and
- K. Similar structures as determined by the Planning Director.

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

Acres, gross. All of the land area owned by the applicant in the subject parcel or parcels under consideration.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Automotive and equipment; repairs, heavy equipment. Repair of trucks, etc., as well as the sale, installation, or servicing of truck or automotive equipment and parts together with body

repairs, painting, and steam cleaning. Typical uses include truck transmission shops, body shops, or motor freight maintenance groups.

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

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

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

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

Bankful stage. The stage or elevation at which water overflows the natural banks of a stream or other waters of the State and begins to inundate upland areas. In the absence of physical evidence, the two-year recurrent flood elevation may be used to approximate the bankful stage.

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

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

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

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

Below-grade crawlspace. An enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lower adjacent exterior grade. The height of

the crawlspace, as measured from the interior grade of the crawlspace to the top of the crawlspace foundation, may not exceed four feet at any point.

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

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

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

Buildable lot. A lot legally created through a West Linn or Clackamas County land use action, which meets the area and dimensional requirements of the underlying zone or that is a non-conforming lot of record that meets the requirements of CDC 68.040.

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

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

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

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

Business support services. Establishments primarily engaged in the provision of service of a clerical, employment, protective, or minor processing nature to firms rather than individuals and where the storage of goods other than samples is prohibited. Typical uses include: secretarial services, telephone answering services, or blueprint services.

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

Children's day care. Services or facilities authorized, certified, or licensed by the State for children's day care of six or more children, for a period not to exceed 12 hours per day.

Children's day care facilities with less than six children are a home occupation. See Chapter 37 CDC.

City. The City of West Linn, Oregon.

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

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

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

Commission. The Planning Commission of West Linn, Oregon.

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

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

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

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

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

Conservation easement. An easement established by the property owner that limits, but does not prohibit, use of the area within the conservation easement. For example, limitations may include tree protection, or protection of a wetland or creek. The property owner owns the land within easement boundaries.

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

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

Convenience sales and personal services. Small neighborhood-oriented retail businesses (retail commercial and personal services) which provide for the daily needs of nearby residents. It includes uses such as grocery stores, drug stores, laundromats, dry cleaners, barber shops and beauty salons.

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

Council. The City Council of West Linn, Oregon.

Court. A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls of a building.

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

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

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

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

Dedication. The legal conveyance of land, typically from a private property owner to the City. Dedication is typically required of developers where it can be shown that additional land for right-of-way is needed for adjacent street improvements or public facilities such as foot paths or utility corridors. Dedication is also appropriate for the purpose of protecting a resource area,

such as a wetland or forested area, from development or disturbance. Dedication is preferred over establishing a conservation easement since the original property owner no longer has any right to the property and is, therefore, less likely to impact or disturb a resource area.

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

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

Development. Any manmade change defined as the construction of buildings or other structures, mining, dredging, paving, filling, grading or site clearing, and grubbing in amounts greater than 10 cubic yards on any lot or excavation. Within the flood management area, this term shall also include storage of equipment or materials. Within the Willamette and Tualatin River Protection areas, this term shall also include any change of use or intensification of the use of land or water, including construction of structures (such as houses, structures, docks and associated pilings or piers), significant grading, or removal or addition of vegetation and groundcover unless specifically exempted per CDC 28.040.

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

Division of land. The process of dividing a tract, lot or parcel into two or more lots or parcels by subdividing or partitioning. A division of land shall be deemed to have occurred at the time when the final approved plat is recorded with the County Recorder's office.

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

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

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

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

DSL. Department of State Lands.

Duplex residential units. Two dwelling units placed so that some structural parts are in common and are located on a single lot or development site.

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

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

Eating and drinking establishments. Establishments or places of business primarily engaged in the sale of prepared food and beverages for on-premises consumption. Typical uses include: fast order food establishments with and without drive-up facilities and sit-down eating establishments, taverns, bars and lounges.

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

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

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

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

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

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

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

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

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

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

Family day care. Any family day care provider who provides care in the home of the provider to fewer than 13 children, including children of the provider, regardless of full-time or part-time status.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

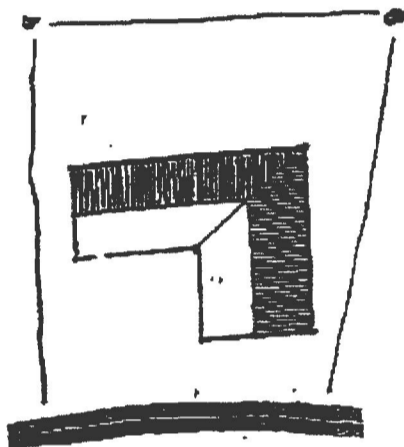
Floodway. The portion of a watercourse required for the passage or conveyance of a given storm event as identified and designated by the City. The floodway includes the channel of the watercourse and the adjacent floodplain that must be reserved in an unobstructed condition in order to discharge the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

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

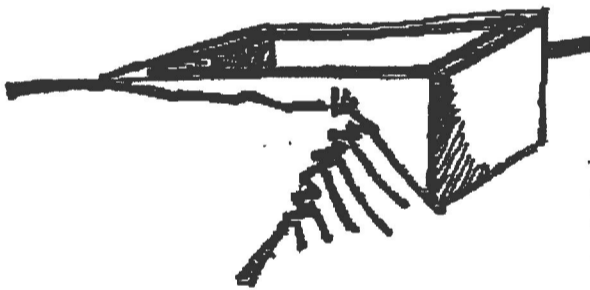
Floor area. The area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof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

Floor area ratio (FAR). The FAR is that percentage of the total lot size that can be built as habitable space. A FAR of 0.45 means that the square footage of the lot is multiplied by 0.45 to yield the total habitable square footage of the house including accessory dwelling units. For

example, on a 10,000-square-foot lot, an FAR of 0.45 will allow a 4,500-square-foot house (10,000 X 0.45 = 4,500). The FAR does not include or apply to attached garages. The FAR does not apply to detached garages, accessory dwelling units and accessory structures except that these detached structures may not individually exceed the height or square footage of the principal dwelling. The FAR does not include basement areas that average less than 50 percent of the basement perimeter exposed above grade. Uninhabitable space such as crawlspaces, attics, and spaces designed under the Flood Management Area Permit program to allow the passage of floodwaters are also exempt.

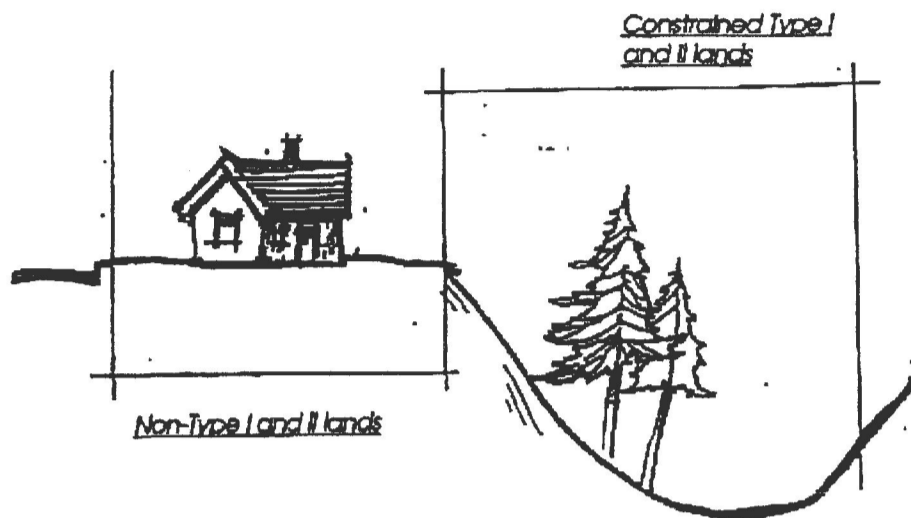


FAR applied to a 10,000-square-foot lot yields a 4,500-square-foot house. The bigger the lot, the bigger the house. FAR excludes attached garage, detached garages and accessory structures, uninhabitable spaces, basements predominantly below grade, and spaces required to meet Flood Management Permit standards.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



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

Type I and II lands shall not be counted toward lot area when determining allowable floor area ratio, except that a minimum floor area ratio of 0.30 shall be allowed regardless of the classification of lands within the property. That 30 percent shall be based upon the entire property including Type I and II lands. Existing residences in excess of this standard may be replaced to their prior dimensions when damaged without the requirement that the homeowner obtain a non-conforming structures permit under Chapter 66 CDC.



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

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

Front of house on corner lot. The side of the house that incorporates features such as front door, driveway, garage, large amount of glazing relative to other sides of house and other design features. The rear of the house that is functionally the main activity area typically includes the family room and/or dining room, etc. The functional front and rear do not have to be opposite from one another.

Frontage. Property abutting on a street.

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

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

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

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

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

Grade, ground level. The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, between the building and a line five feet from the building.

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

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

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

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

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

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

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

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

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

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

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

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

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

Intermittent stream. Streams, or portions of streams, that flow only in direct response to precipitation. They receive little or no water from springs. They carry no measurable flow for three months of the year.

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

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

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

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

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

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

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

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

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

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

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

Lot. A plot, parcel, or area of land owned by or under the lawful control and the lawful possession of one distinct ownership.

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

Lot, corner. A lot abutting on two or more streets, other than an alley, at their intersection.

Lot, coverage. The area covered by a building or buildings on a lot, expressed as a percentage of the total lot area. For residential lots, these buildings shall include the principal residence or house, any accessory dwelling unit, and the next largest accessory structure such as a garage, etc. Additional structures shall not count. Paved surfaces do not count.

Lot, depth. The average horizontal distance between the front lot line and rear lot line.

Lot, double-frontage. See "Lot, through."

Lot, flag. A lot or parcel which includes a private accessway as part thereof.

Lot line. The property line bounding a lot.

Lot line adjustment. The relocation of recorded lot lines which does not result in the creation of an additional lot or buildable lot.

Lot line, front. For an interior lot, a line separating the lot from the street; for a corner lot, a line separating either (but not both) frontage of the lot from the street as determined by the City.

Lot line, rear. For an interior lot, a line separating one lot from another on the opposite side of the lot from the front lot line; for corner lots either (but not both) interior lot line separating one lot from another; and for an irregular or triangular shaped lot, a straight line 10 feet in length that is parallel to and at the maximum distance from the front lot line. The City shall determine the rear lot line for corner lots.

Lot line, side. For interior lots, a line separating one lot from the abutting lot or lots fronting on the same street; for corner lots, a line other than the front lot line separating the lot from the street or a line separating the lot from the abutting lot along the same frontage.

Lot of record. A lot which, when created, was in conformance with applicable land use regulations.

Lot, through. An interior lot having frontage on two streets.

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

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

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

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Manufacturing of finished products (Heavy Industrial). Manufacturing, processing, or assembling of semi-finished or finished products from raw materials.

Manufacturing of finished products (Light Industrial). The manufacturing of finished products from previously prepared material (excluding raw materials).

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

Minimum lot size. The smallest area permitted for a new lot in a particular zone. For example, in a single-family residential zone, a single house may be constructed on a lot no smaller than a certain size (e.g., 5,000 square feet). In a multi-family zone, the smallest allowable size of the lot may vary depending on the number of apartments or other units constructed.

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

Mitigation. The reduction of adverse effects of a proposed project by considering, in the following order:

1. Avoiding the impact altogether by taking a certain action or parts of an action;
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation;
3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action by monitoring and taking appropriate measures; and
5. Compensating for the impact by replacing or providing comparable substitute water quality resource areas.

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

Multiple family residential units. A structure containing three or more attached dwelling units in any vertical or horizontal arrangement.

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

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

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

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

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

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

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

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

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

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

ODFW. Oregon Department of Fish and Wildlife.

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

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

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

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

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

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

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

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

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

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

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

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

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

Partition land. To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of the year. "Partition land" does not include divisions of land resulting from lien foreclosures, divisions of land from foreclosures of recorded contracts for the sale of real property or division of land resulting from the creation of cemetery lots; and "partition land" does not include any adjustment of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot standards established by the zoning ordinance. "Partition land" does not include the sale of a lot in a recorded subdivision, even though the lot may have been acquired prior to the sale with other contiguous lots or property by a single owner. When it appears to the Planning Director that the area is to ultimately be divided into four or more lots

or parcels, conformance with the provisions of this code pertaining to subdivisions may be required.

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

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

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

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

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

Personal service facilities. Establishments primarily engaged in the provision of informational, instructional, personal improvement, and similar services of a non-professional nature. Typical uses include: photography studios, driving schools and trade schools, or reducing salons.

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

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

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

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

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

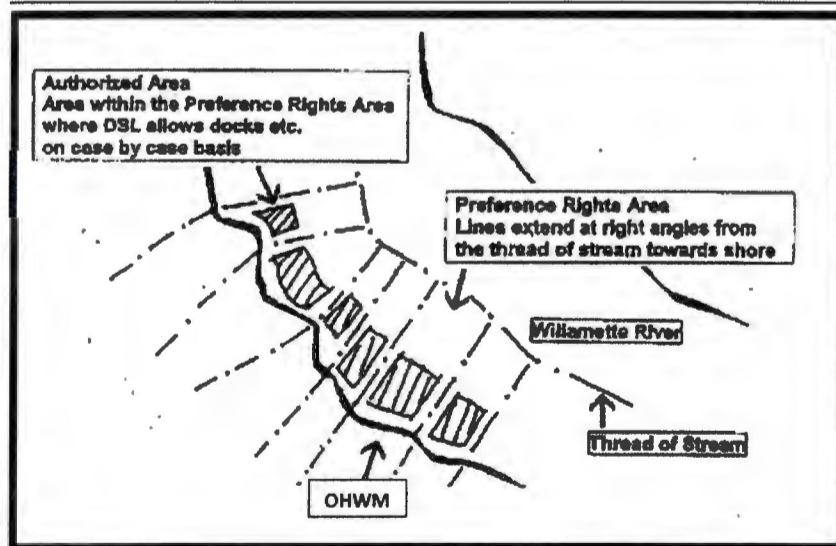
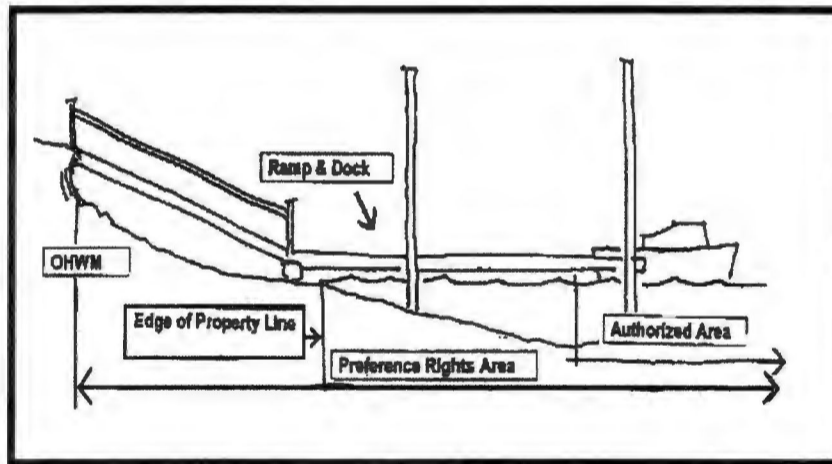
Potentially severe landslide hazard area. Areas where earth movement or failure, such as slumps, mud flows, debris slides, rock falls or soil falls, is likely to occur as a result of

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

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

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

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



Primary structures. Structures which significantly define the Willamette Historic District's character are called "primary" contributing. These structures were constructed between 1890 and 1920; most original architectural features (i.e., windows, roof form, porches, siding) remain intact. These structures represent the community's best remaining examples of turn of the century architectural styles. (Note: Map of District and structures in "Inventories.")

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

Private street. An accessway which is under private ownership.

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

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

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

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

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

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

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

Recreational vehicle. A vehicle that is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently

towable by a light duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

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

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

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

Replacement. The removal of an existing structure and placement of a new structure on the site of the removed structure or elsewhere on the same lot. For purposes of this definition, diminution of an existing structure by more than 50 percent of its floor area shall constitute its removal.

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

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

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

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

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

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

Riparian corridor. Any area within and adjacent to a natural drainageway within West Linn (not including lands adjacent to the Willamette or Tualatin Rivers) that has been identified as significant by the West Linn Riparian Corridor Inventory.

Riparian vegetation. Plants native to the riparian areas.

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

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

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

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

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

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

Secondary structures. Structures built before 1925 which retain many original architectural features, but are not classified as primary on the Inventories Map of the Willamette Historic District, are identified as "secondary" contributing.

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

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

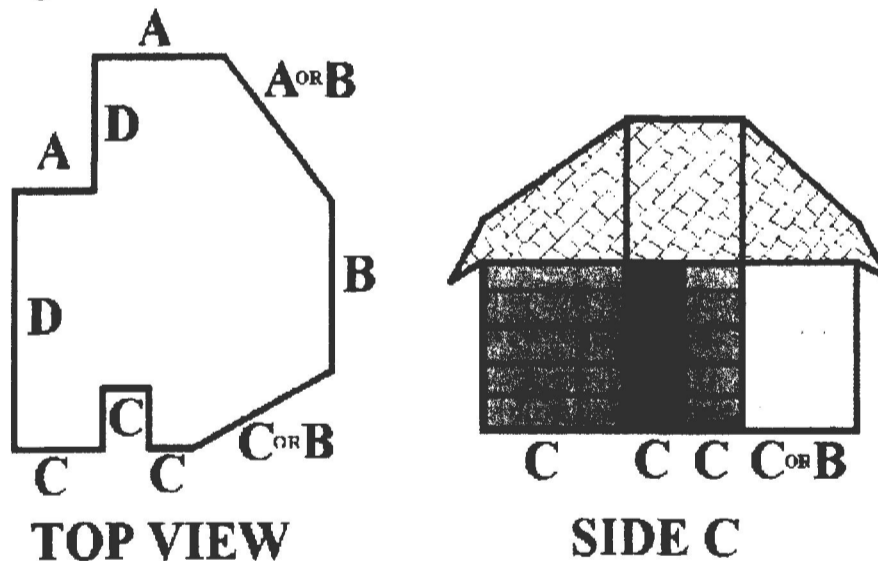
Senior citizen/handicapped housing facilities. Living facilities which provide living units, congregate dining, recreational facilities and other services and requiring 24-hour staffing assistance.

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

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

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

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



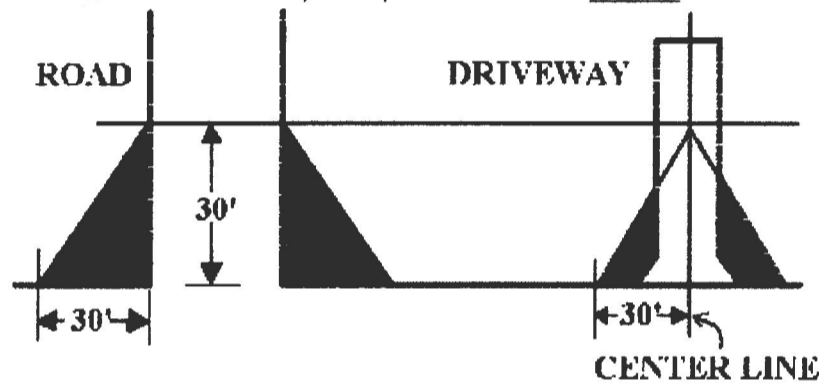
Note: For angled walls, walls cannot be double counted. In other words, to calculate the building face of side "C," you would add C+C+(C or B), while side "B" would then consist of B+(A or B) only.

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

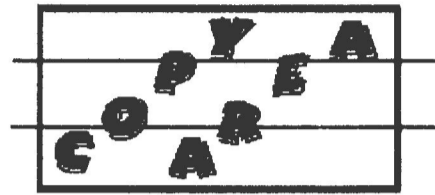
Business center. A commercial or industrial area planned and built as a unit containing two or more commercial or industrial establishments on a fully developed site of four acres or more in size, associated by common agreement or under common ownership, which comprise a single commercial or industrial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

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

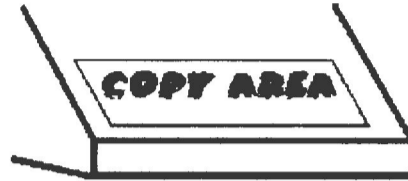
Clear vision area. An area of unobstructed visibility which must be maintained for corner lots and driveways as specified in CDC 42.050. See illustration below.



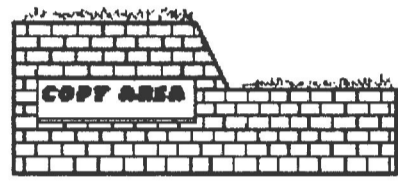
Copy area. The smallest rectangular area which encompasses a business logogram or message. This is used to compute the sign area for, among others, channelized letter signs. The copy area for backlit awning signs shall consist of the area which is illuminated. Depending on the emphasis of the sign structure,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



CHANNELIZED SIGN



ILLUMINATED
PORTION OF AWNING



SUBDIVISION MONUMENT



SUBDIVISION SIGN

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

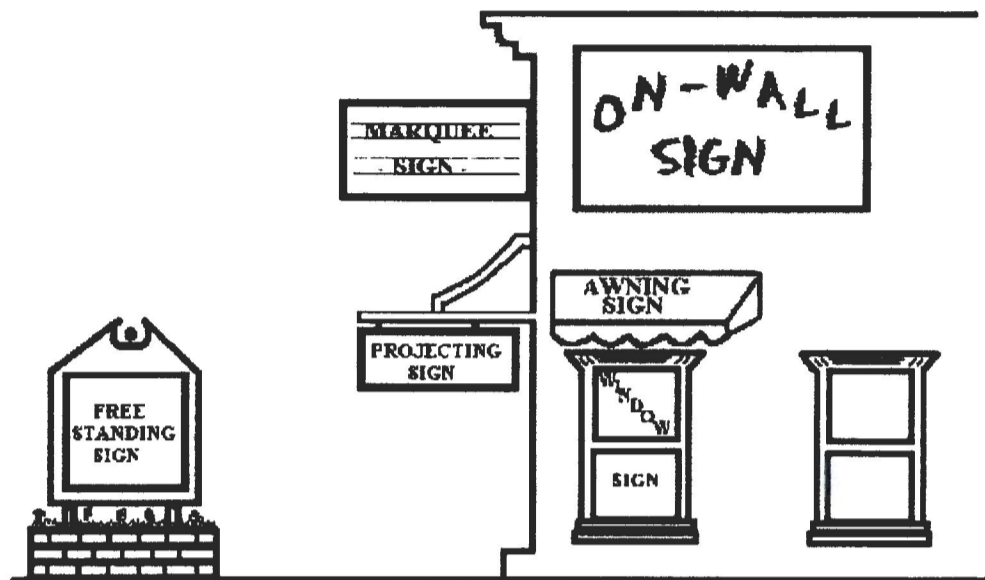
Grade. For the purpose of establishing the height of freestanding signs, the centerline of the nearest street shall be considered grade. The height of all signs mounted on a building shall be measured from the same point considered to be the grade of the building.

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

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

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

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



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

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

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

Sign, A-frame. A temporary, freestanding, and portable form of advertising, also known as a sandwich board. A-frames may be placed within 10 feet of the structure containing the business being promoted and are subject to the same time limits as other temporary signs.

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

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

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

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

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

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

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

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

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

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

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

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

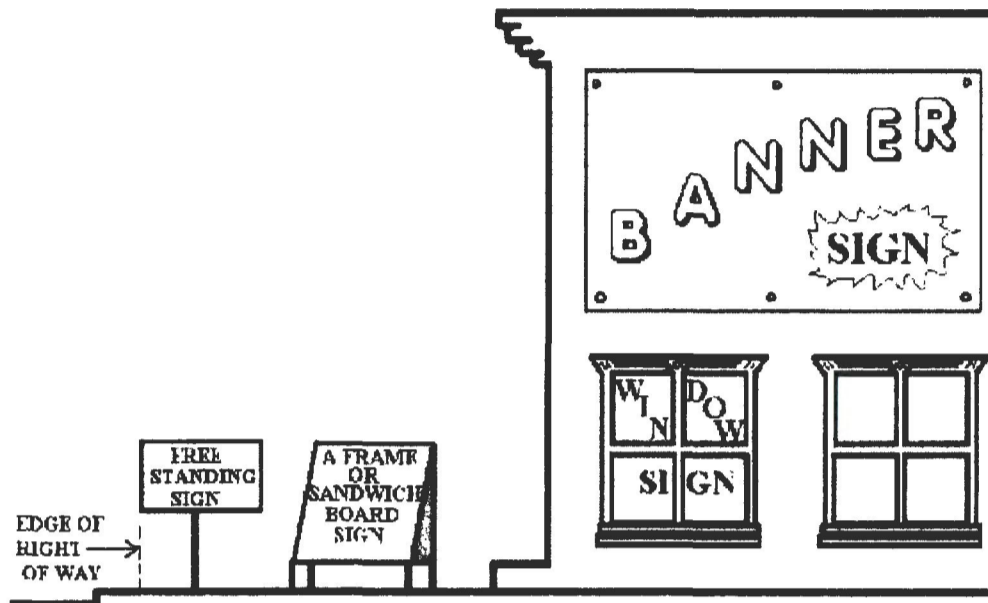
Sign, permanent. A sign constructed of durable materials such as wood, plastic, or metal which can withstand the deteriorating effects of weathering (e.g., tearing, cracking, peeling, warping) for a period of not less than six years. See illustration for "Sign."

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

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

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

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



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

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

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

Single-family attached residential units. Two dwelling units attached side by side with some structural parts in common at a common property line on separate lots.

Single-family detached residential units. One dwelling unit, freestanding and structurally separated from other dwelling units or buildings, located on a lot.

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

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

such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a structure (other than manufactured home) without a basement or poured footings, the “start of construction” includes the first permanent framing or assembly of the structure, or any part thereof, on its piling or foundation. For manufactured homes not within a manufactured home subdivision, “start of construction” means the affixing of the manufactured home to its permanent site. For manufactured homes within manufactured home subdivisions, “start of construction” is the date on which the manufactured home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

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

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

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

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

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

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

Structure. Anything constructed or erected, the use of which requires location on or in the ground or attachment to something having such location, including buildings, fences, towers, utility equipment, utility poles, flag poles, signs, porches, pools, carports, platforms, walks, staircases, driveways and other similar objects, but not including fixtures or equipment attached to structures (e.g., antennas, lights).

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

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

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

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

Substantial improvement. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

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

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.

Top of bank. The same as “bankful stage.”

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

Transient lodgings. Establishments primarily engaged in the provision of lodging services on a temporary basis with incidental food, drink, and other sales and services intended for the convenience of guests. Typical uses include hotels, motels, or bed and breakfast houses.

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

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

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

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

- Slope: All lands with 35 percent or more slopes.
- Drainage: All lands within the 100-year floodplain.
- Geological Hazard: All existing or known landslide areas.

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

- Slope: All lands with slopes between 25 and 35 percent.
- Drainage: All drainage courses.
- Geology: All known mineral and aggregate deposits.

Type III lands. These lands are considered within the major portion of the City’s developable lands. Standard development criteria can be applied through normal implementation measures. Type III lands have slopes between 15 and 25 percent.

Type IV lands. These lands are considered to have few, if any, constraints to development and are within the major portion of the City's developable lands. Normal development standards will apply in these areas. Type IV lands have slopes between zero and 15 percent.

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

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

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

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

Utility, major. A utility facility or service that will have, or the installation of which will have, a significant impact on the surrounding uses or the community in terms of generating or disrupting traffic, interfering with access to adjacent properties, creating noise or causing adverse visual effects. "Major utility" includes, but is not limited to, a substation, pump station, water storage tank, sewer plant, transmission lines for water, drainage or sewerage collection systems, gas or electric, or other similar use.

Utility, minor. A utility facility or service that will have, or the installation of which will have, a minor impact on the surrounding uses or on the community in terms of generating or disrupting traffic or access to adjacent properties, creating noise or causing adverse visual effects. "Minor utility" includes, but is not limited to, overhead or underground electric, telephone or cable television poles and wires, distribution lines for electric, gas, water, drainage or sewerage collection systems, or other similar use.

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

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

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

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

Water resource area. Any area that consists of a wetland identified in the West Linn Local Wetlands Inventory and the required transition and setback area around the wetland pursuant to Chapter 32 CDC, or any major or minor open channel drainageway identified by the most recently adopted West Linn Surface Water Management Plan and the required transition and setback area around the major or minor open channel pursuant to Chapter 32 CDC, except for small manmade open roadside drainage swales in residential areas, or any riparian corridor (not including lands adjacent to the Willamette or Tualatin Rivers) and the required transition and setback area for the riparian corridor pursuant to Chapter 32 CDC.

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

Wetlands. Those areas inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands are those areas identified and delineated by a qualified wetland specialist as set forth in the 1987 Corps of Engineers Wetland Delineation Manual. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including but not limited to irrigation and drainage ditches, grass-lined swales, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities.

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

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

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

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

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

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

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

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

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

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

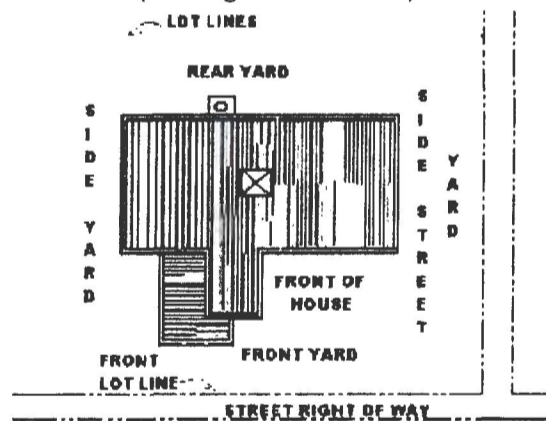


Figure A

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

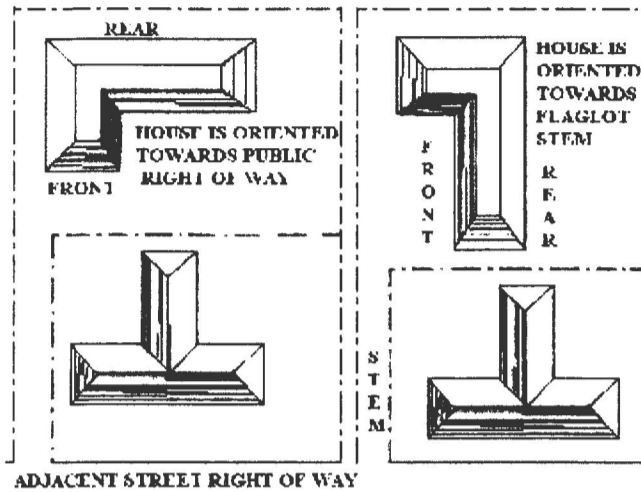


Figure B

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

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

Yard, side street. For dwellings or homes on corner lots, this is the yard on the side of the house that faces a street right-of-way and does not include the front of the house or front yard. (See Figure A.)

Section 3: Chapter 3 of the City of West Linn Community Development Code is hereby repealed in its entirety.

Section 4: Section 08.060(2) of the City of West Linn Community Development Code is hereby amended to read as follows:

2. Lodge, fraternal, community center and civic assembly.

Section 5: Section 09.060(2) of the City of West Linn Community Development Code is hereby amended to read as follows:

2. Lodge, fraternal, community center and civic assembly.

Section 6: Section 10.060(2) of the City of West Linn Community Development Code is hereby amended to read as follows:

2. Lodge, fraternal, community center and civic assembly.

Section 7: Section 11.060(2) of the City of West Linn Community Development Code is hereby amended to read as follows:

2. Lodge, fraternal, community center and civic assembly.

Section 8: Section 12.060(3) of the City of West Linn Community Development Code is hereby amended to read as follows:

3. Lodge, fraternal, community center and civic assembly.

Section 9: Section 13.060(3) of the City of West Linn Community Development Code is hereby amended to read as follows:

3. Lodge, fraternal, community center and civic assembly.

Section 10: Subsection 14.060(3) of the City of West Linn Community Development Code is hereby amended to read as follows:

3. Lodge, fraternal, community center and civic assembly.

Section 11: Subsection 14.060(15)g(3) of the City of West Linn Community Development Code is hereby amended to read as follows:

- 3) A minimum of 25 percent of the property shall be in landscaping. The landscaping shall include areas for outdoor recreation, pedestrian access and amenities, and adequate ~~site~~ visual and sound buffering of adjacent properties.

Section 12: Subsection 15.060(3) of the City of West Linn Community Development Code is hereby amended to read as follows:

3. Lodge, fraternal, community center and civic assembly.

Section 13: Subsection 15.060(12)g(3) of the City of West Linn Community Development Code is hereby amended to read as follows :

- 3) A minimum of 25 percent of the property shall be in landscaping. The landscaping shall include areas for outdoor recreation, pedestrian access and amenities, and adequate ~~site~~ visual and sound buffering of adjacent properties.

Section 14: Subsection 16.060(4) of the City of West Linn Community Development Code is hereby amended to read as follows:

4. Lodge, fraternal, community center and civic assembly.

Section 15: Subsection 16.060(17)g(3) of the City of West Linn Community Development Code is hereby amended to read as follows:

- 3) A minimum of 25 percent of the property shall be in landscaping. The landscaping shall include areas for outdoor recreation, pedestrian access and amenities, and adequate ~~site~~ visual and sound buffering of adjacent properties.

Section 16: Subsection 19.060(12) of the City of West Linn Community Development Code is hereby amended to read as follows;

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 CDC 66.070(A).

Section 17: Section 19.060 of the City of West Linn Community Development Code is hereby amended to add the following:

...

25. Lodge, fraternal, community center and civic assembly.

Section 18: Subsection 21.060(9) of the City of West Linn Community Development Code is hereby amended to read as follows:

9. 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 CDC 66.070(A).

Section 19: Section 25.030 of the City of West Linn Community Development Code is hereby amended to read as follows (the remainder of the section remains unchanged):

25.030 CLASSIFICATIONS ~~DEFINITIONS~~ AND BOUNDARY DELINEATION

...

Section 20: Section 28.020 of the City of West Linn Community Development Code is hereby repealed in its entirety.

Section 21: Subsection 28.030 A(3) of the City of West Linn Community Development Code is hereby amended to read as follows :

3. In addition to the Willamette Greenway and Tualatin River Protection Area boundaries, this chapter also relies on the HCA Metro's Habitat Protection Map to delineate where development should or should not occur. Specifically, the intent is to keep out of, or minimize disturbance of, the habitat conservation areas (HCAs). Therefore, if all, or any part, of a lot is in the Willamette Greenway and Tualatin River Protection Area boundaries, and there are HCA's on the lot, a Willamette and Tualatin River Protection Area permit shall be required unless the development proposal is exempt per CDC 28.040.

Section 22: Subsection 28.040 M of the City of West Linn Community Development Code is hereby amended to read as follows:

- M. Minor modifications. A modification shall be considered "minor" when it results in a change in the approved design that is equal to or less than a 10 percent increase in the length, width or height of the facility. A change of location by under 20 feet laterally for any part of the structure, ramp, dock, etc., also constitutes a minor modification. ~~as defined in this chapter and deemed eligible by the Planning Director.~~

Section 23: Subsection 28.040 S of the City of West Linn Community Development Code is hereby amended to read as follows:

- S. In cases where the required development standards of this chapter are applied and met with no encroachment into HCAs, and also meeting subsections T and U of this section, where applicable, then no permit under the provisions of this chapter will be required. For example, if the proposed development or action will be located in the "Habitat and Impact Areas not designated as HCA's" ~~"Not Affected by Recommendations" or "Allow Development"~~ area and keeps out of the habitat conservation areas, a Willamette or Tualatin River Protection Area permit shall not be required. Floodplain management area or other permits may still be required.

Section 24: Subsection 28.040 T of the City of West Linn Community Development Code is hereby amended to read as follows:

- T. The construction, remodeling or additions of home and accessory structures that take place completely within the "Habitat and Impact Areas not designated as HCA's" ~~"Not Affected by Recommendations" or "Allow Development"~~ areas of ~~Metro's Habitat Conservation Map~~ shall be exempt from a Willamette or Tualatin River Protection Area permit. Where the "Habitat and Impact Areas not designated as HCA's" ~~"Not Affected by Recommendations" or "Allow Development"~~ area goes

to the edge of a clearly defined top of bank, the applicant's home and accessory structures shall be set back at least 15 feet from top of bank. At-grade patios and deck areas within 30 inches of natural grade may extend to within five feet from top of bank. No overhang or cantilevering of structures is permitted over HCA or over setback area. If these terms are met then no permit will be required under this chapter.

Section 25: Subsection 28.070 A of the City of West Linn Community Development Code is hereby amended to read as follows:

- A. The HCA Map Metro's Habitat Protection map is the basis for identifying and designating the habitat conservation areas in the City. ~~lands, "Not Affected by Recommendations" or "Allow Development" areas and the HCA areas.~~ A copy of the latest, updated HCA Map is on file at the City and is adopted by reference ~~as the mapping tool for to be used~~ with this chapter.

It is inevitable, given the large area that Metro's HCA Habitat Protection Map covers, that there may be some errors. In cases where, for example, three properties share the same contours and the same natural features but the map shows the middle lot with an HCA designation on it, it is reasonable to question the accuracy of that HCA designation classification. Using tree overstory as the sole basis for HCA designation will also allow a change in designation since trees are already protected in the municipal code and Chapters 55 and 85 CDC.

Section 26: Subsection 28.070 B of the City of West Linn Community Development Code is hereby amended to read as follows:

- B. The Planning Director shall verify the appropriate HCA or non-HCA designation classification by site visits or consultations with Metro or by other means. Determination is based on whether the Metro criteria are met or whether the Metro designation classification was is based solely on tree overstory in which case a redesignation reclassification is appropriate. In cases where the determination is that the map is incorrect, the Planning Director will make a written finding of this as well as the site conditions that led to that conclusion.

Section 27: Subsection 28.070 C of the City of West Linn Community Development Code is hereby amended to read as follows:

- C. Class ~~C-B~~ public notice, per Chapter 99 CDC, shall be required prior to issuance of the ~~redesignation reclassification~~ decision if it involves ~~redesignation reclassification~~ of the HCA boundary to allow the construction of, or addition to, a house.

Section 28: Section 28.070 of the City of West Linn Community Development Code is hereby amended to add the following:

- F. Lands that are designated as an HCA only due to a forested overstory are exempt under CDC 28.040, Exemptions, since trees are already protected in the municipal code and Chapters 55 and 85 CDC. Similar exemptions apply to lands that exhibit no constraints.

Section 29: Subsection 28.110 A(1) of the City of West Linn Community Development Code is hereby amended to read as follows:

1. Sites shall first be reviewed using ~~the HCA Map~~ ~~Metro's Habitat Protection Map~~ to determine if the site is buildable or what portion of the site is buildable. HCAs shall be verified by the Planning Director per CDC 28.070 and site visit. Also, "tree canopy only" HCAs shall not constitute a development limitation and may be exempted per CDC 28.070(A). The municipal code protection for trees and Chapters 55 and 85 CDC tree protection shall still apply.

Section 30: Subsection 28.110 A(2) of the City of West Linn Community Development Code is hereby amended to read as follows:

2. HCA's shall be avoided to the greatest degree possible and development activity shall instead be directed to the areas designated "Habitat and Impact Areas not designated as HCA's", consistent with Subsection 3. Development in the "Not Affected by Recommendations" or "Allow Development" areas as designated in the Metro Map for HCAs shall be the preferred choice.

Section 31: Subsection 28.110 A(3) of the City of West Linn Community Development Code is hereby amended to read as follows:

3. If the subject property contains no lands designated "Habitat and Impact Areas not designated as HCA's" ~~"Not Affected by Recommendations" or "Allow Development"~~ and development within HCA land is the only option it shall be directed towards the low HCA areas first, then medium HCA areas and then to high HCA as the last choice. The goal is to, at best, avoid or, at least, minimize disturbance of the HCAs. (Water-dependent uses are exempt from this provision.)

Section 32: Subsection 28.110 B of the City of West Linn Community Development Code is hereby amended to read as follows (the remainder of this Subsection is unchanged):

- B. Single-family or attached residential. Development of single-family homes or attached housing shall be permitted on the following HCA Metro Habitat Protection Map land designations classifications and in the following order of preference with “a” being the most appropriate and “d” being the least appropriate:
 - a. Habitat and Impact Areas not designated as HCA’s “Not Affected by Recommendations” or “Allow Development”
 - b. Low HCA
 - c. Moderate HCA
 - d. High HCA

...

Section 33: Subsection 28.110 C of the City of West Linn Community Development Code is hereby amended to read as follows:

- C. Setbacks from top of bank.
 - 1. Development of single-family homes or attached housing on lands designated as “Habitat and Impact Areas not designated as HCA’s” “Not Affected by Recommendations” or “Allow Development” shall require a structural setback of 15 feet from any top of bank that represents the edge of the land designated as “Habitat and Impact Areas not designated as HCA’s” “Allow Development.”
 - 2. At-grade water-permeable patios or decks within 30 inches of grade may encroach into that setback but must keep five feet from top of bank and cannot cantilever over the top of bank or into the five-foot setback area.
 - 3. For properties that lack a distinct top of bank the applicant shall identify the boundary of the area designated as “Habitat and Impact Areas not designated as HCA’s” “Allowed Development” or “Not Affected by Recommendations” which is closest to the river. A structural setback of 15 feet is required from that boundary line. That 15-foot measurement extends from the boundary line away from the river. At-grade water-permeable patios or decks within 30 inches of grade may encroach into that setback 10 feet but must keep five feet from the boundary and cannot cantilever into the five-foot setback area. For vacant lots of record that

comprise no lands with "Habitat and Impact Areas not designated as HCA's" "~~Allowed Development~~" or "~~Not Affected by Recommendations~~" designation or insufficient lands with those designations so that the above setbacks cannot be met, the house shall be set back as far from river as possible to accommodate house as part of the allowed 5,000 square feet of impermeable surfaces.

Section 34: Subsection 28.110 D(1) of the City of West Linn Community Development Code is hereby amended to read as follows:

1. Development of lands designated for industrial, multi-family, mixed use, commercial, office, public and other non-single-family residential uses shall be permitted on the following land designations ~~classifications~~ and in the following order of preference with "a" being the most appropriate for development and "d" being the least appropriate:
 - a. Habitat and Impact Areas not designated as HCA's "~~Not Affected by Recommendations~~" or "~~Allow Development~~"
 - b. Low HCA
 - c. Moderate HCA
 - d. High HCA

Section 35: Subsection 28.110 D(2) of the City of West Linn Community Development Code is hereby amended to read as follows (the remainder of this Subsection is unchanged):

2. Developing HCA land.
 - a. Where non-HCA or areas designated as "Habitat and Impact Areas not designated as HCA's" "~~Not Affected by Recommendations~~" or "~~Allow Development~~" are lacking or are in such limited supply as to render uses allowed by the underlying zone (e.g., general industrial) functionally impractical, the HCA may be utilized and built upon but shall emphasize "b" and "c" designations ~~classifications~~.

...

Section 36: Subsection 28.110 H(2) of the City of West Linn Community Development Code is hereby amended to read as follows:

2. Applicant shall partition or subdivide the site so that all parcels have a buildable site or envelope available for home construction located on non-HCA land or areas designated "Habitat and Impact Areas not designated as HCA's" ~~"Not Affected by Recommendations" or "Allow Development"~~ per the Metro HCA map.

Section 37: Subsection 28.120 B(10) of the City of West Linn Community Development Code is hereby amended to read as follows:

10. The delineation of areas designated "Habitat and Impact Areas not designated as HCA's" ~~"Not Affected by Recommendations" or "Allowed Development"~~ and HCA areas by low, medium and high designation classification shall be mapped based on the Metro's HCA map and any necessary verification shall be done by the Planning Director.

Section 38: Section 34.060 of the City of West Linn Community Development Code is hereby amended to read as follows:

1. ~~Accessory structures such as garages, carports, garden/tool sheds, etc.,~~ shall comply with all requirements for the principal use except as provided in CDC 34.040 and where specifically modified by this code as follows.
2. A side yard or rear yard requirement may be reduced to three feet for an accessory structure except for a side or rear yard abutting a street, with the exception of alleys platted and dedicated prior to September 30, 1984, as defined in this code; provided, that:
 - A. The structure is erected more than 60 feet from the front lot line;
 - B. The structure does not exceed one story or 15 feet in height;
 - C. The structure does not exceed an area of 500 square feet; and
 - D. The structure does not violate any existing utility easements.
3. Attached accessory structures. When an accessory structure is attached to the main structure (wall to wall or by any permanent attachment), including via a covered walkway, such accessory structure shall be considered as part of the main structure.

Section 39: Section 37.050 of the City of West Linn Community Development Code is hereby amended to read as follows:

- A. A home occupation permit shall be required for a home occupation, subject to the provision of this chapter, prior to issuance of a business license.
- B. A copy of each home occupation permit, including the permit number, shall be kept by the Planning and Building Department and on the premises of the business.
- C. A home occupation permit is non-transferable to any other person or any other property, and shall expire upon discontinuance of the home occupation by the person to whom it is issued.

Section 40: Chapter 40 of the City of West Linn Community Development Code is hereby repealed in its entirety.

Section 41: the title of Chapter 41 of the City of West Linn Community Development Code is hereby amended to read as follows:

Chapter 41 BUILDING HEIGHT, STRUCTURES ON STEEP LOTS, EXCEPTIONS

Section 42: Section 41.005 of the City of West Linn Community Development Code is hereby added as follows:

41.005 DETERMINING HEIGHT OF BUILDING

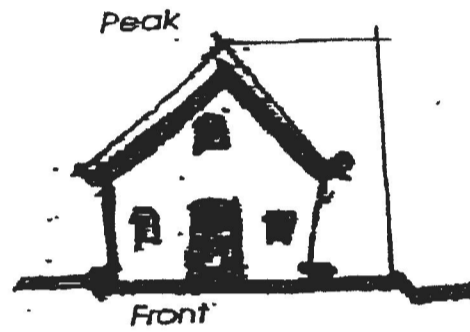
- A. For all zoning districts, building height shall be the vertical distance above a reference datum measured to the highest point of a flat roof or to the deck line of a mansard roof or to the highest gable, ridgeline or peak of a pitched or hipped roof, not including projections above roofs such as cupolas, towers, etc. The reference datum shall be selected by either of the following, whichever yields a greater height of building.
 - 1. For relatively flat sites where there is less than a 10-foot difference in grade between the front and rear of the building, the height of the building shall be measured from grade five feet out from the exterior wall at the front of the building; or
 - 2. For steeper lots where there is more than a 10-foot difference in grade between the front and rear of the building, the height of the building is measured from grade at a point five feet out from the exterior wall on the lowest side (front or rear) of the building. One then measures vertically to the peak or ridgeline of the roof to determine the height.

3. Buildings on cross slopes or side slopes are measured at either the front or rear of the building using methods described in subsections 1 and 2 of this definition only.

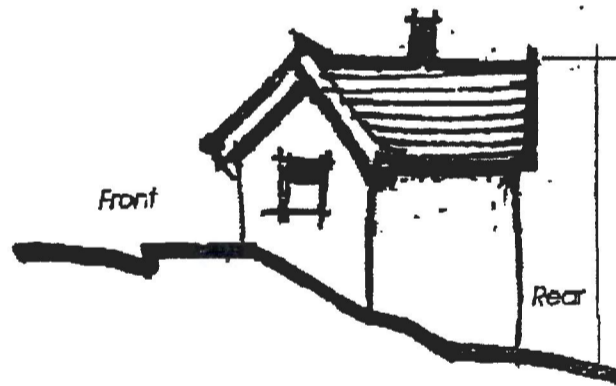
Even if the cross slope creates a tall elevation on the side, the method of determining height is not modified.

Also see CDC 41.020, Height Exceptions.

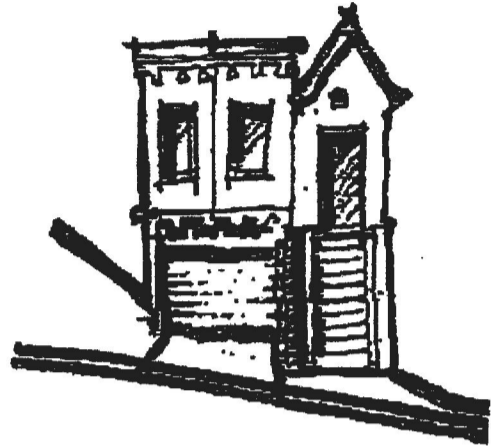
Figure 1.



Height of building on relatively flat lot is measured from grade at front of house to peak of roof.



Height of building on steep lots where there is more than a 10-foot difference in elevation between the front and rear of the building is measured from grade at a point five feet out from the front or rear exterior wall on the lowest side of the house to the peak of the building.



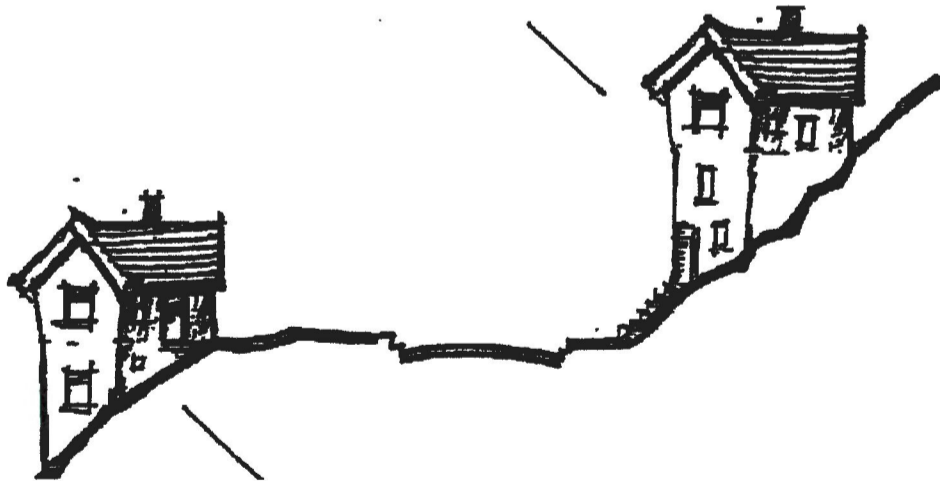
Height of building with a cross slope is still measured at either the front or rear by methods described in subsection {1} or {2} of this definition.

Section 43: Subsection 41.020 B of the City of West Linn Community Development Code is hereby amended to read as follows:

- B. If the highest grade of a building site which fronts on the upslope side of the street is greater than 10 feet above the lowest grade, as measured along the planes of the proposed structure, the total building height shall not exceed 45 feet. In the R-15, R-20, and R-40 zones the 45-foot height may be increased to 50 feet.

Height of ~~homes~~ buildings on uphill slopes where there is more than a 10-foot difference between the rear and front elevation is measured from a point five feet downhill from the front of the ~~house~~ building to the peak or dominant ridgeline and shall not exceed 45 feet (50 feet in the R-15, R-20 and R-40 zones).

Figure 2. Height exceptions



Height of ~~homes~~ buildings on downhill slopes where there is more than a 10-foot difference between the rear and front elevation is measured from point five feet

downhill from the rear of the ~~house~~ building to the peak or dominant ridgeline and shall not exceed 45 feet (50 feet in the R-15, R-20 and R-40 zones). Front house height cannot be more than 24 feet above average street grade.

Section 44: Chapter 41 of the City of West Linn Community Development Code is hereby amended to add Section 41.030 to read as follows:

41.030 PROJECTIONS NOT USED FOR HUMAN HABITATION

Projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flag poles, and other similar objects not used for human occupancy are not subject to the building height limitations of this code.

Section 45: Chapter 41 of the City of West Linn Community Development Code is hereby amended to add Section 41.040 to read as follows:

41.040 PLACES OF WORSHIP OR GOVERNMENT BUILDINGS

The height of a place of worship or governmental building may be built to a maximum height of 50 feet provided:

- A. The total floor area of the building does not exceed one and one-half times the area of the site;
- B. The yard dimensions in each case are equal to at least two-thirds of the building height of the principal structure; and
- C. The approval of this exception is a part of the approval of the conditional use allowed under Chapter 60 CDC.

Section 46: Subsection 46.150 D(3) of the City of West Linn Community Development Code is hereby amended to read as follows:

- 3. Bicycle parking must be provided in the following amounts:

LAND USE CATEGORY	MINIMUM REQUIRED BICYCLE PARKING SPACES	MINIMUM COVERED AMOUNT
-------------------	---	------------------------

Residential		
Multi-family Residential – General	1 space per unit	50%
Multi-family Residential – 55 years Physical Disab.		0%
Institutional		
Schools – Elementary	2 spaces per classroom	50%
Schools – Elementary	2 spaces per classroom	50%
Schools – Jr. High or Middle Schools	4 spaces per classroom	50%
Schools – Sr. High	2 spaces per classroom	50%
College	1 space per 4 students	50%
Transit Centers/Park & Ride Lots	5% of auto spaces, or 100% of demand, depending on location/accessibility to bicyclists	100%
Religious Institutions	1 space per 40-seat capacity	25%
Hospitals	1 space per 5 beds	50%
Doctor, Dentist Offices	2, or 0.5 spaces per 1,000 gross sq. ft., whichever is greater	25%
Libraries, Museums, Government Offices, etc.	2, or 1.5 spaces per 1,000 gross sq. ft., whichever is greater	25%

Commercial		
Retail Sales	0.33 space per 1,000 gross sq. ft.	50%
Auto-oriented Services (including 7-11s)	2, or 0.33 spaces per 1,000 gross sq. ft., whichever is greater	10%
Groceries/Supermarkets	0.33 space per 1,000 gross sq. ft./bldg.	10%
Office	2, or 0.5 spaces per 1,000 gross sq. ft., whichever is greater	10%
Quality Restaurant	1 space per 1,000 gross sq. ft.	25%
Drive-in Restaurant	2 spaces per 1,000 gross sq. ft.	25%
Shopping Center (by size)	0.33 space per 1,000 gross sq. ft./bldg.	50%
Financial Institutions	2, or 0.33 spaces per 1,000 gross sq. ft.	25%
Theaters, Auditoriums, etc.	1 space per 30 seats	25%
Industrial		
Industrial Park	2, or 0.5 spaces per 1,000 gross sq. ft.	50%
Warehouse	2, or 0.1 spaces per 1,000 gross sq. ft.	50%
Manufacturing, etc.	2, or 0.15 spaces per 1,000 gross sq. ft.	50%

Section 47: Section 52.020 of the City of West Linn Community Development Code is hereby repealed in its entirety.

Section 48: Section 52.210 E of the City of West Linn Community Development Code is hereby amended to read as follows:

E. The light from any illuminated sign shall be shaded, fully shielded such that no light is emitted above the horizontal plane, and directed or reduced so that the glare light intensity or brightness is minimized. ~~light pollution from the sign. "Light pollution" shall mean light or illumination other than on the sign face.~~

Section 49: Section 52.300 of the City of West Linn Community Development Code is hereby amended to read as follows:

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 a~~ percentage represent the allowed percentage of area on a single building face that may be used as a wall sign. ~~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 percent, 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.

Section 50: Section 55.020 of the City of West Linn Community Development Code is hereby amended read as follows (the remainder of this section is unchanged):

...

Class II design review applies to all uses/activities except those uses/activities listed under Class I design review, and the exceptions of CDC 55.025. ~~Class I design review shall apply to non-subdivided single family detached dwelling projects.~~

Section 51: Section 55.025 of the City of West Linn Community Development Code is hereby amended to read as follows:

The following activities are exempt from the provisions of this chapter;

A. ~~exempt individual~~ Detached single-family residential construction, ~~single family residential house construction, single family detached housing subdivisions,~~

B. ~~a~~Accessory structures,

C. ~~o~~One to two duplexes or single-family attached structures except as indicated otherwise in this Chapter.

D. Architectural replacements in kind, ~~or replacement of building materials that are equal or superior to existing materials (in terms of performance or quality) but that do not alter the architectural style of the structure. for example replacing a composition roof on a commercial building with another roof. Also exempt is replacement in kind of building materials that are equal or superior to existing materials (for example, replacing T-111 wood siding with cedar lap siding or brick).~~ Retrofitted awnings, changes in color schemes, wall art, and freestanding statuary or art under five feet tall are exempt from design review, but shall be subject to Planning Director review under the provisions of CDC 99.060(A)(2), prescribed conditions, and the approval criteria of CDC 55.100(B)(6)(a) and (b).

Section 52: Subsection 55.100 D of the City of West Linn Community Development Code is hereby amended to read as follows:

D. Privacy and noise.

1. Structures which include residential dwelling units shall provide private outdoor areas for each ground floor unit which is screened from view ~~by~~ from adjoining units.
2. Residential dwelling units shall be placed on the site in areas having minimal noise exposure to the extent possible. Natural-appearing sound barriers shall be used to lessen noise impacts where noise levels exceed the noise standards contained in Section 5.487 of the Municipal Code. ~~design standards of Table 1 below.~~
3. Structures or on-site activity areas which generate noise, lights, or glare shall be buffered from adjoining residential uses in accordance with the standards in ~~s~~Subsection C of this section where applicable.
4. Businesses or activities that can reasonably be expected to generate noise in excess of the noise standards contained in Section 5.487 of the Municipal Code shall undertake and submit appropriate noise studies and mitigate the noise impact as necessary to comply with the Code (See CDC 55.110(B)(11) and 55.120(M).)

If the decision making authority reasonably believes a proposed use may generate noise exceeding the standards specified in the Municipal Code, then the authority may require the applicant to supply professional noise studies from time to time during the use's first year of operation to monitor compliance with City standards and permit requirements.

To protect the health, safety, and welfare of the citizens of West Linn, the following design standards are established in Tables 1 and 2. In the case of land uses that are expected to be close to adopted noise standards, follow-up studies in the first year of operation may be required by conditions of approval or required by the Planning Director as appropriate in order to monitor compliance.

TABLE 1

Allowable Sound Levels Within 25 Feet of a Dwelling

Type of Sound	7 a.m. – 7 p.m.	7 p.m. – 7 a.m.
Statistical Noise	L50 = 55 dBA	L50 = 50 dBA
	L10 = 60 dBA	L10 = 55 dBA
	L1 = 75 dBA	L1 = 60 dBA
Impulse Sound	100 dB	80 dB

TABLE 2

Unweighted Sound Level

Center Frequency	Unweighted Sound Level	
	7 a.m. – 7 p.m.	7 p.m. – 7 a.m.
31.5 Hz	68 dB	65 dB
63 Hz	65 dB	62 dB
125 Hz	61 dB	56 dB
250 Hz	55 dB	50 dB

500 Hz	52 dB	46 dB
1,000 Hz	49 dB	43 dB
2,000 Hz	46 dB	40 dB
4,000 Hz	43 dB	37 dB
8,000 Hz	40 dB	34 dB

See Chapter 02-CDC for definitions of these terms, as sub-headings under the alphabetic category of "Noise Definitions."

~~Ambient degradation associated with new noise sources. Any new commercial or industrial development to be built on a vacant or previously unused industrial or commercial site shall not cause or permit the operation of a noise source if the noise levels generated, or indirectly caused by that noise source, would increase the ambient statistical noise levels, L50 or L10, by more than five dBA in any one hour. In some instances, the ambient degradation standard may establish lower allowable dBA levels than those established in Table 1, and in those instances, the lower level shall apply. Ambient noise levels shall be determined by a licensed acoustical engineer.~~

Section 53: Section 55.195 of the City of West Linn Community Development Code is hereby amended to delete the following add the following:

...

LAND USE CATEGORY	MINIMUM REQUIRED BICYCLE PARKING SPACES	MINIMUM COVERED AMOUNT
Residential		
Multi-family Residential— General	1 space per unit	50%
Multi-family Residential—55		0%

years Physical Disab.		
Institutional		
Schools – Elementary	2 spaces per classroom	50%
Schools – Jr. High or Middle Schools	4 spaces per classroom	50%
Schools – Sr. High	2 spaces per classroom	50%
College	1 space per 4 students	50%
Transit Centers/Park & Ride Lots	5% of auto spaces, or 100% of demand, depending on location/accessibility to bicyclists	100%
Religious Institutions	1 space per 40 seat capacity	25%
Hospitals	1 space per 5 beds	50%
Doctor, Dentist Offices	2, or 0.5 spaces per 1,000 gross sq. ft., whichever is greater	25%
Libraries, Museums, Government Offices, etc.	2, or 1.5 spaces per 1,000 gross sq. ft., whichever is greater	25%
Commercial		
Retail Sales	0.33 space per 1,000 gross sq. ft.	50%
Auto-oriented Services (including 7-11s)	2, or 0.33 spaces per 1,000 gross sq. ft., whichever is greater	10%

Groceries/Supermarkets	0.33 space per 1,000 gross sq. ft./bldg.	10%
Office	2, or 0.5 spaces per 1,000 gross sq. ft., whichever is greater	10%
Quality Restaurant	1 space per 1,000 gross sq. ft.	25%
Drive-in Restaurant	2 spaces per 1,000 gross sq. ft.	25%
Shopping Center (by size)	0.33 space per 1,000 gross sq. ft./bldg.	50%
Financial Institutions	2, or 0.33 spaces per 1,000 gross sq. ft.	25%
Theaters, Auditoriums, etc.	1 space per 30 seats	25%
Industrial		
Industrial Park	2, or 0.5 spaces per 1,000 gross sq. ft.	50%
Warehouse	2, or 0.1 spaces per 1,000 gross sq. ft.	50%
Manufacturing, etc.	2, or 0.15 spaces per 1,000 gross sq. ft.	50%

Section 54: The heading of Section 56.015 of the City of West Linn Community Development Code is hereby amended to read as follows:

56.015 CATEGORIES OF PARKS AND NATURAL RESOURCE FACILITIES DEFINITIONS

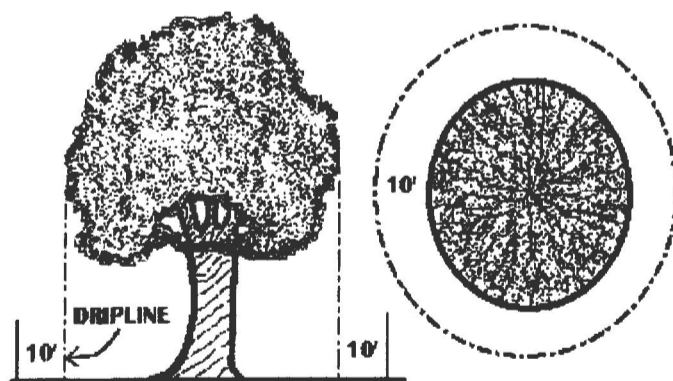
Section 55: Section 56.100 B of the City of West Linn Community Development Code is hereby amended to read as follows:

B. Visual and physical accessibility. Many of the City's parks suffer from inadequate visibility, such as Sunburst Park and North Willamette Park, surrounded as they are by housing. Increased frontage on streets allows greater use of on-street parking and less park space being used for parking. The surrounding streets also provide

transitions between on- and off-site activities as discussed in CDC ~~56.100(C)(5)~~56.100 (D)(1). Physical access is also facilitated by having good cognitive locations that can be safely accessed by bike paths and sidewalks. Improved visual access amplifies the investment and positive benefits of parks in that many people who do not stop the car and actually use the park derive emotional benefits by exposure to scenes of open space, trees, and grass fields in a world increasingly dominated by built environments.

Section 56: Subsection 56.100 C (2) of the City of West Linn Community Development Code is hereby amended to read as follows:

2. All heritage trees, as defined in the municipal code, and all trees and clusters of trees (“cluster” is defined as three or more trees with overlapping driplines; however, native oaks need not have an overlapping dripline) that are considered significant by the City Arborist, either individually or in consultation with certified arborists or similarly qualified professionals, based on accepted arboricultural standards including consideration of their size, type, location, health, long term survivability, and/or numbers, shall be protected pursuant to the criteria of ~~subsections (C)(2)(a) through (c) of this section~~ Subsection 55.100 (B)(2). It is important to acknowledge that all trees are not significant.
 - a. Areas of the park that include non-Type I and II lands shall protect all heritage trees and all significant trees through the careful layout of streets, building pads, playing fields, and utilities. The method for delineating the protected trees or tree clusters (“dripline + 10 feet”) is explained in ~~sub-Subsection (C)(2)(b)~~ 55.100(B)(2)(a) and in Subsection (C)(2)(b) of this section. ~~Exemptions of subsection (C)(2)(c) of this section shall apply.~~



PROTECTED AREA = DRIPLINE + 10 FEET

- b. Areas of the park that include Type I and II lands shall protect all heritage, significant and non-significant trees. Groundcover, bushes, etc., shall be protected and may only be disturbed to allow the construction of trails or accessing and repairing utilities. Exemptions permitted under ~~of Subsections 55.100(b)(2)(c) – through (f) subsection (c) below~~ shall apply.

Section 57: Section 57.020 of the City of West Linn Community Development Code is hereby deleted in its entirety.

Section 58: Subsection 57.080 N of the City of West Linn Community Development Code is hereby amended to read as follows:

- N. Noise. Noise-generating equipment shall be sound-buffered by means of baffling, barriers, or other suitable means to reduce sound levels consistent with Section 5 of the Municipal Code. ~~to meet CDC 55.100(D)(3) noise standards.~~

Section 59: Subsection 58.090 C(2) of the City of West Linn Community Development Code is hereby amended to read as follows:

- 2. Minimum landscaping required. ~~Sites Structures~~ in this district area are exempt from landscaping requirements as identified in Chapter 54 Landscaping, with the exception of parking areas. ~~CDC 55.100(A)(11)(b), Design Review. t The provisions of CDC 55.100(A)(11)(c)(1) through (8) shall still apply, where parking lots are proposed.~~

Section 60: Section 59.030 of the City of West Linn Community Development Code is hereby amended to read as follows (the remainder of the section is unchanged):

- ...
- ~~7. Home occupations Type 1 and Type 2;~~
- 8. Bed and Breakfast lodging.

Section 61: Section 60.040 of the City of West Linn Community Development Code is hereby amended to read as follows:

Approval of a conditional use by the Commission that required a design review shall be void subject to the time limitations set forth in Section 55.050. Approval of a conditional use that did not require design review shall be void unless either the use is commenced after three years or unless an extension is granted per CDC 99.325 after within three years of the approval.

Section 62: Section 66.090 of the City of West Linn Community Development Code is hereby amended to read as follows:

When A a non-conforming use involving a structure is replaced by another use, the new use shall conform to this code unless the Planning Commission, after a public hearing held pursuant to Chapter 99 CDC, determines that such a structure is suitable only for another non-conforming use, so long as the new use is no more intense than the past use or other uses contemplated in the zone. The determination by the Planning Commission shall be based on findings of fact which support its determination of suitability.

Section 63: Section 75.070 B of the City of West Linn Community Development Code is hereby amended to read as follows (the remainder of the section is unchanged):

- B. The applicant shall submit a plot plan drawn to an appropriate scale (in order of preference: one inch equals 10 feet to one inch ~~foot~~ equals 30 feet) which shows the following:

...

Section 64: Subsection 85.200 A(19) of the City of West Linn Community Development Code is hereby amended to read as follows:

- 19. All lots in a subdivision shall have access to ~~frontage on~~ a public street. Lots created by partition may have access to a public street via an access easement pursuant to the standards and limitations set forth for such accessways in Chapter 48 CDC.

Section 65: Subsection 85.170 B(2) of the City of West Linn Community Development Code is hereby amended to read as follows (the remainder of the subsection shall remain unchanged):

...

- d. Traffic impact analysis requirements.
 - 1) Preparation. A Traffic Impact Analysis shall be prepared by a professional engineer ~~in accordance with~~ qualified under OAR734 051-180 734-051-0040. The City shall commission the traffic analysis and it will be paid for by the applicant.

- e. Approval criteria.

- 1) Criteria. When a Traffic Impact Analysis is required, approval of the development proposal requires satisfaction of the following criteria:

- (A) The Traffic Impact Analysis was prepared by a professional traffic engineer ~~in accordance~~ qualified under ~~with~~ OAR734 051-180 734-051-0040 and

...

Section 66: Subsection 89.010 A(3) of the City of West Linn Community Development Code is hereby amended to read as follows:

3. The provisions of Chapter ~~9355~~ CDC, Design Standards; and

Section 67: Subsection 98.080 B(4) of the City of West Linn Community Development Code is hereby amended to read as follows:

4. The time(s), place(s), and date(s) of the public hearing(s), a statement that public oral or written testimony is invited, and persons and other entities must establish standing by submittal of oral or written testimony at the first evidentiary hearing to retain the right to appeal, and a statement that the hearing will be held under this chapter and rules of procedure adopted by the Council and available at City Hall or the rules of procedure set forth in CDC 98.120.

Section 68: Section 98.130 A of the City of West Linn Community Development Code is hereby amended to read as follows:

- A. An affirmative vote by a majority of the voting members present of the Commission shall be required for a recommendation for the approval or approval with modifications. ~~The Chairperson of the Commission at the meeting shall vote only to break a tie vote.~~ Any other result shall be considered a recommendation to the City Council to deny the proposal.

Section 69: Section 98.140 of the City of West Linn Community Development Code is hereby amended to read as follows:

- A. The approved legislative change shall take effect on the thirtieth day after its enactment unless it is declared to be an emergency, in which case the ordinance shall take effect immediately.
- B. Notice shall be forwarded to the ~~Director of the~~ Department of Land Conservation and Development (DLCD) ~~in a format and at a time if~~ required by Oregon Revised Statutes and Oregon Administrative Rules governing such notification.
- C. Not later than five working days after the final decision, the Planning Director ~~also~~ shall mail or otherwise submit notice to persons who:
 1. Participated in the proceedings leading to the adoption of the amendment to the Comprehensive Plan or land use regulation, or the new land use regulation; and
 2. Requested of the Planning Director in writing that they be given such notice.

DC. The notice required by this subsection shall:

1. Describe briefly the action taken by the City;
2. State the date of the decision;
3. List the place where, and the time when, the amendment to the acknowledged Comprehensive Plan or land use regulation, or the new land use regulation, and findings, may be reviewed;
4. Explain the requirements for appealing the action of the City under ORS 197.830 to 197.845.

~~D. Not later than five working days after final action on an amendment to an acknowledged Comprehensive Plan or land use regulation, or a new land use regulation submitted under CDC 98.070(C)(4), the Director shall notify by mail or other submission any persons who have requested notification. The notice shall:~~

- ~~1. Explain the requirements for appealing the action of the City under ORS 197.830 to 197.845; and~~
- ~~2. List the locations where the Comprehensive Plan or land use regulation amendment, or new land use regulation, may be reviewed. (Ord. 1354, 1994; Ord. 1474, 2001)~~

Section 70: Section 99.033 of the City of West Linn Community Development Code is hereby amended to read as follows:

The Council shall adopt a schedule of fees reasonably calculated to defray the expenses of the administrative process. The Council may establish either a set fee or a deposit system in which the applicant pays a deposit and the City determines the total administrative cost at the end of the process and refunds any unused amount of the deposit of to the applicant. ~~When a deposit rather than a set fee is required, the City shall periodically estimate the anticipated administrative cost for the application and determine whether the deposit is sufficient. If the deposit is insufficient, the City shall inform the applicant that an additional deposit is required and establish the amount to 110 percent of the City's anticipated costs that will not be covered by all previous deposits. The additional deposit shall be paid within 10 days of the demand for the additional deposit.~~ No additional deposit shall be required for additional costs that are incurred because the matter is referred to or called up by a higher decision-making authority. The Council shall charge no fees for City-initiated land use applications or appeals filed by a recognized neighborhood association pursuant to the provisions of CDC 99.240.

Section 71: Section 99.170 of the City of West Linn Community Development Code is hereby amended to read as follows (the remainder of the section remains unchanged):

99.170 ~~AN ADMINISTRATIVE ACTION~~ – HEARING PROCEDURES

- A. ~~Unless otherwise provided by the rules of procedure adopted by t~~The Planning Commission, City Council, and Historic Review Board shall conduct a public hearing on all matters over which the ~~b~~Board, ~~e~~Commission, or ~~e~~Council has original jurisdiction pursuant to CDC 99.060; and:

...

Section 72: Section 99.180 F of the City of West Linn Community Development Code is hereby amended to read as follows:

- F. Rights of abstaining or disqualified member of the hearing body. (existing underline)

Section 73: Subsection 99.180 F(2) of the City of West Linn Community Development Code is hereby amended to read as follows:

2. If ~~all~~ sufficient members of a hearing body abstain or are disqualified, that renders the hearings body unable to take action on the application consistent with the applicable authority of the hearings body, all members of the hearings body shall be reinstated and participate in the decision of the application, consistent with the Rule of Necessity. the consequences for the application shall be as follows:

...

~~d. City Council and Planning Commission both disqualified – referred to the Hearings Officer for hearing pursuant to CDC 99.170 and decision.~~

ed. City Council acting as appellate hearing authority disqualified – decision of the original authority become the final City decision.

Section 74: Section 106.050 of the City of West Linn Community Development Code is hereby amended as follows:

A. Definitions.

1. ~~“Intentional” means acting with a conscious objective to cause the result achieved or to engage in the conduct.~~
2. “Knowing” means acting with an awareness of the action committed.

~~A. B.~~ All violations of this code, any development contrary to a permit approval, and any failure to comply with approval conditions arising out of this code are Class A civil infractions and shall be enforced pursuant to Sections 1.205 through 1.260 of the West Linn Municipal Code:

1. Knowing or intentional violation. The maximum forfeiture for a knowing or intentional violation shall be \$1,000.
2. Other violations. The maximum forfeiture for all violations other than knowing or intentional violations shall be the standard forfeiture for Class A violations set out in West Linn Municipal Code Section 1.255.
3. Increased maximum penalty for subsequent violations. The maximum forfeiture otherwise applicable shall be increased by 50 percent over the previous violation if a judgment of violation of this code has been issued against the violator within five years prior to the violation.

~~B. C.~~ The commission, continuance, or maintenance of a violation on more than one day shall constitute a separate infraction for each and every day during any portion of which the violation is committed, continued, or maintained.

~~C. D.~~ All violations of this code, any development contrary to a permit approval, and any failure to comply with approval conditions imposed under this code are public nuisances and may be abated pursuant to Sections 5.400 through 5.530 of the West Linn Municipal Code.

~~D. E.~~ The City's remedies are cumulative. The City may enforce any violations under the civil infraction procedure, under the nuisance procedure, or under both procedures, either simultaneously or concurrently. The City's remedies listed in this section are in addition to any other remedy or claim the City may have against the violator.

PASSED AND APPROVED THIS 26TH DAY OF SEPTEMBER, 2011.

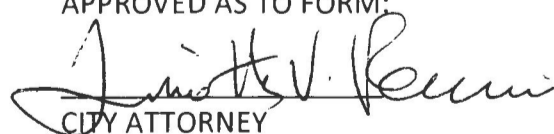


JOHN KOVASH, MAYOR

ATTEST:



KATHY NOLL
CITY RECORDER

APPROVED AS TO FORM:


JIMMIE V. REUNIS
CITY ATTORNEY



22500 Salamo Road
West Linn, Oregon 97068

Planning Dept

ATTN: PLAN ADMENDMENT SPECIALIST
DEPT OF LAND CONSERVATION & DEVELOP
635 CAPITOL ST NE STE 150
SALEM OR 97301-2540

DEPT OF

SEP 29 2011

LAND CONSERVATION
AND DEVELOPMENT