



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

04/30/2013

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Waterloo Plan Amendment
DLCD File Number 001-92

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: Friday, May 17, 2013

This amendment was submitted to DLCD for review prior to adoption with less than the required 35-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Sandra Elliott, City of Waterloo
Gordon Howard, DLCD Urban Planning Specialist

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FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DEPT OF

APR 26 2013

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

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

Jurisdiction: Waterloo

Local file number: NA

Date of Adoption: 12.08.1992

Date Mailed:

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

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".

Amend comprehensive plan and zoning maps to change 0.046 ac. @ south side of 8th St. between Gros and Star St. from residential to commercial

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from: R

to: C

Zone Map Changed from: R

to: C

Location:

Acres Involved: 0.046

Specify Density: Previous:

New:

Applicable statewide planning goals:

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

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. 001-92 (4046) [17432]

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

Local Contact: *Kathy Nelson*

Phone: *(541)451-2245* Extension:

Address: *PO Box 1066*

Fax Number *541-451-3133*

City: *Lebanon, OR*

Zip: *97355*

E-mail Address: *cityofwaterloo@centurytel.net*

ADOPTION SUBMITTAL REQUIREMENTS

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

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

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

9. **Need More Copies?** Please print forms on 8½ - 11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

<http://www.oregon.gov/LCD/forms.shtml>

Updated December 30, 2011

CITY OF WATERLOO
ZONING
Amending Waterloo Comprehensive Plan
1992

ORDINANCE NO. 92-02

AMENDING THE CITY OF WATERLOO COMPREHENSIVE PLAN.

IN THE MATTER OF A COMPREHENSIVE)
PLAN AMENDMENT TO RE-DESIGNATE)
ONE PARCEL FROM PUBLIC TO RESIDENTIAL)

William Lawrence has purchased a parcel of land from Linn County which was classified as Public Use on the City of Waterloo comprehensive Plan. As it is his intent to locate a residence on this parcel, the city of Waterloo, has taken action re-designate the property as Residential on the Comprehensive Plan.

The property was zoned residential so no zoning amendment needed to be considered. The property in question is listed on the Linn county Assessors Maps as Tax Lot 6302, T12S, R1W, Section 28CC. The property is on the easterly side of Klum Street and extends from 6th Street to approximately the mid-point between 5th Street and 4th Street. It contains 0.75 acre, more or less.

The Waterloo City Council held a public hearing to consider the Comprehensive Plan amendment on November 17, 1992. At that hearing the council received no public testimony, either orally or in writing, in favor of or in opposition to the request. After the public hearing was closed, the council voted to tentatively approve the request and directed that findings of fact and an amending ordinance be prepared.

THE CITY COUNCIL OF THE THE CITY OR WATERLOO, HEREBY ORDAINS THAT:

1. The findings of fact in Exhibit A, are adopted as the basis for this decision.
2. Tax Lot 6302, T12S, R1W, Section 28CC is hereby re-designated from Public Use to Residential Use on the Waterloo Comprehensive Plan. The area re-designated from Public Use to Residential Use is as shown on the map attached hereto as Exhibit B.
3. Passage of this ordinance is necessary for the immediate preservation of the public peace, health, and safety. An emergency therefore sexists and this ordinance shall take effect upon passage.

ADOPTED BY THE WATERLOO CITY COUNCIL THIS, 8 TH , DAY OF , DECEMBER , 1992 .

SIGNED BY THE MAYOR THIS , 8TH , DAY OF , DECEMBER , 19 92 .

MAYOR _____

ATTEST Sandra Elliott / Lisa Rounds
City Recorder

EXHIBIT A
FINDINGS OF FACT
COMPREHENSIVE PLAN MAP AMENDMENT

Assessor's Map T12S, R1W, Section 28CC, Tax Lot 2302

A. Background Information

1. **Nature of request.** The property involved in this request was owned by Linn County as a part of Waterloo Park, a county park contiguous to the City of Waterloo. The county sold the property to William Lawrence in the summer of 1992. As the property was part of Waterloo Park it was designated Public Use on the Waterloo Comprehensive Plan.

Mr. Lawrence intends to build a residence on the parcel. The city zoning on the property was Residential so that a house could be constructed if all city zoning and state sub-surface sewage disposal requirements could be met. However, with the disposal of the property by the county, the city comprehensive plan map designation is no longer appropriate.

2. **Location of Property.** The property is located on the easterly side of Klum Street and extends from 6th Street north to the mid-point between 5th and 4th Streets. The property is almost triangular in shape with 160 feet of width on its southerly side and 20.46 feet of width on the north side. The length along Klum Street is 360 feet and the diagonal side has 386.10 feet of length. The property size is approximately 0.75 acres.
3. **Use and Site Characteristics of Property.** The property is vacant but is intended for residential use. The property is flat and the entire site is usable. There are no limiting factors such as being located in a flood plain.
4. **Surrounding Uses.** Properties to the west along Klum Street and to the south beyond 6th Street are used for residences. The land to the east beyond the city limits is a part of Waterloo Park.
5. **Access.** The property abuts Klum Street for a distance of 360 feet. It also has frontage on 6th Street 100 feet. Access to this property is not a concern.
6. **Sub-Surface Sewage Disposal.** The property is large enough and has adequate dimensions for a sub-surface sewage disposal system and for a well.
7. **School.** The property is in the Crowfoot School District and is no more than three blocks from the Waterloo Elementary School.
8. **Police and Fire Protection.** Law enforcement services are provided by the Linn County Sheriff. Fire protection is provided by the Lebanon rural Fire Protection District.

B. Criteria - Waterloo Comprehensive Plan

1. **General Development Goals**
 - * Provide for an orderly pattern of land uses in the City.
 - Maintain an open space, large lot orientation with respect to the physical limitations of land.
 - Insure that new development occurs with respect to the physical limitations of the land.
 - Insure that new development will have no physical, visual or economic adverse impacts on surrounding properties.
2. **Criteria for Future Housing Location**
 - Provision of adequate water.

CITY OF WATERLOO
ZONING
Amending Waterloo Comprehensive Plan, 1992

- Provision of adequate means of sewage disposal without creating a health hazard.
 - Provision of adequate access to an approved public right-of-way.
 - No evidence of natural hazards - Flooding.
 - No burden on public facilities - Schools, fire protection.
 - Hook-up to utilities available.
 - Compatible with surrounding area.
3. **Policies for Residential Development**
- require developers, builders, or individual landowners to locate wells and septic tanks in such a way that adjacent development is not precluded.
 - Encourage new lot development to occur in such a manner as to allow re-division of the lot should conditions arise which make smaller lots sizes appropriate.
4. **Housing - General Development Goals.**
- "Provide, as much as possible for the housing needs of Waterloo by making residential land available and..."
5. **Urbanization Policy**
- With the current develop able land figure standing of 620,000 square feet (31 lots) begin the procedure for establishing an urban growth boundary when this figure diminishes by 2/3 to approximately 211,000 square feet (10 -11 lots).

C. **Conclusions**

1. The lot can be developed with a well and septic tank so that adjacent development is not precluded.
2. The triangular form of the lot would make it difficult to re-divide should smaller parcels be appropriate in Waterloo. Its current configuration will likely continue to exist.
3. Adding one additional lot to be available for housing will mean be consistent with the city's goals for more residential land and for an orderly pattern of land use.
4. However, one added lot is negligible in terms of urban boundary expansion needs.
5. The site has no significant physical development limitations. It is fat and is large enough to provide for a home site , a well, and sub-surface sewage disposal system.
6. The property will retain the open space large lot orientation of Waterloo.
7. The property has adequate physical access to Klum Street with its 360 feet of frontage on that street.
8. There are no natural hazards such as flooding potential on the lot.
9. One additional residence will result in little added pressure on the school district, the local grade school, or the provision of police or fire protection services.
10. Uses to the west and south are low density single-family residential. Uses to the east is Waterloo County Park. Development of this lot with a residence is fully consistent with the surrounding development pattern.
11. The property is no longer publicly owned. The Public Use designation is no longer appropriate.

EXHIBIT B
MAP 1





WATERLOO BRID

WATERLOO CITY LIMITS

WATERLOO CITY LIMITS

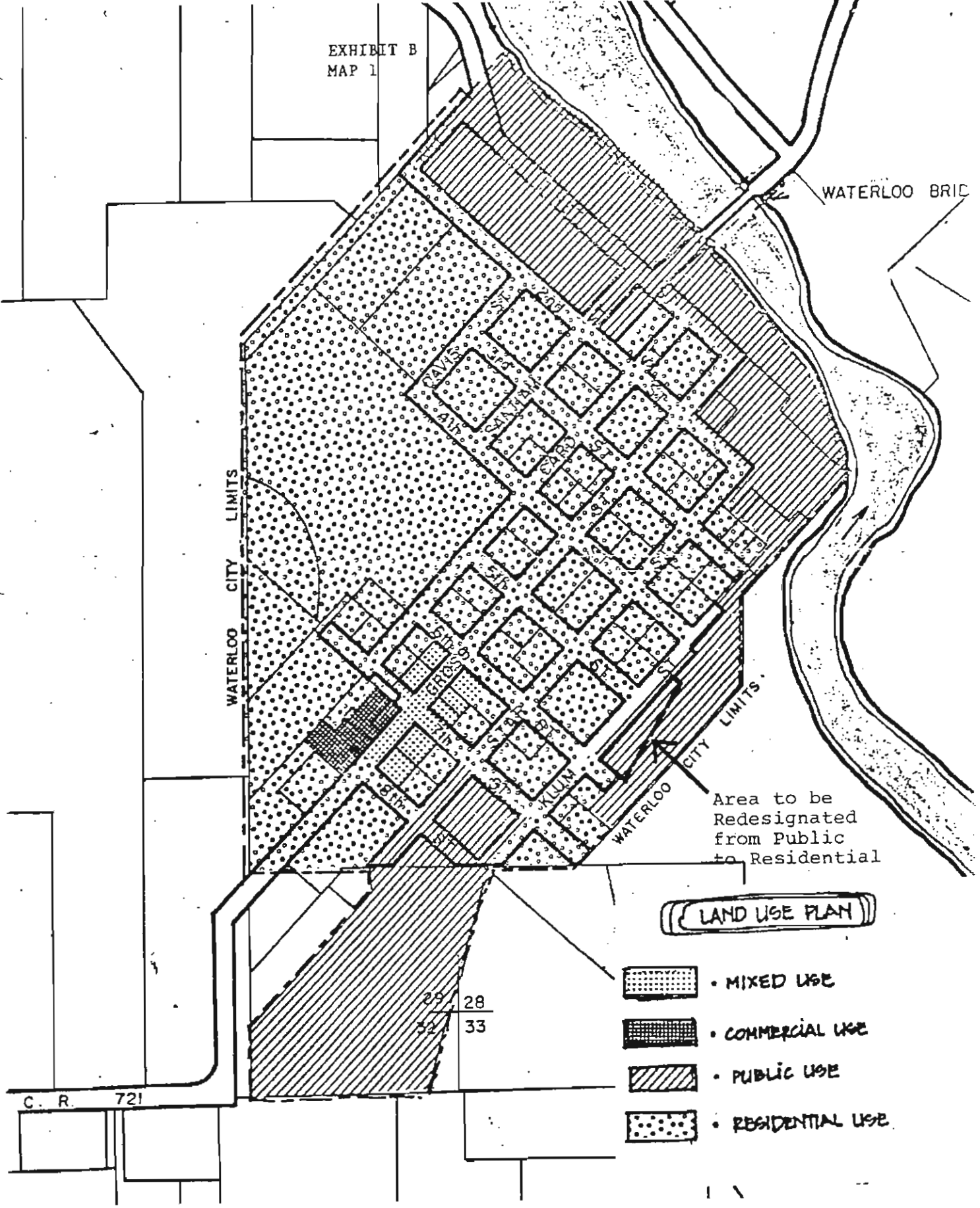
Area to be
Redesignated
from Public
to Residential

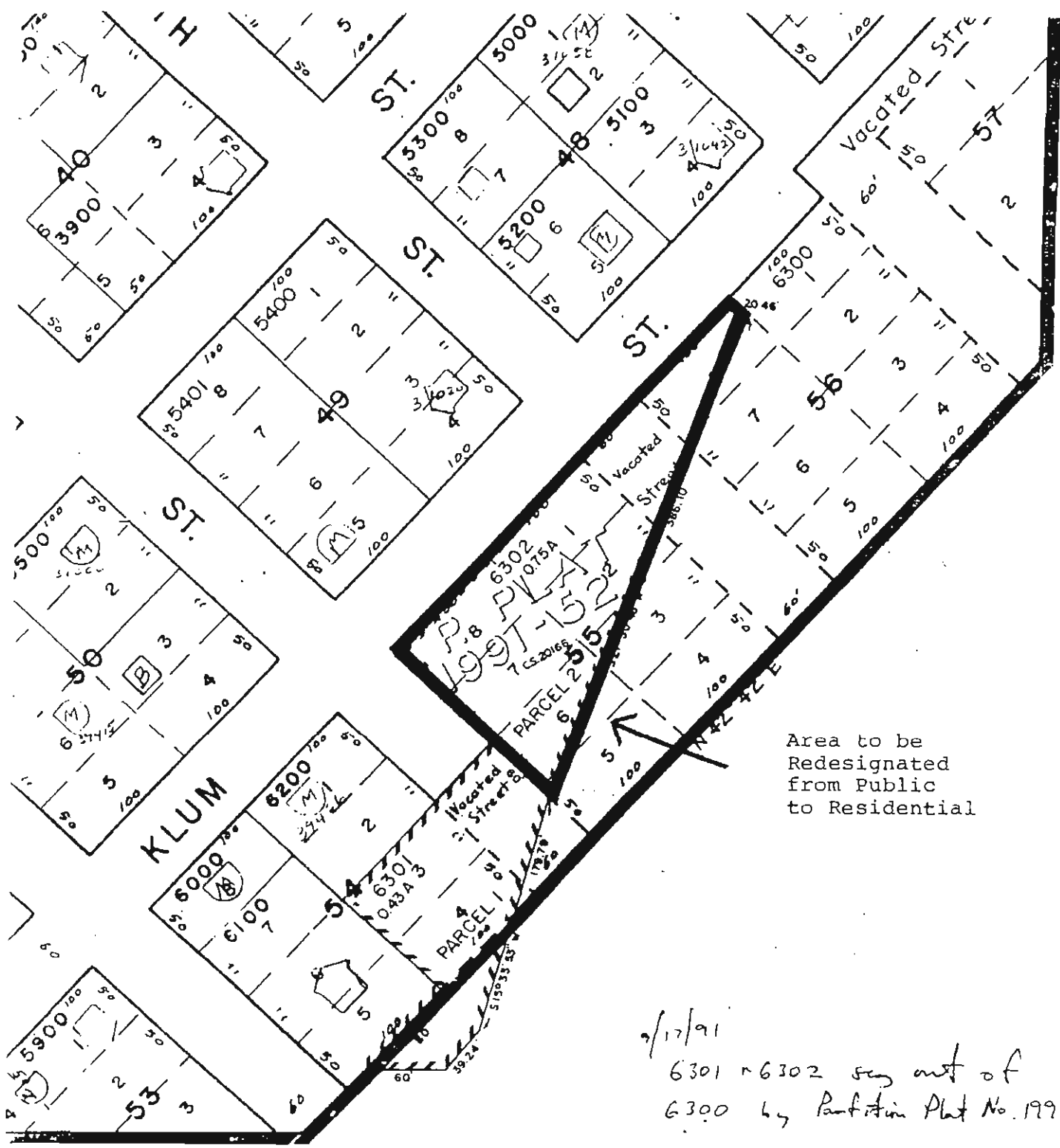
LAND USE PLAN

-  • MIXED USE
-  • COMMERCIAL USE
-  • PUBLIC USE
-  • RESIDENTIAL USE

29 28
32 33

C. R. 721





Area to be
Redesignated
from Public
to Residential

9/17/91
6301 + 6302 seg out of
6300 by Partition Plat No. 19915.

Map 12 IW 28

This Map is based on C.S. 5216

12 IW 28CC
WATERLOO

EXHIBIT B - MAP 2