



Oregon

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: 12/22/2014
Jurisdiction: City of West Linn
Local file no.: CDC 14-02
DLCD file no.: 004-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 12/12/2014. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 51 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us

DLCD FORM 2



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION



Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: CITY OF WEST LINN

Local file no.: CDC 14-02

Date of adoption: 12/08/14

Date sent: 12/11/14

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 08/11/14

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Yes, a reviewed form 1 was sent on 08/29/14 and 10/24/14. One additional change was added to Ord 1635 Section 38 Approval Authority changing the Planning Commission processing of a zone change

Local contact (name and title): John J. Boyd AICP, Planning Manager

Phone: 503-656-4211

E-mail: jboyd@westlinnoregon.gov

Street address: 22500 Salamo Road

City: West Linn

Zip: 97068-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

No changes to comprehensive plan text

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from NA change.	to	acres.	A goal exception was required for this
Change from change.	to	acres.	A goal exception was required for this
Change from change.	to	acres.	A goal exception was required for this
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres: NA	Non-resource – Acres: NA
Forest – Acres: NA	Marginal Lands – Acres: NA
Rural Residential – Acres: NA	Natural Resource/Coastal/Open Space – Acres: NA
Rural Commercial or Industrial – Acres: NA	Other: NA – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres: NA	Non-resource – Acres: NA
Forest – Acres: NA	Marginal Lands – Acres: NA
Rural Residential – Acres: NA	Natural Resource/Coastal/Open Space – Acres: NA
Rural Commercial or Industrial – Acres: NA	Other: NA – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

Chapts 1 2 5 8 9 10, 11 12 13, 14, 15, 16, 19, 21, 22, 23, 24, 25 27, 28, 32, 34, 36, 37, 38, 42, 44, 46, 48, 54, 55, 56, 59, 60, 65, 67, 68, 75, 76, 81, 85, 91, 92, 99, 105, 106)

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from NA	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: NA Acres added: Acres removed:

Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: ODOT, METRO, CLACKAMAS COUNTY, TVFR

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Ordinances No 1635 CDC Maintenance and Ordinance 1636 CDC Maintenance related to changes to terms Lot, Parcel or Tract

ORDINANCE NO. 1635

AN ORDINANCE AMENDING NUMEROUS CHAPTERS OF THE COMMUNITY DEVELOPMENT CODE TO MAKE THE CODE CONSISTENT WITH THE OREGON REVISED STATUTES AND OREGON ADMINISTRATIVE RULES, RE-ORGANIZE TEXT, AND MAKE NECESSARY CORRECTIONS AND CLARIFICATIONS

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

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

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

WHEREAS, City Council Goals provide for “Continue[d] efforts to update & improve the Community Development Code”;

WHEREAS, The Planning Commission held a public hearing on October 1, 2014, and recommended the City Council adopt the proposed maintenance updates to the Community Development Code as contained within Chapters 1, 2, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 19, 21, 22, 23, 24, 25, 27, 28, 32, 34, 36, 37, 38, 42, 44, 46, 48, 54, 55, 56, 59, 60, 65, 67, 68, 75, 76, 81, 85, 91, 92, 99 and 106; and

WHEREAS, Community Development Code Chapter 98 defines the procedures for legislative decision making.

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

SECTION 1. Amendment. West Linn Community Development Code (CDC) Section 1.030 is amended as follows:

01.030 COMPLIANCE

- A. Except as otherwise specifically provided by this zoning code, no building or other structure shall be erected, constructed, established, occupied, altered, maintained, improved, ~~altered~~, enlarged or moved, nor shall any use or occupancy of premises within the City be commenced or changed, nor shall any condition of or upon real property be caused or maintained after the effective date of this code, except in conformity with conditions prescribed for each of the several zones and general regulations established in this code hereunder.
- B. It shall be unlawful for any person to erect, construct, establish, occupy, alter, improve, enlarge, or use, or cause to be used, any building, structure, improvement

or use of premises located in any zone described in this zoning code contrary to the provisions of this code. Where this zoning code imposes greater restrictions than those imposed or required by other rules or regulations or code provisions, the provisions of this zoning code shall control.

SECTION 2. Repeal. West Linn CDC Section 1.050 [Certificate of Occupancy] is repealed in its entirety. Any municipal code provisions in conflict with Section 1.050 are also repealed.

SECTION 3. Amendment. West Linn CDC Section 2.030, Specific Words and Terms, is amended 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.~~

~~**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.~~

...

~~**City Engineer.** The City Engineer of West Linn, Oregon, or his or her authorized agent.~~

...

FLOODPLAIN DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

...

Grade, Street. The slope of a road, street, or other public way, or sidewalk 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.~~

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

...

~~**Structure.** Anything built or 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).~~~~

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

A. Slope: Land that has slopes of 35 percent or more over more than 50 percent of the site, as shown on the RLIS topography GIS layer.

B. Drainage: All lands within the ~~100-year floodplain~~ designated floodway as shown on the appropriate FEMA flood panel.

C. Geological hazard: All ~~existing or known~~ landslide areas shown in the City's Natural Hazard Mitigation Plan ("NHMP") and identified as "landslide potential exists" on Map 16 of the NHMP, or areas outside Map 16, but within Map 17, Landslide Vulnerable Analysis Area.

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

Slope: Land that has slopes between 25 percent to 35 percent on more than 50 percent of the site, as shown on the RLIS topography GIS layer.

Drainage: All drainage courses identified on the Water Resource Area maps or areas identified as protected Goal 5 Wetlands, and areas outside the floodway, but within the floodway fringe, also known as the 100 year flood plain.

Geology: All known mineral and aggregate deposits identified on the Comprehensive Plan map as protected Goal 5 resources.

Type III lands. These lands are considered within the major portion of the City's developable lands. Standard development criteria can be applied through normal implementation measures.

Type III lands have slopes between 15 percent to 25 percent on more than 50 percent of the site, as shown on the RLIS topography GIS layer.

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

Type IV lands have slopes between 25 percent to 35 percent on more than 50 percent of the site, as shown on the RLIS topography GIS layer.

...

Top of bank. ~~The same as "bankful stage."~~

...

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

Utility, major. A major utility facility or service ~~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 age treatment plant; water treatment plant; and transmission lines for water, drainage or sewerage collection systems, gas or electric, or other similar use.

Utility, minor. A minor utility facility or service ~~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, and distribution lines for electric, gas, water, drainage or sewerage collection systems, or other similar use.

SECTION 4. Amendment. West Linn CDC Section 09.030 is amended as follows:

09.030 PERMITTED USES

The following are uses permitted outright in this zoning district:

1. Community recreation.
2. Family day care.
3. Residential home.
4. Single-family detached residential unit.
5. Utilities, minor.
6. Transportation facilities (Type I).
- 7. Manufactured home.**

SECTION 5. Amendment. West Linn CDC Section 09.050 is amended as follows:

09.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

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

1. Home occupations, subject to the provisions of Chapter 37 CDC.
2. Sign, subject to the provisions of Chapter 52 CDC.
3. Temporary use, subject to the provisions of Chapter 35 CDC.
4. Agricultural or horticultural use; provided, that no retail or wholesale business sales office is maintained on the premises; and provided, that poultry or livestock shall not be permitted within 100 feet of any residence other than a dwelling on the same lot, nor on a lot less than one acre, or which has less than 20,000 feet per head of livestock. These uses are subject to the nuisance provisions found in Section 5.400 et seq. of the West Linn Municipal Code.
- ~~5. Manufactured home, subject to the provisions of CDC 36.020, **Manufactured Homes Standards.**~~
- 56.** Wireless communication facilities, subject to the provisions of Chapter 57 CDC.

SECTION 6. Amendment. West Linn CDC Section 10.030 is amended as follows:

10.030 PERMITTED USES

The following uses are permitted outright in this zoning district:

1. Community recreation.
2. Family day care.
3. Residential home.
4. Single-family detached residential unit.
5. Utilities, minor.

6. Transportation facilities (Type I).

7. Manufactured home.

SECTION 7. Amendment. West Linn CDC Section 10.050 is amended as follows:

10.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

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

1. Home occupations, subject to the provisions of Chapter 37 CDC.
2. Sign, subject to the provisions of Chapter 52 CDC.
3. Temporary use, subject to the provisions of Chapter 35 CDC.
4. Agricultural or horticultural use; provided, that no retail or wholesale business sales office is maintained on the premises; and provided, that poultry or livestock shall not be permitted within 100 feet of any residence other than a dwelling on the same lot, nor on a lot of less than one acre, or which has less than 20,000 feet per head of livestock. These uses are subject to the nuisance provisions found in Section 5.400 et seq. of the West Linn Municipal Code.
- ~~5. Manufactured home, subject to the provisions of CDC 36.020, Manufactured Homes Standards.~~
56. Wireless communication facilities, subject to the provisions of Chapter 57 CDC.

SECTION 8. Amendment. West Linn CDC Section 11.030 is amended as follows:

11.030 PERMITTED USES

The following are uses permitted outright in this zoning district

1. Single-family detached residential unit.
2. Community recreation.
3. Family day care.
4. Residential home.
5. Utilities, minor.
6. Transportation facilities (Type I).
- 7. Manufactured home**

SECTION 9. Amendment. West Linn CDC Section 11.050 is amended as follows:

11.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

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

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

2. Sign, subject to the provisions of Chapter 52 CDC.
3. Temporary uses, subject to the provisions of Chapter 35 CDC.
4. Water-dependent uses, subject to the provisions of Chapters 28 and 34 CDC.
5. Agricultural or horticultural use; provided, that no retail or wholesale business sales office is maintained on the premises; and provided, that poultry or livestock shall not be permitted within 100 feet of any residence other than a dwelling on the same lot, nor on a lot of less than one acre, or which has less than 20,000 feet per head of livestock. These uses are subject to the nuisance provisions found in Section 5.400 et seq. of the West Linn Municipal Code.
- ~~6. Manufactured homes subject to the provision of CDC 36.020, Manufactured Home Standards.~~
7. Wireless communication facilities, subject to the provisions of Chapter 57 CDC.

SECTION 10. Amendment. West Linn CDC Section 12.030 is amended as follows:

12.030 PERMITTED USES

The following uses are permitted outright in this zone.

1. Single-family detached residential unit.
2. Single-family attached residential units.
3. Community recreation.
4. Family day care.
5. Residential home.
6. Utilities, minor.
7. Transportation facilities (Type I).
- 8. Manufactured home.**

SECTION 11. Amendment. West Linn CDC Section 12.050 is amended as follows:

12.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

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

1. Home occupations, subject to the provisions of Chapter 37 CDC.
2. Signs, subject to the provisions of Chapter 52 CDC.
3. Temporary uses, subject to the provisions of Chapter 35 CDC.
4. Water-dependent uses, subject to the provisions of Chapters 28 and 34 CDC.
5. Agricultural or horticultural use; provided, that no retail or wholesale business sales office is maintained on the premises; and provided, that poultry or livestock shall not be permitted within 100 feet of any residence other than a dwelling on the same lot, nor on a lot of less than one acre, or which has less than 20,000 feet per head of livestock. These uses are subject to the nuisance provisions found in Section 5.400 et seq. of the West Linn Municipal Code.

~~6. Manufactured home subject to the provisions of CDC 36.020, Manufactured Homes Standards.~~

7. Wireless communication facilities, subject to the provisions of Chapter 57 CDC.

SECTION 12. Amendment. West Linn CDC Section 13.030 is amended as follows:

13.030 PERMITTED USES

The following uses are permitted outright in this zoning district:

1. Single-family detached residential unit.
2. Single-family attached residential unit.
3. Duplex residential unit.
4. Community recreation.
5. Family day care.
6. Residential home.
7. Utilities, minor.
8. Transportation facilities (Type I).
- 9. Manufactured home.**

SECTION 13. Amendment. West Linn CDC Section 13.050 is amended as follows:

13.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

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

1. Manufactured home park, subject to the provisions of Chapters 36 and 55 CDC.
2. Home occupations, subject to the provisions of Chapter 37 CDC.
3. Sign, subject to the provisions of Chapter 52 CDC.
4. Temporary uses, subject to the provisions of Chapter 35 CDC.
5. Water-dependent uses, subject to the provisions of Chapters 28 and 34 CDC.
- ~~6. Manufactured homes subject to the provisions of CDC 36.020.~~
7. Agricultural or horticultural use; provided, that no retail or wholesale business sales office is maintained on the premises; and provided, that poultry or livestock shall not be permitted within 100 feet of any residence other than a dwelling on the same lot, nor on a lot of less than one acre, or which has less than 20,000 feet per head of livestock. These uses are subject to the nuisance provisions found in Section 5.400 et seq. of the West Linn Municipal Code.
8. Wireless communication facilities, subject to the provisions of Chapter 57 CDC.

SECTION 14. Amendment. West Linn CDC Section 19.090 is amended as follows:

19.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

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

1. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.
2. Chapter 35 CDC, Temporary Structures and Uses.
3. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.
4. Chapter 40 CDC, Building Height Limitations, Exceptions.
5. Chapter 42 CDC, Clear Vision Areas.
6. Chapter 44 CDC, Fences.
7. Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas.
8. Chapter 48 CDC, Access, Egress and Circulation.
9. Chapter 52 CDC, Signs.
10. Chapter 54 CDC, Landscaping.

B. The provisions of Chapter 55 CDC, Design Review, apply to all uses except detached single-family dwellings **and approved conditional use applications pursuant to 60.030(C)**.

SECTION 15. Amendment. West Linn CDC Section 27.060 is amended as follows:

27.060 APPROVAL CRITERIA

The Planning Director shall make written findings with respect to the following criteria when approving, approving with conditions, or denying an application for development in flood management areas.

A. Development, excavation, and fill shall be performed in a manner to maintain or increase flood storage and conveyance capacity and not increase design flood elevations.

B. No net fill increase in any floodplain is allowed. All fill placed in a floodplain shall be balanced with an equal amount of soil material removal. Excavation areas shall not exceed fill areas by more than 50 percent of the square footage. Any excavation below ~~bankfull stage~~ **the ordinary high water line** shall not count toward compensating for fill.

SECTION 16. Amendment. West Linn CDC Section 28.040 is amended as follows:

28.040 EXEMPTIONS/USES PERMITTED OUTRIGHT

The following development activities do not require a permit under the provisions of this chapter. (Other permits may still be required.)

...

T. The construction, remodeling or additions of home and accessory structures that take place completely within the "Habitat and Impact Areas Not Designated as HCAs" shall be exempt from a Willamette or Tualatin River Protection Area permit. Where the "Habitat and Impact Areas Not Designated as HCAs" 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.

...

BB. A new dock subject to the approval criteria of this Chapter.

CC. Public docks, gangways, and other water related accessory facilities.

SECTION 17. Amendment. West Linn CDC Section 28.110 is amended as follows:

28.110 APPROVAL CRITERIA

No application for development on property within the protection area shall be approved unless the decision-making authority finds that the following standards have been met or can be met by conditions of approval. The development shall comply with the following criteria as applicable:

...

I. Dock and other water-dependent structures

...

3. In no case except as provided in this section shall the **a private** ramp and **private** dock extend more than 100 feet from OLW towards the center of the river or slough. In the case of L-shaped docks, the 100 feet shall be measured from the OLW to the furthest part of the **private** dock closest to the center of the river.

...

7. For **both only** single-user and joint-user docks, pilings shall not exceed a maximum height of eight feet above the 100-year flood elevation.

SECTION 18. Amendment. West Linn CDC Section 28.130 is amended as follows:

28.130 GRADING PLAN

A. Docks, shall be reviewed and approved by Department of State Lands for the area within their jurisdiction. The grading plan shall be at the same scale as the site plan (CDC 28.120) and shall show **or attach:**

A.1. The location and extent to which grading will take place indicating general contour lines, slope ratios, and slope stabilization proposals.

B2. The location of the proposed drainageways.

C3. FEMA elevation certificate.

D. "No rise analysis" for potential impacts to the designated floodplain or floodway, if necessary. All grading in the 100-year and 1996 floodplain areas and in areas at, or below,

OHWM shall require a study by an accredited professional to demonstrate that the addition or removal of material including the addition of rip rap and other stabilization measures will not adversely impact the subject property plus

~~upstream or downstream properties by causing erosion or deposits on those properties, particularly in the event of a flood.~~

~~4. Show erosion control measures.~~

SECTION 19. Amendment. West Linn CDC Section 32.060 [Approval Criteria (Standard Process)], Table 32-2, "Required Width of WRA," shall be amended to delete all occurrences of "Edge of bankfull stage" in the column entitled, "Starting Point for Measurements from Water Resource."

SECTION 20. Amendment. West Linn CDC Section 36.020 is amended as follows:

36.020 MANUFACTURED HOMES STANDARDS

Manufactured homes shall be subject to the following requirements in all of the zoning districts in which they are allowed.

A. The unit shall satisfy the requirements for a manufactured home as defined in CDC ~~03.030~~ 02.030.

SECTION 21. Repeal. West Linn CDC Section 37.030(A) [SPECIFIC HOME OCUPATION USES PROHIBITED] is repealed in its entirety. Any municipal code provisions in conflict with the repeal of 37.030(A) are also repealed.

SECTION 22. Amendment. West Linn CDC Section 38.060 is amended as follows:

38.060 PROJECTIONS INTO REQUIRED YARDS

~~A. An open deck may extend into an existing utility easement, provided a minimum vertical clearance of 12 feet is maintained between the lowest point of the deck and the ground, and that no posts are installed within the easement. No other structures shall be allowed in an easement.~~

...

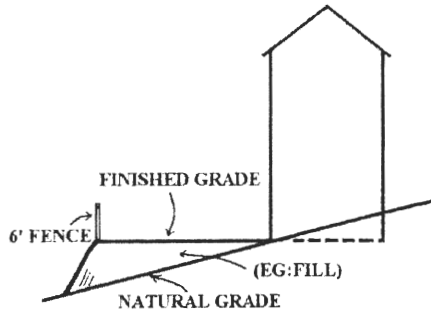
E. The presence of an easement within a required yard is a limitation to projections. Uncovered open porches, decks, or balconies, not more than 30 inches in height above ~~natural~~ grade and not covered by a roof or canopy, may extend or project into a required front or rear yard until the projection reaches a utility easement or comes within five feet of the property line, whichever provides a greater distance from the property line. The uncovered deck, porch or balcony may go into side yard setback leaving at least three feet to the property line. ~~No encroachment into an~~ utility easement is not allowed, except as provided below.

1. Uncovered open porches, decks, or balconies may extend into an existing utility easement, provided:

- a. a minimum vertical clearance of 12 feet is maintained between the lowest point of the deck and the ground, and**
- b. that no posts are installed within the easement**

2. These provisions do not apply in the Willamette Historic District.

SECTION 23. Amendment. The untitled diagram in West Linn CDC Section 44.020(B) is amended to read "~~Natural~~ Grade."



SECTION 24. Amendment. West Linn CDC Section 46.150 is amended as follows:

46.150 DESIGN AND STANDARDS

The following standards apply to the design and improvement of areas used for vehicle parking, storage, loading, and circulation:

...

B. Accessible parking standards for persons with disabilities. If any parking is provided for the public or visitors, or both, the needs of the people with disabilities shall be based upon the following standards or current applicable federal standards, whichever are more stringent:

1. Minimum number of accessible parking space requirements (see following table):

MINIMUM REQUIRED NUMBER OF TOTAL PARKING SPACES	TOTAL NUMBER OF ACCESSIBLE SPACES	NUMBER OF VAN-ACCESSIBLE SPACES REQUIRED, OF TOTAL	SPACES SIGNED "WHEELCHAIR USE ONLY"
1-25	1	1	-
26-50	2	1	-
51-75	3	1	-
76-100	4	1	-
101-150	5	-	1
151-200	6	-	1
201-300	7	-	<u>± 2</u>
301-400	8	-	<u>± 2</u>
401-500	9	-	2
501-999	2 percent of total spaces	-	1 in every 8 <u>6</u> accessible spaces or portion thereof
Over 1,000	20 spaces plus 1 for every 100 spaces, or fraction thereof, over 1,000	-	1 in every 8 <u>6</u> spaces or portion thereof

SECTION 25. Amendment. West Linn CDC Section 48.025 is amended as follows:

48.025 ACCESS CONTROL

...

B. Access control standards.

...

6. Access spacing.

a) The access spacing standards found in Chapter 8 of the adopted Transportation System Plan (TSP) shall be applicable to all newly established public street intersections, private drives, and non-traversable medians.

b) Private drives and other access ways are subject to the requirements of 48.060.

SECTION 26. Amendment. West Linn CDC Section 55.100 is amended as follows:

55.100 APPROVAL STANDARDS - CLASS II DESIGN REVIEW

...

I. Public Facilities. An application may only be approved if adequate public facilities will be available to provide service to the property prior to occupancy.

...

~~2. **Drainage.** A registered civil engineer shall prepare a plan and statement which shall be supported by factual data that clearly shows that there will be no adverse impacts from increased intensity of runoff off site or the plan and statement shall identify all off-site impacts and measures to mitigate those impacts. The plan and statement shall, at a minimum, determine off-site impacts from a 25-year storm. The City Engineer shall adjust storm drainage facilities for applications which contain permeable parking surfaces based upon a quantitative analysis of the increased water retention and water quality characteristics of the permeable parking surface.~~

~~Catch basins shall be installed and connected to pipelines leading to storm sewers or drainageways.~~

~~All plans will then be reviewed by the City Engineer.~~

SECTION 27. Amendment. West Linn CDC Section 55.110 is amended as follows:

55.110 SITE ANALYSIS

A. A vicinity map showing the location of the property in relation to adjacent properties, roads, pedestrian and bike ways, transit stops and utility access.

B. A site analysis on a drawing at a suitable scale (in order of preference, one inch equals 10 feet to one inch equals 30 feet) which shows:

1. The parcel boundaries, dimensions, and gross area.
2. Contour lines at the following minimum intervals:

- a. Two-foot intervals for slopes from zero to 25 percent; and
 - b. Five- or ten-foot intervals for slopes in excess of 25 percent.
3. A slope analysis which identifies portions of the site according to the slope ranges as follows:
- a. Type I - Zero to 15 percent (Under 15 percent);
 - b. Type II - Sixteen (Between Fifteen to 25 percent);
 - c. Type III – (Between Twenty-six 25 to 35 percent);
 - d. Thirty-six to 50 percent; Type IV (Over 35 percent)
 - e. Greater than 50 percent.
4. The location and width of adjoining streets.
5. The drainage patterns and drainage courses on the site and on adjacent lands.
6. Potential natural hazard areas including:
- a. Floodplain areas pursuant to the site's applicable FEMA Flood Map panel;
 - b. Seeps and springs Water Resource Areas as defined by CDC 32;
 - c. Designated Landslide areas designated by the Natural Hazard Mitigation Plan, Map 16; and
 - d. Areas having a high erosion potential Landslide Vulnerable Analysis areas, designated by the Natural Hazard Mitigation Plan, Map 17 .

SECTION 28. Amendment. West Linn CDC Section 60.030 is amended as follows:

60.030 ADMINISTRATION AND APPROVAL PROCESS

- A.** Conditional use applications shall be decided by the Planning Commission in the manner set forth in CDC 99.060(B). A petition for review by the Council may be filed as provided by CDC 99.240(B).
- B.** All approved conditional use applications in new buildings or buildings with a major modification, shall be subject to design review under the provisions of Chapter 55 CDC, and in the manner set forth in CDC 99.060(B).
- C.** All approved conditional use applications within existing buildings shall not be subject to design review.

SECTION 29. Amendment. West Linn CDC Section 81.050 is amended as follows:

81.050 APPROVAL CRITERIA

- A.** The City Council shall approve ~~or deny~~ a boundary change proposal based on findings and conclusions ~~addressing the following criteria:~~
 - ~~1. If an annexation, the proposal complies with the requirements of Municipal Code Section 2.920(1); and~~
 - ~~2. For all boundary changes, that~~ the proposal complies with the criteria of Metro Code Section 3.09.050(Dd) ~~and, if applicable, (e).~~

SECTION 30. Amendment. West Linn CDC Section 81.055 is amended as follows:

81.055 ZONING DESIGNATION

A decision on annexation shall also incorporate a decision on a ~~zone change zoning~~ **zoning designation**. The applicant may concurrently apply for a comprehensive plan amendment if desired. Any approval of an annexation shall designate the City zone to be applied if the annexation is approved by the voters. The City zone shall be designated based upon the existing West Linn comprehensive plan/land use designation, pursuant to the following table:

...

SECTION 31. Amendment. West Linn CDC Section 81.060 is amended as follows:

81.060 EXPEDITED PROCESS

- A. A petition for any type of minor boundary change may be processed through an expedited process as provided by Metro Code Chapter 3.09.
- B. An expedited boundary change proposal ~~shall~~ **may** be considered by the City Council without a public hearing. The Council decision on the proposal shall be considered the final decision for purposes of compliance with Metro Code Chapter 3.09.

SECTION 32. Repeal. West Linn CDC Section 81.070 [**APPEALS**] is repealed in its entirety. Any municipal code provisions in conflict with the repeal of CDC 81.070 are also repealed.

SECTION 33. Amendment. West Linn CDC Section 85.170 is amended as follows:

85.170 SUPPLEMENTAL SUBMITTAL REQUIREMENTS FOR TENTATIVE SUBDIVISION OR PARTITION PLAN

The following information shall be submitted to supplement the tentative subdivision plan:

- A. General.

...

6. Where the proposed subdivision site includes hillsides, ~~or where erosion hazard potential exists, including Type I and II lands~~ as defined in CDC 02.030 **Type I and II lands**, ~~and or~~ any lands identified as a hazard site in the West Linn Comprehensive Inventory Plan Report, the ~~standards and requirements of Chapter 24 CDC, Planned Unit Development, as well as the~~ requirements for erosion control as described in CDC 85.160(F)(2), shall be addressed in a narrative.

...

- F. Storm.

~~1.~~ A proposal shall be submitted for storm drainage and flood control including profiles of proposed drainageways with reference to the most recently adopted Storm Drainage Master Plan.

~~2. Storm treatment and detention facilities shall be sized to accommodate a 25-year storm incident. A registered civil engineer shall prepare a plan and statement which shall be supported by factual data that clearly shows that there will be no adverse impacts from increased intensity of runoff downstream or constriction-created upstream impacts. The plan and statement shall identify all on- or off-site impacts and measures to mitigate those impacts. The plan and statement shall, at a minimum, determine the off-site impacts from a 25-year storm.~~

~~3. Plans shall demonstrate how storm drainage will be collected from all impervious surfaces including roof drains. Storm drainage connections shall be provided to each dwelling unit/lot. The location, size, and type of material selected for the system shall correlate with the 10-year storm incident and agree with the factual information provided in response to subsection (F)(2) of this section.~~

~~4. The detention facilities shall be designed by a licensed engineer to meet City standards. The detention facilities should include a vegetation plan for the facility and environs, if applicable.~~

SECTION 34. Amendment. West Linn CDC Section 85.200 is amended as follows:

85.200 APPROVAL CRITERIA

No tentative subdivision or partition plan shall be approved unless adequate public facilities will be available to provide service to the partition or subdivision area prior to final plat approval and the Planning Commission or Planning Director, as applicable, finds that the following standards have been satisfied, or can be satisfied by condition of approval.

...

E. Lot Grading. Grading of building sites shall conform to the following standards unless physical conditions demonstrate the propriety of other standards:

...

5. Type I Lands shall require a report submitted by an engineering geologist, and Type I and Type II Lands shall require a Geologic Hazard report.

~~5. Where landslides have actually occurred, where the area is identified as a hazard site in the West Linn Comprehensive Plan Report, or where field investigation by the City Engineer confirms the existence of a severe landslide hazard, development shall be prohibited unless satisfactory evidence is additionally submitted by a registered geotechnical engineer which certifies that methods of rendering a known hazard site safe for construction are feasible for a given site. The City Engineer's field investigation shall include, but need not be limited to, the following elements:~~

~~a. Occurrences of geotropism.~~

~~b. Visible indicators of slump areas.~~

~~c. Existence of known and verified hazards.~~

~~d. Existence of unusually erosive soils.~~

~~e. Occurrences of unseasonably saturated soils. The City Engineer shall determine whether the proposed methods or designs are adequate to prevent~~

~~landslide or slope failure. The City Engineer may impose conditions consistent with the purpose of these ordinances and with standard engineering practices including limits on type and intensity of land use, which have been determined necessary to assure landslide or slope failure does not occur.~~

~~6. All cuts and fills shall conform to the Uniform Building Code.~~

...

J. Supplemental provisions.

...

~~10. Annexation and street lights. Developer and/or homeowners association shall, as a condition of approval, pay for all expenses related to street light energy and maintenance costs until annexed into the City, and state that: "This approval is contingent on receipt of a final order by the Portland Boundary Commission, approving annexation of the subject property." This means, in effect, that any permits, public improvement agreements, final plats, and certificates of occupancy may not be issued until a final order is received.~~

SECTION 35. Amendment. West Linn CDC Section 85.210 is amended as follows:

85.210 LOT LINE ADJUSTMENT APPROVAL STANDARDS

A. The Director shall approve or deny a request for a lot property line adjustment based on the criteria stated below:

1. An additional lot or parcel buildable lot shall not be created by the lot line adjustment. ~~and~~
2. ~~The~~ existing parcel shall not be reduced in size by the adjustments below the minimum lot size established by the approved zoning for that district.
3. By reducing the lot size, the lot or structure(s) on the lot shall not be in violation of the site development regulations for that district. For example, the lot line adjustment shall maintain setback requirements and shall not result in an overall loss of density below 70 percent, except as allowed by CDC 85.200(J)(7).
4. The lot line adjustment is 3. The lot line adjustment is intended to allow minor lot line deviations, or to consolidate undersized or irregular shaped lots. It can also be used to change a limited number of property lines up to the point that the County Surveyor would determine not a replat of the subdivision is in order. A replat is the complete reconfiguration and realignment of a subdivision's lot lines as defined by ORS chapter 92.
4. ~~The lot lines shall be generally straight with only a few deviations. Lot lines shall not gerrymander or excessively zigzag along to accommodate tool sheds, accessory structures, other buildings, etc. The figure below serves as a guide to lot line adjustments.~~

...

5. The lot line adjustment will not affect existing public utility easements nor existing utilities unless an easement vacation is obtained, replacement easements are dedicated or ~~and~~ any required utility relocations are paid for by the applicant.

- 6. Any appeal must be filed in accordance with CDC 99.240.
- B. The provisions of CDC 85.070 shall also apply to lot line adjustments.

SECTION 36. Amendment. West Linn CDC Section 99.030 is amended as follows:

99.030 APPLICATION PROCESS: WHO MAY APPLY, PRE-APPLICATION CONFERENCE, REQUIREMENTS, REFUSAL OF APPLICATION, FEES

...

B. Pre-Application Conference.

1. Subject to subsection (B)(4) of this section, a pre-application conference is required for, but not limited to, each of the following applications:

...

- f. Historic design review(~~Class I and~~ Class II);

SECTION 37. Amendment. West Linn CDC Section 99.038 is amended as follows:

99.038 NEIGHBORHOOD CONTACT REQUIRED FOR CERTAIN APPLICATIONS

...

C. The letter shall be sent by ~~certified mail, return receipt requested,~~ to the president of the neighborhood association, and to one designee as submitted to the City by the neighborhood association, and shall be sent by regular mail to the other officers of the association and the property owners within 500 feet. If another neighborhood association boundary is located within the 500-foot notice radius, the letter shall be sent to that association’s president, and to one designee as submitted to the City by the neighborhood association as well. The letter shall briefly describe the nature and location of the proposed development, and invite the association and interested persons to a meeting to discuss the proposal in more detail. . .

SECTION 38. Amendment. West Linn CDC Section 99.060 is amended as follows:

99.060 APPROVAL AUTHORITY

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

- 1. Make a recommendation to approve, deny, or approve with conditions to the Council:
 - a. A quasi-judicial Comprehensive Plan Map amendment (Chapter 105 CDC).
 - b. A quasi-judicial zone change ~~involving a concurrent application for a quasi-judicial Plan Map amendment as provided by CDC 99.030(A) pursuant to CDC (Chapter 105 CDC), excluding applications requesting the designation or removal of designation for a historic resource.~~
 - c. ~~The designation of an historic landmark.~~
- 2. Approve, deny, or approve with conditions the following applications:
 - a. ~~A quasi-judicial zone change application (Chapter 105 CDC).~~

~~a. b. A~~ temporary use or structure application (Chapter 35 CDC), not including uses allowed through another land use approval process.

~~b. c. A~~ conditional use (Chapter 60 CDC). . .

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

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

a. A quasi-judicial Comprehensive Plan Map amendment (Chapter 105 CDC).

b. A quasi-judicial zone change ~~involving a concurrent~~ application ~~for a quasi-judicial Plan Map amendment (pursuant to CDC Chapter 105 CDC).~~

D. Historic Review Board authority.

...

2. Make recommendations to the approval authority specified in this section regarding the following:

...

~~g. A zone change for property containing a historic resource.~~

SECTION 39. Amendment. West Linn CDC Section 99.070 is amended as follows:

99.070 Consolidation of Proceedings

A. ~~Whenever~~ an applicant requests more than one approval, and more than one approval authority is required to decide the applications, the proceedings shall be consolidated so that one approval authority shall decide all applications in one proceeding. In such cases, the hearings shall be held by the approval authority having original jurisdiction over one of the applications under CDC 99.060, in the following order of preference: City Council, Planning Commission **or Historic Review Board**, or the Planning Director, .

1. ~~Except for~~ **However**, expedited land division applications which shall be processed as described in ~~ORS Chapter 197 ORS~~, **regardless of the number of approvals requested. For example, if a conditional use permit (CUP) and Class I design review application were submitted, ordinarily the CUP would be heard by the Planning Commission, and Class I design review by the Planning Director. This hierarchy dictates that the higher body, the Planning Commission, would hear the consolidated hearing.**

B. **When an applicant requests to undertake preliminary work, for site preparation or analysis, the Director may allow decisions within the Director's authority to precede the subsequent decision required for review by the decision making body.**

SECTION 40. Amendment. West Linn CDC Section 99.080 is amended as follows:

99.080 NOTICE

Notice shall be given in the following ways:

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

...

2. At least 10 days prior to the hearing or meeting date, notice shall be given in a newspaper of general circulation in the City. An affidavit of publication shall be made part of the administrative record.

a. Decisions pursuant to 99.060(A), Planning Director authority, are exempt from the requirements of this subsection.

...

D. Notice for a boundary change applications shall comply with the requirements of ~~Chapter 222 ORS and relevant Metro statutes.~~ **ORS 197.763, ORS Chapter 222, and the Metro Code.**

SECTION 41. Amendment. West Linn CDC Section 99.160 is amended as follows:

99.160 Decision by Director

A. Pursuant to CDC 99.060(A), the Director is authorized to make certain decisions, and no hearing shall be held except where the Director has an interest in the outcome of the decision, due to some past or present involvement with the applicant or other interested persons or in the property or surrounding property, and cannot render an impartial decision. In such cases, **the application shall be reviewed by the Director's designee,** the application shall be subject to the jurisdiction of the Planning Commission.

SECTION 42. Amendment. West Linn CDC Section 99.180 is amended as follows:

99.180 Exparte Contacts, Impartiality, Disqualification and Abstention

...

F. Rights of abstaining or disqualified member of the hearing body

2. If sufficient members of a hearing body abstain or are disqualified, that renders the hearing body unable to take action on the application consistent with the applicable authority of the hearing body, **then the application shall be review as follows: all members of the hearing body shall be reinstated and participate in the decision of the application, consistent with the rule of necessity.**

a. Planning Director disqualified – referred to **Planning Director's designee, or if no alternatives available, referred to the Planning Commission City Council** for hearing and decision.

b. Historic Review Board disqualified – referred to Planning Commission for hearing and decision.

c. Planning Commission disqualified – referred to City Council for hearing and decision.

d. City Council disqualified – referred to Planning Commission for hearing and decision. City Council will hear it and make a decision if the disqualified member's vote is required to achieve a quorum and reach a decision on the matter, and no other person can act in the place of the disqualified person.

e. City Council acting as appellate hearing authority disqualified – decision of the original authority becomes the final City decision.

SECTION 43. Repeal. West Linn CDC Section 99.325(D) [Eligibility for extensions] is repealed in its entirety. Any municipal code provisions in conflict with the repeal of CDC 99.325(D) are also repealed.

SECTION 44. Amendment. West Linn CDC Section 105.040 is amended as follows:

105.040 QUASI-JUDICIAL AMENDMENTS AND PROCEDURES

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

A. The Planning Commission shall ~~decide~~ **make a recommendation to the Council on a** zone change applications which ~~does~~ not involve Comprehensive Plan Map amendments as provided by CDC 99.060. ~~A petition for review by the Council may be filed as provided by CDC 99.240. . .~~

SECTION 45. Amendment. West Linn CDC Section 106.020 is amended as follows:

106.020 VIOLATION OF CODE PROHIBITED

No person shall:

- A. erect, construct, **establish, occupy,** alter, maintain, **enlarge, use** or **cause to be used,** any building, ~~or~~ structure, **improvement,** or **use premises, in violation of this code;** or
- B. transfer any land in violation of this ~~zoning code~~ **or any amendment thereto.**

SECTION 46. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 47. Savings. Notwithstanding this amendment/repeal, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced, shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinance(s) or portions thereof were operative. This section simply clarifies the existing situation that nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

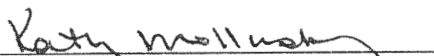
SECTION 48. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections [46-49]) need not be codified and the City Recorder or his/her designee is authorized to correct any cross-references and any typographical errors.

SECTION 49. Effective Date. This ordinance shall take effect on the 30th day after its passage.

The foregoing ordinance was first read by title only in accordance with Chapter VIII, Section 2(C) of the City Charter on the 8th day of December, 2014, and duly PASSED and ADOPTED this 8th day of December, 2014.

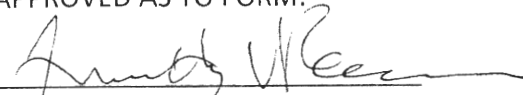


JOHN KOVASH, MAYOR



KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:



CITY ATTORNEY

ORDINANCE NO. 1636

AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE TO DEFINE TRACT, LOT,
AND PARCEL AND APPLY THE DEFINITIONS THROUGHOUT THE CODE

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

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

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

WHEREAS, City Council Goals provide for “Continue[d] efforts to update & improve the Community Development Code”;

WHEREAS, The Planning Commission held a public hearing on October 1st and recommended the City Council adopt the proposed maintenance updates related to the term lot, parcel and tract within the Community Development Code as contained within Chapters 1, 2, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 19, 21, 22, 23, 24, 25, 27, 28, 42, 44, 46, 48, 54, 55, 56, 59, 60, 65, 67, 68, 75, 76, 85, 91, 92 and 99; and

WHEREAS, Community Development Code (CDC) Chapter 98 defines the procedures for legislative decision making.

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

SECTION 1. Amendment. West Linn CDC Section 1.030, **Compliance**, is amended as follows:

...

C. No lot area, yards, other open space or off-street parking or loading area existing on or after the effective date of this code shall be reduced below the minimum required for it by this code. No fee conveyance of any portion of a lot **or parcel**, for other than a public use, shall leave a structure on the remainder of the lot with less than minimum ordinance requirements.

SECTION 2. Amendment. West Linn CDC Section 2.010, **Interpretation**, is amended as follows:

...

C. The word “lot” **or “parcel”** includes the future tense, the singular number includes the plural, and the plural number includes the singular.

SECTION 3. Amendment. West Linn CDC Section 2.030, **Specific Words and Terms**, is amended as follows:

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

Acres, gross. All of the land area owned by the applicant ~~in the subject parcel or parcels~~ under consideration. **See "Tract."** . . .

~~**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. . . .~~

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

~~**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.** . . .~~

Development. Any manmade change defined as the construction of buildings or other structures, mining, dredging, paving, filling, grading or site clearing, and grubbing in amounts greater than 10 cubic yards on any lot, **parcel**, or **lot of record 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. Development shall not include grading, site clearing, grubbing or filling where it is part of a submitted land use application that includes the restoration of grades and replanting the affected area with native vegetation per a re-vegetation plan. This definition is distinct and separate from previously disturbed areas (PDAs) and temporarily disturbed areas (TDAs). . .

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

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

~~**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. . . .~~

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

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

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

~~a. A single unit of land that is created by a subdivision of land.~~

~~b. As a general term (lot) is retained to define characteristics or dimensional attributes of a lot or parcel (i.e. flag lot, lot area, lot coverage, lot line.)~~

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

~~Lot, corner. 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 land area. For residential uses lots, these buildings shall include the principal residence or house, any accessory dwelling unit, and the next largest accessory structures requiring a build permit. 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 property line.~~

~~Lot, double-frontage. See "Lot, through." A unit of land having frontage on two streets.~~

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

~~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.~~

- a. The lot line(s) common to the lot and a street (other than an alley) that separates the lot from the street.

- b. For a corner lot, the shortest lot line along a street (other than an alley) that separates the lot from the street, or as determined by the City.

Lot line, rear. ~~For an interior lot, a~~

- a. A line separating one lot from another on the opposite side of the lot from the front lot line.;
- b. ~~For a 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 line opposite the front lot line, as~~ The City shall determine by the City the rear lot line for corner lots.

Lot line, side. ~~For interior lots, a line separating one lot property from the abutting lot property 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. Any lot line that is not a front or rear lot line. An interior side lot line is a lot line separating more than one lot, or separating a lot and an alley. An exterior side lot line is a lot line separating a lot and a street other than an alley.~~

Lot of record. ~~A lot which, when created, was in conformance with applicable land use regulations. A unit of land~~ created as follows:

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

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

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

Manufactured home park or subdivision. ~~A parcel (or contiguous parcels) of land divided into~~ Two or more manufactured home lots for rent or sale or a subdivision pursuant to ORS 92.830 to 92.845. . . .

~~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. . . .~~

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

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

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

Property line adjustment. A relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel. . .

~~**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. . . .~~

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 or parcel.

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

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

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.)

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.)

SECTION 4. Amendment. West Linn CDC Section 5.040, **Determination of Zoning Boundaries**, is amended as follows:

...

B. Boundaries indicated as approximately following platted lot or parcel lines shall be construed as following such lot or parcel lines.

SECTION 5. Amendment. West Linn CDC Section 8.080, **Dimensional Requirements, Conditional Uses**, is amended as follows:

Except as may otherwise be established by this code, the appropriate lot or parcel size for a conditional use shall be determined by the approval authority at the time of consideration of the application based upon the criteria set forth in CDC 60.070(A) and (B).

SECTION 6. Amendment. West Linn CDC Section 9.080, **Dimensional Requirements, Conditional Uses**, is amended as follows:

Except as may otherwise be established by this code, the appropriate lot or parcel size for a conditional use shall be determined by the approval authority at the time of consideration of the application based upon the criteria set forth in CDC 60.070(A) and (B).

SECTION 7. Amendment. West Linn CDC Section 9.100, **Redivision Plan Required**, is amended as follows:

...

D. A building permit issued shall be for a specified future lot or parcel and the building shall meet the setback provisions of the Low Density Residential, R-20 zone.

SECTION 8. Amendment. West Linn CDC Section 10.080, **Dimensional Requirements, Conditional Uses**, is amended as follows:

Except as may otherwise be established by this code, the appropriate lot or parcel size for a conditional use shall be determined by the approval authority at the time of

consideration of the application based upon the criteria set forth in CDC 60.070(A) and (B).

SECTION 9. Amendment. West Linn CDC Section 11.080, **Dimensional Requirements, Conditional Uses**, is amended as follows:

Except as may otherwise be established by this code, the appropriate lot or parcel size for a conditional use shall be determined by the approval authority at the time of consideration of the application based upon the criteria set forth in CDC 60.070(A) and (B).

SECTION 10. Amendment. West Linn CDC Section 12.080, **Dimensional Requirements, Conditional Uses**, is amended as follows:

Except as may otherwise be established by this code, the appropriate lot or parcel size for a conditional use shall be determined by the approval authority at the time of consideration of the application based upon the criteria set forth in CDC 60.070(A) and (B).

SECTION 11. Amendment. West Linn CDC Section 13. , **Dimensional Requirements, Conditional Uses**, is amended as follows:

Except as may otherwise be established by this code, the appropriate lot or parcel size for a conditional use shall be determined by the approval authority at the time of consideration of the application based upon the criteria set forth in CDC 60.070(A) and (B).

SECTION 12. Amendment. West Linn CDC Section 14.080, **Dimensional Requirements, Conditional Uses**, is amended as follows:

Except as may otherwise be established by this code, the appropriate lot or parcel size for a conditional use shall be determined by the approval authority at the time of consideration of the application based upon the criteria set forth in CDC 60.070(A) and (B).

SECTION 13. Amendment. West Linn CDC Section 15.080, **Dimensional Requirements, Conditional Uses**, is amended as follows:

Except as may otherwise be established by this code, the appropriate lot or parcel size for a conditional use shall be determined by the approval authority at the time of consideration of the application based upon the criteria set forth in CDC 60.070(A) and (B).

SECTION 14. Amendment. West Linn CDC Section 16.080, **Dimensional Requirements, Conditional Uses**, is amended as follows:

Except as may otherwise be established by this code, the appropriate lot or parcel size for a conditional use shall be determined by the approval authority at the time of consideration of the application based upon the criteria set forth in CDC 60.070(A) and (B).

SECTION 15. Amendment. West Linn CDC Section 19.080, **Dimensional Requirements, Conditional Uses**, is amended as follows:

Except as may otherwise be established by this code, the appropriate lot or parcel size for a conditional use shall be determined by the approval authority at the time of consideration of the application based upon the criteria set forth in CDC 60.070(A) and (B).

SECTION 16. Amendment. West Linn CDC Section 21.080, **Dimensional Requirements, Conditional Uses**, is amended as follows:

Except as may otherwise be established by this code, the appropriate lot or parcel size for a conditional use shall be determined by the approval authority at the time of consideration of the application based upon the criteria set forth in CDC 60.070(A) and (B).

SECTION 17. Amendment. West Linn CDC Section 22.070, **Dimensional Requirements for Uses Permitted Outright and Uses Permitted Under Prescribed Conditions**, is amended as follows:

...

B. **Site area requirements.** A site area for purposes of this section shall be the total land area to be developed as a unit, prior to the creation of any new parcels or lots within the land area. A site area may be either of the following:

1. A ~~single tax lot parcel or lot~~, or ~~tract two or more contiguous tax lots, under the same ownership.~~
2. Two or more contiguous ~~tax lots~~ tracts, lots or parcels under separate ownership; provided, that:
 - a. All individual property owners are members of a group formed for the purpose of developing the properties as a single planned development; or
 - b. All individual ~~tax lot~~ ownerships are converted into development shares prior to any building permit being issued for the project; or
 - c. The owners shall record, in the office of the City Recorder, a contract in which all owners agree to subject the use and development of individual ~~tax lots or~~ ownerships to the development plan for the site area as approved by the City. No permit shall be issued on any structure or use not indicated on the City-approved development plan for the site area.

...

D. Undersized lots. Any permitted use under CDC 22.030, and accessory uses, may be established on a lot or parcel smaller than the minimum site area requirements which is physically separated from all other undeveloped or underdeveloped properties in this district, or which is approved as a conditional use under CDC 22.060. Uses under CDC 22.050 shall not be included in undersized lot developments.

SECTION 18. Amendment. West Linn CDC Section 22.090, **Dimensional Requirements, Conditional Uses**, is amended as follows:

Except as may otherwise be established by CDC 22.070, the appropriate lot or parcel size for a conditional use shall be determined by the approval authority at the time of consideration of the application based upon the criteria set forth in CDC 60.070(A) and (B).

SECTION 19. Amendment. West Linn CDC Section 23.080 **DIMENSIONAL REQUIREMENTS, CONDITIONAL USES** is amended as follows:

Except as may otherwise be established by this code, the appropriate lot or parcel size for a conditional use shall be determined by the approval authority at the time of consideration of the application based upon the criteria set forth in CDC 60.070(A) and (B).

SECTION 20. Amendment. West Linn CDC Section 24.060, **Area of Application**, is amended as follows:

A. Planned unit developments (PUDs) may be established in all residential, commercial, and industrial districts on lots or parcels of land which are suitable for and of sufficient size to be planned and developed in a manner consistent with the purposes of this section.

SECTION 21. Amendment. West Linn CDC Section 24.110, **Residential Density Calculation**, is amended as follows:

...

B. Net acres for land to be developed with detached single-family dwellings, or multi-family dwellings including duplexes, is computed by subtracting the following from the gross acres:

...

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

...

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

SECTION 22. Amendment. West Linn CDC Section 24.140, **Transitions and Limitations on Density Transfer**, is amended as follows:

...

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

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

SECTION 23. Amendment. West Linn CDC Section 25.070, **Additional Standards Applicable to Historic Districts**, is amended as follows:

...

B. Standards for new construction. The standards in this section apply only to new construction in a historic district beyond alterations and additions, including new accessory structures. These standards shall apply in addition to any other applicable standards (see the Standards Applicability Matrix in CDC 25.020).

1. New construction shall complement and support the district. The historic district's defining characteristics include a discernible aesthetic rhythm of massing, scale, and siting. Infill buildings shall not deviate in a detracting manner from these elements, but appear as complementary members of the district, by conforming to the following:

- a. Lot or parcel size, massing, scale, proportion, form, siting, floor area ratio, window patterns, building divisions, and height shall correspond to the contributing buildings within the district, and any specific historic district standards and the applicable requirements of the underlying zone.

SECTION 24. Amendment. West Linn CDC Section 27.050, **Application**, is amended as follows:

...

D. A map of the property parcel indicating the nature of the proposed alteration and its relationship to property zones, structures, trees, and any other pertinent features ~~of the parcel~~.

SECTION 25. Amendment. West Linn CDC Section 27.060, **Approval Criteria**, is amended as follows:

...

C. Excavation to balance a fill shall be located on the same **lot or parcel** as the fill unless it is not reasonable or practicable to do so. In such cases, the excavation shall be located in the same drainage basin and as close as possible to the fill site, so long as the proposed excavation and fill will not increase flood impacts for surrounding properties as determined through hydrologic and hydraulic analysis.

SECTION 26. Amendment. West Linn CDC Section 28.030, **Applicability**, is amended as follows:

A. The Willamette and Tualatin River Protection Area is an overlay zone. The zone boundaries are identified on the City's zoning map, and include: . . .

3. In addition to the Willamette Greenway and Tualatin River Protection Area boundaries, this chapter also relies on the HCA 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 **or parcel** is in the Willamette Greenway and Tualatin River Protection Area boundaries, and there are HCAs on the lot **or parcel**, a Willamette and Tualatin River Protection Area permit shall be required unless the development proposal is exempt per CDC 28.040. . .

B. At the confluence of a stream or creek with either the Tualatin or Willamette River, the standards of this chapter shall apply only to those portions of the lot **or parcel** fronting the river. Meanwhile, development in those portions of the property facing or adjacent to the stream or creek shall meet the transition, setbacks and other provisions of Chapter 32 CDC, Water Resource Area Protection.

SECTION 27. Amendment. West Linn CDC Section 28.110, **Approval Criteria**, is amended as follows:

...

H. Partitions, subdivisions and incentives.

1. When ~~partitioning~~ **dividing** a property into **lots or** parcels, an applicant shall verify the boundaries of the HCA on the property.
2. Applicant shall partition or subdivide the site so that all **lots or** 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 HCAs" per the HCA Map.

SECTION 28. Amendment. West Linn CDC Section 28.120, **Site Plan**, is amended as follows:

...

B. The applicant shall submit a site plan drawn to an appropriate scale (in order of preference: one inch equals 10 feet to one inch equals 30 feet), which contains the following information:

1. Assessor's Map number and tax lot number.
2. The lot or parcel boundaries, dimensions and gross area.

SECTION 29. Amendment. West Linn CDC Section 42.030, **Exceptions**, is amended as follows:

The following described area in Willamette shall be exempt from the provisions of this chapter. The parcels units of land zoned General Commercial which abuts Willamette Falls Drive, located between 10th and 16th Streets. Beginning at the intersection of Willamette Falls Drive and 11th Street on 7th Avenue to 16th Street; on 16th Street to 9th Avenue; on 9th Avenue to 14th Street to the Tualatin River; following the Tualatin River and Willamette River to 12th Street; on 12th Street to 4th Avenue; on 4th Avenue to 11th Street; on 11th Street to Willamette Falls Drive. This described area does not include the northerly side of Willamette Falls Drive.

SECTION 30. Amendment. West Linn CDC Section 46.020, **Applicability and General Provisions**, is amended as follows:

A. At the time a structure is erected or enlarged, or the use of a structure or parcel of unit of land is changed within any zone, parking spaces, loading areas and reservoir areas shall be provided in accordance with the requirements of this chapter unless other requirements are otherwise established as a part of the development approval process.

SECTION 31. Amendment. West Linn CDC Section 46.080, **Computation of Required Parking Spaces and Loading Area**, is amended as follows:

A. Where several uses occupy a single structure or parcel unit of land, a combination of uses is included in one business, or a combination of uses in the same or separate buildings share a common parking area as in the case of a shopping center, the total off-street parking spaces and loading area shall be the sum of the requirements of the several uses, computed separately. For example, parking for an auto sales and repair business would be calculated using the "retail-bulky" calculation for the sales area and the "service and repair" calculation for the repair area. In another example, parking for a shopping center with a grocery store, a restaurant, and a medical office would be calculated using the "general retail store" calculation for the grocery store, the "restaurant" calculation for the restaurant, and the "medical/dental clinics" calculation for the medical office. The total number of required parking spaces may be reduced by up to 10 percent to account for cross-patronage (when a customer visits several commercial establishments during one visit to the commercial center) of adjacent businesses or services in a commercial center with five or more separate commercial establishments.

SECTION 32. Amendment. West Linn CDC Section 48.020, **Applicability and General Provisions**, is amended as follows:

...

D. Should the owner or occupant of a lot, parcel or building enlarge or change the use to which the lot, parcel or building is put, resulting in increasing any of the requirements of this chapter, it shall be unlawful and a violation of this code to begin or maintain such altered use until the provisions of this chapter have been met, and, if required, until the appropriate approval authority under Chapter 99 CDC has approved the change.

E. Owners of two or more uses, structures, lots, parcels or unit of land may agree to utilize jointly the same access and egress when the combined access and egress of both uses, structures, or parcels of land satisfies the requirements as designated in this code; provided, that satisfactory legal evidence is presented to the City Attorney in the form of deeds, easements, leases, or contracts to establish joint use. Copies of said instrument shall be placed on permanent file with the City Recorder.

SECTION 33. Amendment. West Linn CDC Section 48.025, **Access Control**, is amended as follows:

B. Access control standards...

3. Access options. When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (planned access shall be consistent with adopted public works standards and TSP). These methods are “options” to the developer/subdivider. . .

c) Option 3. Access is from a public street adjacent to the development lot or parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in subsection (B)(6) of this section. . .

5. Double-frontage lots. When a lot or parcel has frontage onto two or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street. When a lot or parcel has frontage opposite that of the adjacent lots or parcels, access shall be provided from the street with the lowest classification.

. . .

7. Number of access points. For single-family (detached and attached), two-family, and duplex housing types, one street access point is permitted per lot or parcel, when alley access cannot otherwise be provided; except that two access points may be permitted corner lots (i.e., no more than one access per street), subject to the access spacing standards in subsection (B)(6) of this section. The number of street access points for multiple family, commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with subsection (B)(8) of this section, in order

to maintain the required access spacing, and minimize the number of access points.

8. Shared Driveways . . .

a. Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension. “Stub” means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent lot or parcel develops. “Developable” means that a lot or parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).

. . .

c. Exception. Shared driveways are not required when existing development patterns or physical constraints (e.g., topography, lot or parcel configuration, and similar conditions) prevent extending the street/driveway in the future.

SECTION 34. Amendment. West Linn CDC Section 48.030, **Minimum Vehicular Requirements For Residential Uses**, is amended as follows:

A. Direct individual access from single-family dwellings and duplex lots to an arterial street, as designated in the transportation element of the Comprehensive Plan, is prohibited for lots or parcels created after the effective date of this code where an alternate access is either available or is expected to be available by imminent development application. Evidence of alternate or future access may include temporary cul-de-sacs, dedications or stubouts on adjacent lots or parcels, or tentative street layout plans submitted at one time by adjacent property owner/developer or by the owner/developer, or previous owner/developer, of the property in question.

SECTION 35. Amendment. West Linn CDC Section 48.060, **Width and Location of Curb Cuts and Access Separation Requirements**, is amended as follows:

. . .

D. There shall be a minimum distance between any two adjacent curb cuts on the same side of a public street, except for one-way entrances and exits, as follows:

1. On an arterial street, 150 feet.
2. On a collector street, 75 feet.
3. Between any two curb cuts on the same lot or parcel on a local street, 30 feet.

SECTION 36. Amendment. West Linn CDC Section 54.020, **Approval Criteria**, is amended as follows:

. . .

E. Landscaping – By type, location and amount. . .

3. All uses (residential uses (non-single-family) and non-residential uses): . . .
 - d. A parking, loading, or service area which abuts a street shall be set back from the right-of-way line by perimeter landscaping in the form of a landscaped strip at least 10 feet in width. When a parking, loading, or service area or driveway is contiguous to an adjoining **lot or** parcel, there shall be an intervening five-foot-wide landscape strip. The landscaped area shall contain:

SECTION 37. Amendment. West Linn CDC Section 55.100, **Approval Standards – Class II Design Review**, is amended as follows:

...

B. Relationship to the natural and physical environment.

2. . . .

- c. Where stubouts of streets occur on abutting properties, and the extension of those streets will mean the loss of significant trees, tree clusters, or heritage trees, it is understood that tree loss may be inevitable. In these cases, the objective shall be to minimize tree loss. These provisions shall also apply in those cases where access, per construction code standards, to a **lot or** parcel is blocked by a row or screen of significant trees or tree clusters.

...

F. Shared outdoor recreation areas. . . .

2. The required recreation space may be provided as follows: . . .

- d. In considering the requirements of this subsection F, the emphasis shall be on usable recreation space. No single area of outdoor recreational space shall encompass an area of less than 250 square feet. All common outdoor recreational space shall be clearly delineated and readily identifiable as such. Small, marginal, and incidental **lots or** parcels of land are not usable recreation spaces. The location of outdoor recreation space should be integral to the overall design concept of the site and be free of hazards or constraints that would interfere with active recreation.

SECTION 38. Amendment. West Linn CDC Section 55.110, **Site Analysis**, is amended as follows:

...

B. A site analysis on a drawing at a suitable scale (in order of preference, one inch equals 10 feet to one inch equals 30 feet) which shows:

1. The ~~parcel~~ **property** boundaries, dimensions, and gross area.

SECTION 39. Amendment. West Linn CDC Section 55.120, **Site Plan**, is amended as follows:

...

B. Boundary lines and dimensions for the perimeter of the property and the dimensions for all proposed lot **or parcel** lines.

SECTION 40. Amendment. West Linn CDC Section 56.070, **Submittal Requirements**, is amended as follows:

- ...
- B. A pre-application conference shall be a prerequisite to the filing of an application. . .
 - 2. The following subjects shall be reviewed at the pre-application conference: . . .
 - d. The parcel-property's location and size, the Comprehensive Plan, zoning, and other possible and applicable ordinance provisions.

SECTION 41. Amendment. West Linn CDC Section 56.110, **Site Analysis**, is amended as follows:

- ...
- B. A site analysis on a drawing at a suitable scale (in order of preference, one inch equals 10 feet to one inch equals 30 feet) which shows:
 - 1. The lot or parcel boundaries, dimensions, and gross area.

SECTION 42. Amendment. West Linn CDC Section 59.090, **Dimensional Requirements, Conditional Uses**, is amended as follows:

Except as may otherwise be established by this code, the appropriate lot or parcel size for a conditional use shall be determined by the approval authority at the time of consideration of the application based upon the criteria set forth in CDC 60.070(A) and (B).

SECTION 43. Amendment. West Linn CDC Section 60.080, **Site Plan and Map**, is amended as follows:

- ...
- B. The applicant shall submit a site plan drawn to an appropriate scale (in order of preference, one inch equals 10 feet to one inch equals 30 feet) which contains the following information:
 - 1. The subdivision name, block, and lot number or the section, township, range, and tax lot number.
 - 2. The lot or parcel boundaries, dimensions, and gross area.

SECTION 44. Amendment. West Linn CDC Section 65.140, **Site Plan(S) and Map**, is amended as follows:

- ...
- B. The applicant shall submit a site plan drawn to an appropriate scale (in order of preference: one foot equals 10 feet to one foot equals 30 feet) which contains the following:
 - 1. The subdivision name, block, and lot number or the section, township, range, and tax lot number.
 - 2. The lot or parcel boundaries, dimensions, and gross area.

SECTION 45. Amendment. West Linn CDC Section 67.040, **Status**, is amended as follows:

- A. A non-conforming use of land shall be allowed to continue; however, it shall not be:
 - 1. Enlarged, increased, or extended to occupy a greater area of land or space than was occupied at the effective date of this code; or
 - 2. Moved in whole or in part to any portion of the lot or parcel other than that occupied on the effective date of this code.

SECTION 46. Amendment. West Linn CDC Section 68.040, **Status**, is amended as follows:

- A. A substandard lot of record in any residential zoning district except the Willamette Historic District, as regulated in Chapter 25 CDC, may be developed for a use allowed within the applicable zone provided: . . .
 - 5. The following improvement standards are satisfied: . . .
 - d. Sanitary sewer. Each developed lot or parcel shall be connected to the sanitary sewer at developer cost.

SECTION 47. Amendment. West Linn CDC Section 75.050, **Application**, is amended as follows:

- . . .
- D. Requests for more than one Class II variance for the same lot or parcel shall be consolidated in one application and reviewed concurrently by the City.
- E. Not more than two Class II variances may be approved for any one lot or parcel in a continuous 12-month period.

SECTION 48. Amendment. West Linn CDC Section 75.060, **Site Plans and Map**, is amended as follows:

- . . .
- 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 equals 30 feet) which shows the following:
 - 1. The subdivision name, block, and lot number or the section, township, range, and tax lot number.
 - 2. In the case of a request for a variance to a lot or parcel dimensional or building setback requirement:
 - a. The lot or parcel configuration and dimensions, and the location of all existing structures ~~on the lot~~; the setback distances and the location of all structures on abutting units of land lots, and the setback distances; and...

SECTION 49. Amendment. West Linn CDC Section 85.010, **Purpose**, is amended as follows:

- . . .
- B. The purpose is further defined as follows: . . .
 - 8. To arrange for the efficient layout of utilities and infrastructure as well as their extension to adjacent properties parcels in a manner consistent with either adopted utility plans or sound engineering practices.

SECTION 50. Amendment. West Linn CDC Section 85.020, **Scope – Conformity Required**, is amended as follows:

- ...
- C. No building permit ~~or certificate of occupancy~~ shall be issued for any parcel or lot which was created by subdivision or partition if it is not approved and in conformity with the provisions of this code.

SECTION 51. Amendment. West Linn CDC Section 85.030, **Negotiation of Sale of Lots Prohibited Until Approval is Granted**, is amended as follows:

- 85.030 Sale or Negotiation to Sell Lots or Parcel Prior to Approval of Tentative Plan**
~~NEGOTIATION OF SALE OF LOTS PROHIBITED UNTIL APPROVAL IS GRANTED~~
- A. ~~No person shall negotiate to sell any lot in a subdivision until a tentative plan has been approved~~ No person shall sell any lot in any subdivision to which approval is required until such approval is obtained. No person shall negotiate to sell any lot in a subdivision until the tentative plan has been approved. ~~but~~
- B. A person may negotiate to sell any parcel in a partition for which approval of a tentative plan is required, but shall not sell a ~~lot parcel~~ prior to approval ~~until the tentative plan has been approved.~~
- C. No building permits will be issued for tentatively approved lots or parcels. The final plat must be recorded before permits will be issued.

SECTION 52. Repeal. West Linn CDC Section 85.040, **Sale of Lots Prohibited Until Subdivision Plat is Recorded**, is repealed in its entirety. Any municipal code provisions in conflict with the repeal of CDC 85.040 are also repealed.

SECTION 53. Amendment. West Linn CDC Section 85.160, **Submittal Requirements for Tentative Plan**, is amended as follows:

- ...
- F. The following proposed improvements shall be shown on the tentative plan or supplemental drawings: . . .
6. The ~~lot~~ configuration including location and approximate dimensions and ~~lot~~ area of each lot or parcel, and in the case of a subdivision, the proposed lot and block number.

SECTION 54. Amendment. West Linn CDC Section 85.170, **Submittal Requirements for Tentative Plan**, is amended as follows:

- ...
- E. The following existing conditions shall be shown on the tentative plan of a subdivision or partition:
1. The location, widths, and names of all existing or platted streets and rights-of-way within or adjacent to the tract (within 50 feet), together with easements and other

important features such as section lines, donation land claim corners, section corners, City boundary lines, and monuments.

2. Sanitary sewer information will include plan view of the sanitary sewer lines, including manhole locations and depths. Show how each lot or parcel would be sewerred.

SECTION 55. Amendment. West Linn CDC Section 85.180, **Redivision Plan Requirement**, is amended as follows:

...

C. A building permit issued shall be for a specified future lot or parcel and the building shall meet the setback provisions of the zoning district in which the property is located

SECTION 56. Amendment. West Linn CDC Section 85.200, **Approval Criteria**, is amended as follows:

...

A. Streets.

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

...

15. Alleys. Alleys shall be provided in commercial and industrial districts unless other permanent provisions for access to off-street parking and loading facilities are made as approved by the decision-making authority. While alley intersections and sharp changes in alignment should be avoided, the corners of necessary alley intersections shall have radii of not less than 10 feet. Alleys may be provided in residential subdivisions or multi-family projects. The decision to locate alleys shall consider the relationship and impact of the alley to adjacent land uses. In determining whether it is appropriate to require alleys in a subdivision or partition, the following factors and design criteria should be considered:

a. The alley shall be self-contained within the subdivision. The alley shall not abut undeveloped lot or parcels which are not part of the project proposal. The alley will not stub out to abutting undeveloped parcels which are not part of the project proposal.

...

B. Blocks and Lots.

...

3. Lot size and shape. Lot or parcel size, width, shape, and orientation shall be appropriate for the location of the subdivision or partition, for the type of use contemplated, for potential utilization of solar access, and for the protection of drainage ways, trees, and other natural features. No lot or parcel shall be dimensioned to contain part of an existing or proposed street. All lots or parcels shall be buildable, ~~and the buildable depth should not exceed two and one-half times the average width.~~ "Buildable" describes lots that are free of constraints such as wetlands, drainage ways, etc., that would make home construction impossible. Lot or parcel sizes shall not be less than the size required by the zoning code unless as allowed by planned unit development (PUD). Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use proposed.

...

5. ~~Through Double Frontage lots and parcels. Through Double Frontage lots and parcels have frontage on a street at the front and rear property lines of the lot. ~~They are also called double frontage lots.~~ Through Double Frontage lots and parcels shall be avoided except where they are essential to provide separation of residential development from arterial streets or adjacent non-residential activities, or to overcome specific disadvantages of topography and orientation. A planting screen or impact mitigation easement at least 10 feet wide, and across which there shall be no right of access, may be required along the line of building sites abutting such a traffic artery or other incompatible use.~~

...

7. Flag Lots. . . .

b. Front yard setbacks may be based on the rear property line of the lot or parcel which substantially separates the flag lot from the street from which the flag lot gains access. Alternately, the house and its front yard may be oriented in other directions so long as some measure of privacy is ensured, or it is part of a pattern of development, or it better fits the topography of the site.

...

d. The lot depth requirement contained elsewhere in this code shall be measured from the rear property line of the lot or parcel which substantially separates the flag lot from the street from which the flag lot gains access.

...

8. Large lots or parcels. In dividing tracts into large lots or parcels which, at some future time, are likely to be redivided, the approval authority may:

a. require that the blocks be of such size and shape, and be so divided into building sites, and contain such easements and site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller size; or

b. **Aalternately**, in order to prevent further subdivision or partition of oversized and constrained lots or parcels, restrictions may be imposed on the subdivision or partition plat.

...

E. ~~Lot~~ Grading. Grading of building sites shall conform to the following standards unless physical conditions demonstrate the propriety of other standards: . . .

SECTION 57. Amendment. West Linn CDC Section 85.210, **Lot Line Adjustments – Approval Standards**, is amended as follows:

85.210 **LOT PROPERTY LINE ADJUSTMENTS – APPROVAL STANDARDS**

A. The Director shall approve or deny a request for a lot property line adjustment based on the criteria stated below:

1. An additional lot or ~~parcel buildable lot~~ shall not be created by the ~~lot~~ line adjustment and the existing ~~parcel property~~ shall not be reduced in size by the adjustments below the minimum lot or parcel size established by the approved zoning for that district.

2. ~~By Reducing the lot or parcel size, the lot or structure(s) on the lot shall not be in violation violate of~~ the site development regulations for that district. For example, the lot property line adjustment shall not result in an overall loss of density below 70 percent except as allowed by CDC 85.200(J)(7).

3. The lot property line adjustment is intended to allow minor lot line deviations, or to consolidate undersized or irregular-shaped lots. It can also be used to change a limited number of property lines up to the point that the County Surveyor would determine a replat of the subdivision is in order. A replat is ~~the complete reconfiguration and realignment of a subdivision's lot lines. the act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision.~~

4. New lot lines shall be generally straight with only a few deviations. Lot lines shall not gerrymander or excessively zigzag along to accommodate tool sheds, accessory structures, other buildings, etc. The figure below serves as a guide to lot line adjustments.

...

SECTION 58. Amendment. West Linn CDC Section 91.030, **Open Space Conveyance**, is amended as follows:

...
B. By leasing or conveying title (including beneficial ownership) to a corporation, owners' association, or other legal entity. Restrictions on development of the lot or parcel shall be placed on the final plat or otherwise recorded. The specific language of the restrictions shall be approved by the City prior to recordation. The terms of such lease or other instrument of conveyance must include provisions suitable to the City Attorney for guaranteeing the following: . . .

SECTION 59. Amendment. West Linn CDC Section 92.020, **Improvements in Partitions**, is amended as follows:

The same improvements shall be installed to serve each lot parcel of a partition as are required of a subdivision. However, if the approval authority finds that the nature of development in the vicinity of the partition makes installation of some improvements unreasonable, at the written request of the applicant those improvements may be waived. If the street improvement requirements are waived, the applicant shall pay an in-lieu fee for off-site street improvements, pursuant to the provisions of CDC 85.200(A)(1).

In lieu of accepting an improvement, the Planning Director may recommend to the City Council that the improvement be installed in the area under special assessment financing or other facility extension policies of the City.

SECTION 60. Amendment. West Linn CDC Section 99.030, **Application Process: Who May Apply, Pre-Application Conference, Requirements, Refusal of Application, Fees**, is amended as follows:

...
B. Pre-application conferences...
2. Subject to subsection (B)(3) of this section, the following applications are exempt from subsection (B)(1) of this section, pre-application conference requirement: . . .
f. Lot Property line adjustments;

SECTION 61. Amendment. West Linn CDC Section 99.080(E), Table of notices, Row 17, is amended as follows:

<u>Lot Property</u> line adjustment	No notice
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The "Table of notices" should be alphabetized when the amendment is codified.

SECTION 62. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 63. Savings. Notwithstanding this amendment/repeal, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced, shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinance(s) or portions thereof were operative. This section simply clarifies the existing situation that nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

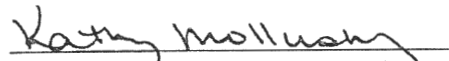
SECTION 64. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections [62-65]) need not be codified and the City Recorder or his/her designee is authorized to correct any cross-references and any typographical errors.

SECTION 65. Effective Date. This ordinance shall take effect on the 30th day after its passage.

The foregoing ordinance was first read by title only in accordance with Chapter VIII, Section 2(C) of the City Charter on the 8th day of December, 2014, and duly PASSED and ADOPTED this 8th day of December, 2014.

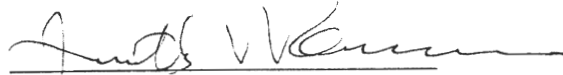


JOHN KOVASH, MAYOR



KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:



CITY ATTORNEY



PLANNING DEPT
22500 Salamo Road
West Linn, Oregon 97068

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

DEPT OF

DEC 12 2014

LAND CONSERVATION
AND DEVELOPMENT