



# 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

First Floor/Costal Fax: (503) 378-6033

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

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

### NOTICE OF ADOPTED AMENDMENT

January 6, 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 008-05

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: January 3, 2006**

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.625 if no notice of intent to appeal is filed within the 21-day period set out in ORS 197.830 (9), the amendment to the acknowledged comprehensive plan or land use regulation or the new land use regulation shall be considered acknowledged upon the expiration of the 21-day period.

Under ORS 197.830 (9) a notice of intent to appeal a land use decision or limited land use decision shall be filed not later than 21 days after the date the decision sought to be reviewed becomes final. 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

<paa> ya/

# FORM 2

## D L C D 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

DEC 29 2005

LAND CONSERVATION  
AND DEVELOPMENT

Jurisdiction: West Linn Local File No.: DR-05-14

(If no number, use none)

Date of Adoption: Dec 12, 2005 Date Mailed: Dec 27, 2005  
(Must be filled in) (Date mailed or sent to DLCD)

Sept 21, 2005

Date the Notice of Proposed Amendment was mailed to DLCD: \_\_\_\_\_

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.≡

Amend Comprehensive Plan land use map for 0.9 acres from Low-Density Residential  
to Commercial. Amend zoning map for the same property from R-10 (Single-Family  
Residential) to OBC (Office Business Commercial.)

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: Residential to Commercial

Zone Map Changed from: R-10 to OBC

Location: 1554 Garden Street Acres Involved: 0.9

Specify Density: Previous: 4 du/ac New: 0 (Commercial)

Applicable Statewide Planning Goals: 9-Economic Development; 12-Transportation

Was an Exception Adopted? Yes: \_\_\_\_\_ No: X

DLCD File No.: 008-05(14696)

DEPT OF

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        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. 1529**  
**WEST LINN, OREGON**

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN MAP, AMENDING THE ZONING MAP, ~~APPROVING A DESIGN REVIEW APPLICATION~~, AND APPROVING A NATURAL DRAINAGEWAY PERMIT FOR PROPERTY AT 1554-1566-1570 GARDEN STREET.

WHEREAS, the owner of property at 1554, 1566, and 1570 Garden Street, Gramor Development, submitted an application to amend the West Linn Comprehensive Plan Map, amend the West Linn zoning map, and protect an existing natural drainageway on the site; and,

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

WHEREAS, the City Council adopts the applicant's proposed findings justifying the Comprehensive Plan Map change; and,

WHEREAS, the Zoning Map amendment would change the zoning classification for this property from R-10 (Single-family residential) to OBC (Office Business Commercial); and

WHEREAS, the City Council adopts the applicant's proposed findings justifying the Zoning Map change; and

WHEREAS, the existing topography and location of the natural drainageway on the southern portion of the site make provision of a through route between Garden Street and Holly Street infeasible and inappropriate at this location; and

WHEREAS, the traffic study provided by the applicant shows minimal impacts to traffic resulting from the change in use; and

WHEREAS, the proposed Natural Drainageway permit would preserve and enhance the existing drainageway on the site, and maintain appropriate setbacks; and

WHEREAS, the City Council adopts the applicant's proposed findings justifying the proposed natural drainageway permit; and

WHEREAS, on November 10, 2005 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. The applicant shall place a protective conservation easement over the natural drainageway area on the southern edge of the site, to include the Oregon White Oak identified by the applicant's arborist as significant.

2. The applicant shall install temporary chain-link fencing at the edge of the area proposed for development, including the Oregon White Oak identified as significant, prior to the commencement of any further grading or construction activity on the site. The location of the fencing shall be approved by the City Arborist prior to issuance of any grading or construction permits on the site.
3. The applicant shall place at least two city-approved markers delineating the protected conservation easement area associated with the natural drainageway.
4. Prior to execution of the conservation easement, the applicant shall submit, have approved by the Planning Director, and implement a program to remove non-native vegetation from the drainageway and replace it with native vegetation.
5. The applicant shall install a catch basin on Garden Street along the new curb near the northeast corner of the lot and pipe it to the existing area drain at the end of the street.
6. The final plan shall include the public storm filter on Garden Street and over-treat the on-site storm water to account for the additional runoff on Garden Street.
7. The on-site storm water filters and detention pipe shall be privately owned and maintained. A private facility maintenance agreement shall be signed and submitted to the City. The detention pipe shall be designed to city standards.
8. The applicant shall install erosion control measures at the end of the storm drainage outfall to the satisfaction of the City Engineer.
9. The final landscape plan shall include no plantings taller than 36 inches within 22 feet of the northeast property corner along Garden Street.
10. The applicant shall provide additional lighting at the northeast corner of the proposed building, designed to meet minimum safety needs while minimizing lighting intrusion to the adjacent residences.
11. The applicant shall provide a noise analysis demonstrating compliance with the city's community development code and municipal code noise levels prior to installation of any specific HVAC equipment on the office building.
12. The applicant shall design the accessible parking to meet all codes and requirements without adverse impacts to the natural drainageway; and

WHEREAS, the City Council determined to remand the Design Review application recommended for approval by the Planning Commission back to the Planning Commission for a final decision, allowing the Planning Commission to determine the best architectural treatment of the east elevation of the proposed building in relation to the adjacent residences to the east;

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 properties at 1554, 1566, and 1570 Garden Street, identified as Tax Lots 2 2E 30, Lots 1600, 1700, and 1800, from Low Density Residential to Commercial

**Section 2:**

The West Linn Zoning Map is amended to change the zoning classification for the properties at 1554, 1566, and 1570 Garden Street, identified as Tax Lots 2 2E 30, Lots 1600, 1700, and 1800, from R-10 (Single-Family Residential) to OBC (Office Business Commercial).

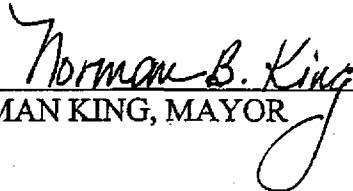
**Section 3:**

The proposed Natural Drainageway permit application is approved with the conditions of approval recommended by the Planning Commission.

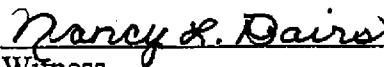
**Section 4:**

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, excluding the recommended conditions of approval, is also adopted as findings by the Council.

PASSED AND APPROVED THIS 12<sup>th</sup> DAY OF DECEMBER.

  
\_\_\_\_\_  
NORMAN KING, MAYOR

ATTEST:

  
\_\_\_\_\_  
Witness

p:/devrvw/ordinances/ORD.dr0514

