



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

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Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

March 29, 2006

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of West Linn Plan Amendment
DLCD File Number 009-05



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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: April 3, 2006

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.625 (1), 197.830 (2), and 197.830 (9) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS ADOPTED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Stacy Hopkins, DLCD Regional Representative
Gordon Howard, City of West Linn

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FORM 2

DLCD NOTICE OF ADOPTION

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

(See reverse side for submittal requirements)

DEPT OF

MAR 23 2006

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: West Linn Local File No.: CUP-05-03 et al

(If no number, use none)

Date of Adoption: March 13, 2006 Date Mailed: March 22, 2006
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: November 17, 2005

Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment

Land Use Regulation Amendment Zoning Map Amendment

New Land Use Regulation Other: _____

(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write ASee Attached.≡

Plan amendment and rezone of 0.3 acre parcel from residential to mixed use.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write ASame.≡ If you did not give notice for the proposed amendment, write AN/A.≡

Same.

Plan Map Changed from: Low-density residential to Mixed use

Zone Map Changed from: R-10 to MU (Mixed Use)

Location: 1600 14th St Acres Involved: 0.3 a

Specify Density: Previous: 1 d.u. New: 1 d.u. + commercial

Applicable Statewide Planning Goals: 2, 9

Was an Exception Adopted? Yes: No:

DLCD File No.: 009-05
(14819)

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: X No:

If no, do the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

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

Local Contact: Gordon Howard, Sr Plnr Area Code + Phone Number: 503-656-4211

Address: 22500 Salamo Rd #1000 City: West Linn

Zip Code+4: 97068 Email Address: ghoward@ci.west-linn.or.us

ADOPTION SUBMITTAL REQUIREMENTS

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

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

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

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

**ORDINANCE NO. 1534
WEST LINN, OREGON**

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN MAP, AMENDING THE ZONING MAP, APPROVING A CONDITIONAL USE PERMIT, APPROVING A DESIGN REVIEW APPLICATION, AND APPROVING A VARIANCE FOR PROPERTY AT 1600 14TH STREET

WHEREAS, the owner of property at 1600 14th Street, Peake Marketing, submitted an application to amend the West Linn Comprehensive Plan Map, amend the West Linn zoning map, obtain a conditional use permit for an professional office use, obtain design review approval to convert an existing structure from residential to office use, and obtain a variance to allow six off-street parking spaces to be placed head-in from a public street; and,

WHEREAS, the Comprehensive Plan Map amendment would change the mapped designation for this property from Low-Density Residential to Mixed Use; and,

WHEREAS, the Zoning Map amendment would change the zoning classification for this property from R-10 (Single-family residential) to MU (Mixed Use); and

WHEREAS, the City Council has determined that the proposed Comprehensive Plan Map and Zoning Change are consistent with the approval criteria set forth in CDC Chapter 105 as set forth in the applicant’s submittal, and as follows:

1. The Willamette Neighborhood Plan sets forth as a goal, “vibrant business growth, consistent with Willamette’s historical downtown area standards.” The proposed change to mixed use land use designation and zoning for this property will contribute to this growth by adding a small-scale transitional office use between the commercial core and residential areas of Willamette.
2. The Willamette Neighborhood Plan sets forth as a policy, “Maintain strict standards and codes regarding the structures in Willamette’s business areas.” The proposed change to mixed use land use designation and zoning for this property, a designation requiring close scrutiny of proposed commercial uses and limiting the size and scale of commercial development, will ensure a small-scale, transitional commercial use on this property between the commercial core and residential areas of Willamette; and

WHEREAS, the applicant’s submittal has demonstrated compliance with the provisions of Chapter 60, Conditional Use Permit, and in addition the City Council has determined that the proposed Conditional Use Permit for a small-scale office use is consistent with an action measure of the Willamette Neighborhood Plan to “aggressively pursue the businesses and restaurants that bring tasteful value to Willamette;” and

WHEREAS, the applicant’s submittal has demonstrated compliance with all relevant provisions of Chapter 55, Design Review, as documented; and

WHEREAS, the applicant's submittal has demonstrated compliance with all relevant provisions of Chapter 75, Variance, justifying the proposed variance, with the following additional finding:

Variance Finding No. 2 in CDC 75.060 requires a finding that "the variance is necessary for the preservation of a property right of the applicant, which is substantially the same as a right possessed by the owners of other property in the same zone and vicinity." While other properties in the Mixed Use Zoning District are subject to similar parking standards, properties in the Willamette Falls Commercial District, immediately adjacent to this site, are exempt from all off-street parking requirements. Thus, commercial property owners along Willamette Falls Drive have the benefit of on-street parking spaces, diagonal head-in on-street parking spaces, and are encouraged, but not required, to meet city standards for off-street parking if they choose to provide it. The applicant is willing and able to provide six off-street parking spaces, but requests the right to vary the standards for such off-street parking spaces as is allowed to adjacent owners in the Willamette Falls Commercial District; and

WHEREAS, on January 12, 2006 the West Linn Planning Commission considered the application and recommended approval to the Council; and

WHEREAS, the City Council has determined that the following conditions of approval are appropriate to be placed upon the approved project:

1. If 8th Avenue is reopened to Dollar Street for vehicular traffic in the future, the applicant shall close the four head-in parking spaces along 8th Avenue and replace them with a parking lot of equivalent amount of parking located on the owner's private property meeting City standards. If the replacement parking lot is the same design as shown in the applicant's submittal as "Option B," then no new design review application shall be required. The applicant shall complete the revised parking configuration within six months of notification by the City that 8th Avenue was to be reopened. Additionally, the owner shall construct stormwater treatment facilities meeting City standards at the time of parking lot development to treat runoff from additional impervious area if required by city codes.
2. The applicant pave the four off-street "head in" spaces along 8th Avenue with a permeable parking surface approved by the City Engineer.
3. If in the course of development applicant shall add more than 500 square feet equivalent of impervious area, storm runoff must be treated before being allowed to exit the property.
4. The applicant shall make street frontage improvements along the 8th Avenue frontage, including curb, gutter, and sidewalk, incorporating the four parking spaces on 8th Avenue as proposed.

5. The applicant shall replace the existing 3 ½ inch wrought iron water line along the 14th Street frontage with a 6-inch ductile iron water line capped at the southerly border of the applicant's property; the City will in the future extend the 6-inch ductile iron water line to tie in with the 8-inch ductile iron line to complete the loop.
6. Prior to occupancy the applicant shall submit for Planning Director approval and then implement a landscaping plan for the site that includes replacement of existing dilapidated fencing along the property perimeter.

WHEREAS, the supplemental findings prepared by staff in its Staff Report to the Planning Commission justify imposition of the proposed conditions of approval;

NOW, THEREFORE, THE CITY OF WEST LINN ORDAINS THE FOLLOWING ACTIONS:

Section 1:

The West Linn Comprehensive Plan Map is amended to change the land use designation for the property at 1600 14th Street, identified as Tax Lot 3S 1E 02BB, # 6200, from Low Density Residential to Mixed Use

Section 2:

The West Linn Zoning Map is amended to change the zoning classification for the property at 1600 14th Street, identified as Tax Lot 3S 1E 02BB, # 6200, from R-10 (Single-Family Residential) to MU (Mixed Use).

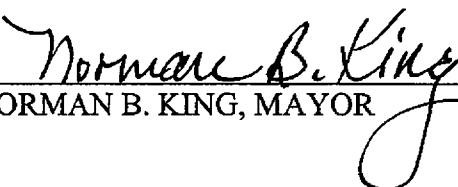
Section 3:

The proposed Conditional Use Permit, Design Review, and Variance applications are approved with the conditions of approval as stated above.

Section 4:

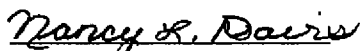
The recitals to this ordinance, including the findings referenced in the recitals, are adopted as findings of the City Council. The staff report to the Planning Commission is also adopted as findings by the Council.

PASSED AND APPROVED THIS 13th DAY OF MARCH 2006.



NORMAN B. KING, MAYOR

ATTEST:



Witness

