



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

September 30, 2008



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of West Linn Plan Amendment
DLCD File Number 007-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT OR DEADLINE TO APPEAL: October 15, 2008

This amendment was not submitted to DLCD for review prior to adoption. Pursuant to OAR 660-18-060, the Director or any person is eligible to appeal this action to LUBA under ORS 197.830 to 197.845.

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

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

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

<paa>

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

Jurisdiction: **City of West Linn**

Local file number: **PLN-08-02**

Date of Adoption: ~~9/22/2008~~ *9/8/08*

Date Mailed: **9/23/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 7-14-08

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Adopt a map and inventory of the City's significant Wildlife Habitat Areas with minor amendments to the Plan related to Habitat Friendly Development practices.

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

A few additional 'Action Measures' were added to the Plan. no other changes.

Plan Map Changed from: **n/a**

to: **n/a**

Zone Map Changed from: **n/a**

to: **n/a**

Location: **n/a**

Acres Involved: **0**

Specify Density: Previous: **n/a**

New: **n/a**

Applicable statewide planning goals:

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

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD # 007-08 (NOA)

DLCD file No. _____

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

None

Local Contact: **Chris Kerr**

Phone: **(503) 723-2538** Extension:

Address: **22500 Salamo Rd.**

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

City: **West Linn**

Zip: **97068-**

E-mail Address: **ckerr@westlinnoregon.gov**

ADOPTION SUBMITTAL REQUIREMENTS

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

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

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

**ORDINANCE NO. 1572
WEST LINN, OREGON**

**AN ORDINANCE ADOPTING A WILDLIFE HABITAT AREAS MAP AND
INVENTORY WITH ASSOCIATED TEXT CHANGES INTO THE CITY OF
WEST LINN COMPREHENSIVE PLAN (PLN-08-02).**

WHEREAS, Goal 5 of the City's Comprehensive Plan recognizes the importance of many of the City's natural resources, including its open spaces, and includes specific Policies and Action Measures requiring the completion of an inventory and mapping of these resources; and,

WHEREAS, Oregon Statewide Planning Goal 5 includes specific requirements for local governments to adopt inventories of Wildlife Habitats; and,

WHEREAS, Goal 5 of the City of West Linn Comprehensive Plan includes specific Policies and Action Measures related to inventorying of Wildlife Habitats; and,

WHEREAS, in 2002 the City commissioned and completed a preliminary inventory of significant Wildlife Habitat Areas in the City which was never adopted; and

WHEREAS, the inventory of significant Wildlife Habitat Areas was updated by the Staff in 2008 in accordance with the Oregon Statewide Planning Goal 5 guidelines for preparation of Goal 5 inventories; and

WHEREAS, on July 2, 2008 and July 16, 2008, the West Linn Planning Commission, held public hearings; and

WHEREAS, the Planning Commission, upon a recommendation for approval of from the City Staff, unanimously recommended that the City Council adopt the proposed Wildlife Habitat Areas Map and Inventory with associated text changes, as part of the West Linn Comprehensive Plan; and,

WHEREAS, the West Linn City Council held public hearings on August 11, and September 8, 2008, and adopted the findings justifying the adoption of the Wildlife Habitat Areas Map and Inventory with the following associated text amendments;

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

Section 1. Goal 5 of the City of West Linn Comprehensive Plan is hereby amended to include a new Figure 5-4 "Wildlife Habitat Area Inventory", attached to this Ordinance as Exhibit 'A'. Due to its size and detail, the complete Inventory shall be kept

on file with the City of West Linn Planning Department and will be available for public inspection at no cost.

Section 2. The City of West Linn Comprehensive Plan is hereby amended to include the following text changes: (Additions are indicated by bold underline, deletions by bold strikeout)

The following definition is to be added to the Glossary Section of the Introduction:

Habitat friendly development practices-- A broad range of development techniques and activities that reduce the detrimental impact on fish and wildlife habitat relative to traditional development practices. The objective of these practices is to ensure the natural pre-development functions of the site, both ecological and hydrological. These techniques may include a variety of site planning and stormwater management practices, as well as habitat sensitive designs.

The following modification is to be made to the Background and Findings Section of Goal 5, Section 2:

The purpose of the natural resource section is to protect areas that are necessary to the long term health of the natural environment and local economy, such as mineral and aggregate resources, watersheds, fish and wildlife habitat areas, as well as ecological and scientific areas and open space (see Figures 5-1, 5-2, ~~and 5-3,~~ and 5-4)."

The following additional Recommended Action Measures are to be added to Goal 5, Section 2:

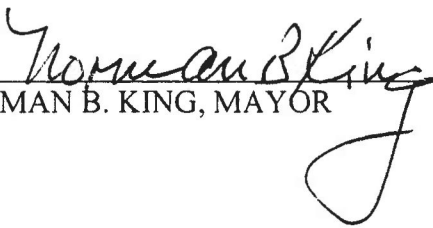
#9. Complete a comprehensive review of the City's Development Codes and Policies to identify and amend any regulatory or procedural barriers that discourage the use of habitat friendly development practices (e.g. low impact development).

#10. Develop and incorporate a set of guidelines and habitat-friendly development practices into the City's Community Development Code and encourage their use for all development located within the Wildlife Habitat Areas Inventory identified in Figure 5-4 or any other lands with significant environmental constraints, such tree clusters.

#11. The City shall encourage and support private property owners to take advantage of any federal, state or regional programs (e.g. tax abatements, conservation easements, grant programs) that preserve and protect Wildlife Habitat Areas on private property.

#12. Utilize a professional to provide technical expertise and review statutory regulations with recommendations to the City Council on the various policy options related to providing additional protections for threatened wildlife areas identified on the City's Wildlife Habitat Areas Map. Recommendations shall address protection/preservation options and shall include, at a minimum, the following protections options: (1) relying on existing regulations, (2) implementing full protections, or (3) providing additional limited protections.

PASSED AND APPROVED THIS 8th DAY OF SEPTEMBER 2008.



NORMAN B. KING, MAYOR

ATTEST:



Witness

APPROVED AS TO FORM:

City Attorney

Exhibit "A"

GOAL 5: OPEN SPACES, SCENIC & HISTORIC AREAS, AND NATURAL RESOURCES

Wildlife Habitat Inventory

DRAFT #4

Figure 5-4



JULY 2008

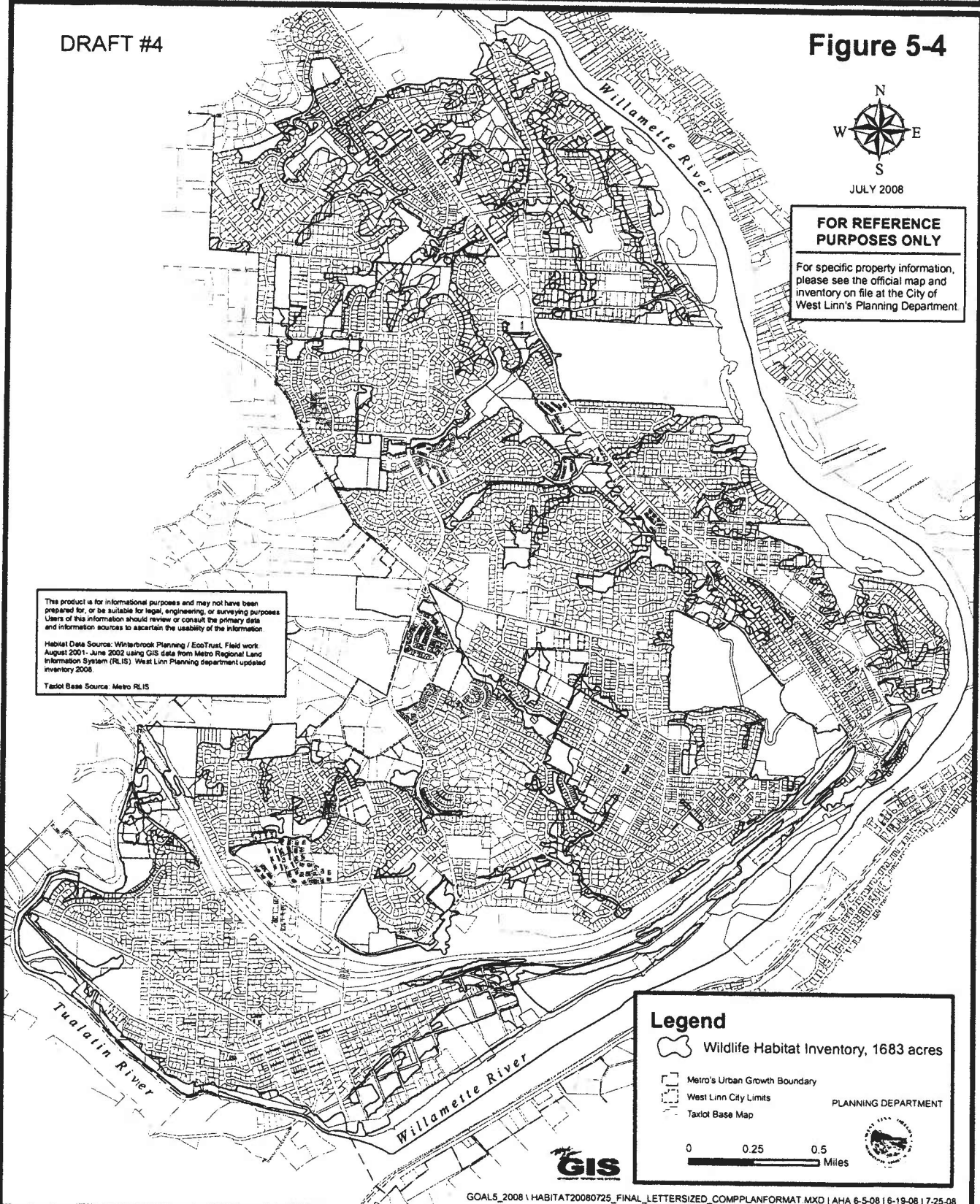
**FOR REFERENCE
PURPOSES ONLY**

For specific property information,
please see the official map and
inventory on file at the City of
West Linn's Planning Department.

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

Habitat Data Source: Waterbrook Planning / EcoTrust. Field work: August 2001- June 2002 using GIS data from Metro Regional Land Information System (RLIS). West Linn Planning department updated inventory 2008.

Taxlot Base Source: Metro RLIS



Legend

Wildlife Habitat Inventory, 1683 acres

Metro's Urban Growth Boundary

West Linn City Limits

Taxlot Base Map

PLANNING DEPARTMENT

0 0.25 0.5
Miles





22500 Salamo Road
West Linn, Oregon 97068

Dept. of Land Conservation and Development
Attn: Plan Admendment Specialist
635 Capitol St., NE, Ste 150
Salem, OR 97301-2540