



PLANNING AND DEVELOPMENT

TO: West Linn Planning Commission

FROM: Peter Spir, Associate Planner

DATE: September 21, 2009

FILE NOS.: CDC-09-04 (Two-year extension for approved land use decisions)

SUBJECT: Proposed changes to language

On September 16, 2009, at a Planning Commission work session, the Planning Commission directed planning staff to present proposed changes regarding CDC-09-04 at the Planning Commission meeting on October 7, 2009.

The changes (Exhibit A attached) explain exactly when the proposed two year extension to existing land use approvals starts. Staff also moved some language around so that items, originally proposed as approval criteria, were moved to other sections where they were deemed more appropriate. The changes also include recommendations from Attorney William Monahan which were largely non-substantive.

If the Planning Commission finds these changes to be agreeable, the code amendments will proceed to a City Council hearing, tentatively scheduled for October 26, 2009.

Sidebar: In response to comments that the City was unique in this approach and that no other jurisdictions will provide the opportunity for approvals lasting five years, staff took a second look at some other cities and made the following findings:

Lake Oswego

Section 50.87.010 Preparation and Submittal of Final Plan or Plat.

- 1. The final plan or plat shall be submitted within one year of the date of the order setting forth the final decision. Upon written application, prior to expiration of the one-year period, the City Manager shall, in writing, grant a one-year extension. Additional extensions may be requested in writing and will be submitted to the approving authority which approved the final decision for review of the project for conformance with the*

current law, development standards and compatibility with development which may have occurred in the surrounding area. The extension may be granted or denied and if granted may be conditioned to require modifications to bring the project into compliance with then current law and compatibility with surrounding development.

Analysis: One year to final plat plus one year extension plus additional extensions. It should be noted that there is the opportunity for an indefinite amount of extensions.

Portland

Portland amended its development code this year to extend from three years to five years the period available for completion of approved land use approvals and submittal of final plat applications.

33.730.130(B)

When approved decisions expire.

- 1. Land use approvals, except as otherwise specified in this section, expire if:
 - a. within 5 years of the date of the final decision a City permit has not been issued for approved development; or,*
 - b. within 5 years of the date of the final decision the approved activity has not commenced.**
- 6. Preliminary plans. Approved preliminary plans for land divisions expire if within 5 years of the date of the final decision an application for approval of Final Plat has not been submitted.*

Analysis: This standard is more liberal than the one proposed for West Linn in that the approval is good for five years outright with no extension process necessary. It also requires that the application for final plat only be filed within 5 years, meaning the recording the final plat could take an additional year or more. Conversely, West Linn's language requires a review of regulatory changes in the preceding years. A finding could be made that the new environmental, engineering or other standards will require significant modification of the original application. Consequently, the extension request would be denied.

Wilsonville

Wilsonville amended section 4.023 of their development code this year as follows:

Section 4.023. Expiration of Development Approvals (See also Section 4.140)

(.01) Except for Specific Area Plans (SAP), land use and development permits and approvals, including both Stage I and Stage II Planned Development approvals, shall be valid for a maximum of two years, unless extended as provided in this Section.

Specific Area Plan approvals shall not expire.

A. Substantial development, as defined in this Chapter, has taken place in compliance with the permit or approval; or

B. A time extension has been granted by the appropriate City reviewing body (generally the Development Review Board) for good cause. Not more than three such extensions may granted, for not more than one (1) year each.

(.02) If the development approval is for a subdivision or partition, the developer has two years from the date of approval to submit the final plat for recordation, unless a time extension has been granted as specified in (.01), above. Use of the site or substantial development does not obviate the need for submittal of the final plat within the specified time limits.

Analysis: There is an initial two year period of approval followed by the possibility of three one-year extensions for a total of five years, similar to the West Linn proposal.

Conclusion: West Linn would not be alone in providing mechanisms to applicants to extend their approvals. Staff acknowledges statements from various economic experts that the recession is bottoming out and improving. The accuracy of those predictions needs to be weighed against last month's jump in Oregon's unemployment to 12.5 percent which might be seen to indicate that the recession is far from over.

Staff is also concerned that this discussion is being framed as something only benefiting "big developers". True, subdivision developers will benefit from this code change, but most of the permits that will be eligible for two year extensions have been taken out by long standing West Linn citizens seeking boat dock permits, water resource area permits to build homes, variances to allow adding a two feet addition to a kitchen and so on. Discussion with the City of Portland planner responsible for their amendment echoed the finding in that the "*majority of the beneficiaries of the extension in Portland will be 'mom and pop' applications not large scale developers*".

Staff notes that approval of these extensions is discretionary. If the decision making body (e.g. Planning Commission) finds that recent regulations would require substantive changes to the original approval then the extension would be denied.

Final point: to make the applicant re-apply when there have been no changes in the circumstances and codes as they relate to the original application serves no demonstrable public interest.

EXHIBIT A: PROPOSED CODE AMENDMENTS

***NOTE:** Gray highlighted text has been modified since the Planning Commission hearing. The purpose is to (1) establish a uniform and specific time period for the extension; and, (2) move language from the approval criteria section to the preamble "Extensions of Approval" section; and, (3) non-substantive changes in writing format/style. Consideration of these changes by the Planning Commission is requested.*

85.090 EXPIRATION OF APPROVAL - CONTINUATION

If the ~~The~~ final plat has not been map shall be submitted to the Planning Director and recorded with the County within three years from the date of approval of the tentative plan, unless an extension is granted per CDC 85.095, which would then require the final plat to be recorded with the County within two years of the approval date of extension. If not, the approval expires. The two-year extension period shall be measured from the date that the original three-year approval lapses.

85.095 EXTENSIONS OF APPROVAL

- A. Approvals shall be extended by two years by the Planning Commission after the applicant has submitted a completed application form accompanied by payment of fees and where findings are made by the decision making body that the approval criteria, below, is met. In the case of subdivisions, planned unit developments and minor partitions the extension requires that the final plat be recorded with by the County within two years of the date of approval of the extension. The two-year extension period shall be measured from the date that the original three-year approval lapses.**

The applicant has no burden of proof to demonstrate compliance with the original approval criteria. This extension application shall not constitute a re-hearing of the original application.

B. Submittal Requirements:

(1) A Pre-application Conference is required and shall include discussion of any new engineering, environmental and other changes to regulations in the CDC that, if applicable to the applicant's site, could have a significant impact upon the applicant's proposal.

(2) The applicant's submittal shall include:

(a) Completed application form and payment of fees.

(b) Written request for two year extension to include discussion of whether or not new engineering, environmental and other changes to regulations in the CDC are applicable to the proposal. If there are changes to regulations that are deemed applicable, the applicant shall discuss their impact on the proposal. Drawings, to scale, shall communicate any changes to the design or layout required by the new regulations.

(c) Electronic or digital copy of the submittal in an acceptable format.

B. Approval Criteria:

(1) The applicant shall demonstrate "just cause" that the two year extension should be allowed. The Planning Commission shall have reasonable and appropriate latitude to interpret "just cause" to include new engineering, environmental, engineering or other regulations approved during the intervening years since the original approval date of the application that apply specifically to this project, and if the new regulations would significantly modify the

application's design or layout, the Planning Commission shall have discretion to deny the extension request.

~~(2) The applicant has no burden of proof to demonstrate compliance with the original approval criteria. This extension application shall not constitute a re-hearing of the original application.~~

(2)(3) Where new engineering, environmental, engineering or other regulations approved during the intervening years since the original approval date of the application would result in the loss of lots to meet those regulations, the elimination of those lots shall not render the application invalid.

89.010 SUBMISSION OF SUBDIVISION OR PARTITION PLAT

A. Within ~~one year~~ three years after approval of the tentative plan, the developer shall cause the final plat, or any part thereof, to be surveyed and a final plat prepared by a licensed land surveyor and submitted to the Planning Director in conformance with:

85.110 STAGED DEVELOPMENT

The applicant may elect to develop the site in stages. Staged development shall be subject to the provisions of Section 99.125. However, notwithstanding the provisions of Section 99.125, in no case shall the time period for final platting and recording all stages with the County be greater than five years without re-filing the application.

55.040 EXPIRATION OF APPROVAL - CONTINUATION

If substantial construction has not occurred within three years from the date of approval of the development plan, the approved proposal will be void unless an extension is granted per CDC 55.045.

55.045 EXTENSIONS OF APPROVAL

A. Approvals shall be extended by two years by the Planning Commission after the applicant has submitted a completed application form accompanied by payment of fees and where findings are made by the decision making body that the approval criteria, below, is met. In the case of design review, the applicant must begin substantial construction per 55.040 within the two year extension period.
The two-year extension period shall be measured from the date that the original three-year approval lapses.
The applicant has no burden of proof to demonstrate compliance with the original approval criteria. This extension application shall not constitute a re-hearing of the original application.

B. Submittal Requirements:

(1) A Pre-application Conference is required and shall include discussion of any new engineering, environmental and other changes to regulations in the CDC that , if applicable to the applicant's site, could have a significant impact upon the applicant's proposal.

(2) The applicant's submittal shall include:

(a) Completed application form and submittal of payment of fees.

(b) Written request for two year extension to include discussion of whether or not new engineering, environmental and other changes to regulations in the CDC are applicable to the proposal. If there are changes that are deemed applicable, the applicant shall discuss their impact on the proposal. Drawings, to scale, shall communicate any changes to the design or layout required by the new regulations.

(c) Electronic or digital copy of the submittal in an acceptable format.

B. Approval Criteria:

(1) The applicant shall demonstrate "just cause" that the two year extension should be allowed. The Planning Commission shall have reasonable and appropriate latitude to interpret "just cause" to include new engineering, environmental, engineering or other regulations approved during the intervening years since the original approval date of the application that apply specifically to this project, and if the applied new regulations would significantly modify the application's design or layout, the Planning Commission shall have discretion to deny the extension request.

~~**(2) The applicant has no burden of proof to demonstrate compliance with the original approval criteria. This extension application shall not constitute a re-hearing of the original application. (moved)**~~

56.040

EXPIRATION OF APPROVAL - CONTINUATION

If substantial construction, as defined in CDC chapter 2, has not occurred within three years from the date of approval of the development plan, the approved proposal will be void **unless an extension is granted per CDC 56.045**. Phased improvements to a park or natural area, with clearly stated timeline, are permitted under the provisions of CDC 56.060. However, substantial construction of the final phased improvement must be begun within five years of the original approval date.

56.045

EXTENSIONS OF APPROVAL

A. Approvals shall be extended by two years by the Planning Commission after the applicant has submitted a completed application form accompanied by payment of fees and where findings are made by the

decision making body that the approval criteria, below, is met. In the case of park design review, the applicant must begin substantial construction per 56.040 within the two year extension period.

The two-year extension period shall be measured from the date that the original three-year approval lapses.

The applicant has no burden of proof to demonstrate compliance with the original approval criteria. This extension application shall not constitute a re-hearing of the original application.

B. Submittal Requirements:

(1A Pre-application Conference to is required and shall include discussion of any new engineering, environmental and other changes to regulations in the CDC that , if applicable to the applicant's site, could have a significant impact upon the applicant's proposal.

(2) The applicant's submittal shall include:

(a) Submittal of Completed application form and payment of fees.

(b) Written request for two year extension to include discussion of whether or not new engineering, environmental and other changes to regulations in the CDC are applicable to the proposal. If there are changes that are deemed applicable, the applicant shall discuss their impact on the proposal. Drawings, to scale, shall communicate any changes to the design or layout required by the new regulations.

(c) Electronic or digital copy of the submittal in an acceptable format.

C. Approval Criteria:

(1) The applicant shall demonstrate "just cause" that the two year extension should be allowed. The Planning Commission shall have

reasonable and appropriate latitude to interpret "just cause" to include new engineering, environmental, engineering or other regulations approved during the intervening years since the original approval date of the application that apply specifically to this project. and if the new regulations applied would significantly modify the application's design or layout the Planning Commission shall have discretion to deny the extension request..

~~(2) The applicant has no burden of proof to demonstrate compliance with the original approval criteria. This extension application shall not constitute a re-hearing of the original application.~~

58.110 EXPIRATION OF APPROVAL - CONTINUATION

If substantial construction has not occurred within three years from the date of approval of the development plan, the approved proposal will be void unless an extension is granted per CDC 58.115.

58.115 EXTENSIONS OF APPROVAL

A. Approvals shall be extended by two years by the Historic Review Board after the applicant has submitted a completed application form accompanied by payment of fees and where findings are made by the decision making body that the approval criteria, below, is met. In the case of Willamette Falls Drive Commercial District design review, the applicant must begin substantial construction within the two year extension period.

The two-year extension period shall be measured from the date that the original three-year approval lapses.

The applicant has no burden of proof to demonstrate compliance with the original approval criteria. This extension application shall not constitute a re-hearing of the original application. (moved)

B. Submittal Requirements:

(1) A Pre-application Conference ~~to~~ is required and shall include discussion of any new engineering, environmental and other changes to regulations in the CDC that , if applicable to the applicant's site, could have a significant impact upon the applicant's proposal.

(2) The applicant's submittal shall include:

(a) Completed ~~submittal of~~ application form and payment of fees.

(b) Written request for two year extension to include discussion of whether or not new engineering, environmental and other changes to regulations in the CDC are applicable to the proposal. If there are changes to regulations that are deemed applicable, the applicant shall discuss their impact on the proposal.

Drawings, to scale, shall communicate any changes to the design or layout required by the new regulations

(c) Electronic or digital copy of the submittal in an acceptable format.

B. Approval Criteria:

(1) The applicant shall demonstrate "just cause" that the two year extension should be allowed. The Historic Review Board shall have reasonable and appropriate latitude to interpret "just cause" to include new engineering, environmental, engineering or other regulations approved during the intervening years since the original approval date of the application that apply specifically to this project. ~~and if~~ If the new regulations applied would significantly

modify the application's design or layout, the Planning Commission shall have discretion to deny the extension request.

(2) The applicant has no burden of proof to demonstrate compliance with the original approval criteria. This extension application shall not constitute a re-hearing of the original application.

60.010 PURPOSE

The purpose of this chapter is to provide standards and procedures under which conditional uses may be permitted, enlarged, or altered if the site is appropriate and if other conditions can be met.

A. ~~The Planning Commission may approve an application subject to a specific time period, at the termination of which there will be a renewal hearing. The decision at the renewal hearing shall be based on the factors in B1 and B2 below.~~

B. ~~Approval of a conditional use shall be void after one year or such lesser time as the approval may specify, unless substantial construction pursuant thereto has taken place. The Planning Commission after a public hearing as provided by Section 99.060(B) may extend authorization for an additional period not to exceed one year, on request and a finding that:~~

1. ~~There have been no changes in the facts on which the approval was based; and,~~

2. ~~There have been no changes in the policy or applicable standards on which the approval was based.~~

60.040 TIME LIMIT ON A CONDITIONAL USE APPROVAL

Approval of a conditional use by the Commission shall be void after three years, unless an extension is granted per CDC 60.045, if:

1. Substantial construction of the approval plan has not begun within that three-year period.
2. Construction on the site is a departure from the approved plan.

60.045 EXTENSIONS OF APPROVAL

A. Approvals shall be extended by two years by the Planning Commission after the applicant has submitted a completed application form accompanied by payment of fees and where findings are made by the decision making body that the approval criteria, below, is met. In the case of a conditional use permit, the applicant must begin substantial construction per 60.040 within the two year extension period. The two-year extension period shall be measured from the date that the original three-year approval lapses. The applicant has no burden of proof to demonstrate compliance with the original approval criteria. This extension application shall not constitute a re-hearing of the original application.

B. Submittal Requirements:

(1) A Pre-application Conference ~~to~~ is required and shall include discussion of any new engineering, environmental and other changes to regulations in the CDC that , if applicable to the applicant's site, could have a significant impact upon the applicant's proposal.

(2) The applicant's submittal shall include:

(a) Completed ~~submittal of~~ application form and payment of fees.

(b) Written request for two year extension to include discussion of whether or not new engineering, environmental and other changes to regulations in the CDC are applicable to the proposal.

If there are changes that are deemed applicable, the applicant

shall discuss their impact on the proposal. Drawings, to scale, shall communicate any changes to the design or layout required by the new regulations.

(c) Electronic or digital copy of the submittal in an acceptable format.

B. Approval Criteria:

(1) The applicant shall demonstrate "just cause" that the two year extension should be allowed. The Planning Commission shall have reasonable and appropriate latitude to interpret "just cause" to include new engineering, environmental, engineering or other regulations approved during the intervening years since the original approval date of the application that apply specifically to this project. and if If the new regulations applied would significantly modify the application's design or layout, the Planning Commission shall have discretion to deny the extension request.

~~(2) The applicant has no burden of proof to demonstrate compliance with the original approval criteria. This extension application shall not constitute a re-hearing of the original application.~~

75.040

TIME LIMIT ON A VARIANCE

Approval of a variance shall be void after three years unless substantial construction pursuant thereto has taken place unless an extension is granted per CDC 75.045. (ORD. 1408)

75.045

EXTENSIONS OF APPROVAL

A. Approvals shall be extended by two years by the Planning Commission after the applicant has submitted a completed application form

accompanied by payment of fees and where findings are made by the decision making body that the approval criteria, below, is met. In the case of a variance, the applicant must begin substantial construction per 75.040 within the two year extension period.

The two-year extension period shall be measured from the date that the original three-year approval lapses.

The applicant has no burden of proof to demonstrate compliance with the original approval criteria. This extension application shall not constitute a re-hearing of the original application.

B. Submittal Requirements:

(1) A Pre-application Conference ~~to~~ is required and shall include discussion of any new engineering, environmental and other changes to regulations in the CDC that , if applicable to the applicant's site, could have a significant impact upon the applicant's proposal.

(2) The applicant's submittal shall include:

(a) Completed ~~submittal of~~ application form and payment of fees.

(b) Written request for two year extension to include discussion of whether or not new engineering, environmental and other changes to regulations in the CDC ~~are~~ applicable to the proposal. If there are changes that are deemed applicable, the applicant shall discuss their impact on the proposal. Drawings, to scale, shall communicate any changes to the design or layout required by the new regulations.

(c) Electronic or digital copy of the submittal in an acceptable format.

B. Approval Criteria:

(1) The applicant shall demonstrate "just cause" that the two year extension should be allowed. The Planning Commission shall have reasonable and appropriate latitude to interpret "just cause" to include new engineering, environmental engineering or other regulations approved during the intervening years since the original approval date of the application that apply specifically to this project. If the new regulations applied would significantly modify the application's design or layout, the Planning Commission shall have discretion to deny the extension request.

(2) The applicant has no burden of proof to demonstrate compliance with the original approval criteria. This extension application shall not constitute a re-hearing of the original application.

24.030

EXPIRATION OF APPROVAL- CONTINUATION

If no substantial construction has occurred within three years from the date of approval of the final plat or development plan, the application shall be null and void unless an extension is granted per CDC 24.035, which would then require the final plat to be recorded with the County within five years. If not, the approval expires. The two-year extension period shall be measured from the date that the original three-year approval lapses. (ORD. 1408)

24.035

EXTENSIONS OF APPROVAL

- A. Approvals shall be extended by two years by the Planning Commission after the applicant has submitted a completed application form accompanied by payment of fees and where findings are made by the

decision making body that the approval criteria, below, is met. In the case of a PUD planned unit development, the applicant must record extension requires that the final plat be recorded with the County within the two year extension period.

The two-year extension period shall be measured from the date that the original three-year approval lapses.

The applicant has no burden of proof to demonstrate compliance with the original approval criteria. This extension application shall not constitute a re-hearing of the original application.

B. Submittal Requirements:

(1) A Pre-application Conference is required and shall include discussion of any new engineering, environmental and other changes to regulations in the CDC that, if applicable to the applicant's site, could have a significant impact upon the applicant's proposal.

(2) The applicant's submittal shall include:

(a) Completed submittal of application form and payment of fees.

(b) Written request for two year extension to include discussion of whether or not new engineering, environmental and other changes to regulations in the CDC are applicable to the proposal. If there are changes to regulations that are deemed applicable, the applicant shall discuss their impact on the proposal.

Drawings, to scale, shall communicate any changes to the design or layout required by the new regulations.

(c) Electronic or digital copy of the submittal in an acceptable format.

B. Approval Criteria:

(1) The applicant shall demonstrate "just cause" that the two year extension should be allowed. The Planning Commission shall have reasonable and appropriate latitude to interpret "just cause" to include new engineering, environmental, engineering or other regulations approved during the intervening years since the original approval date of the application that apply specifically to this project. and if the new regulations applied would significantly modify the application's design or layout, the Planning Commission shall have discretion to deny the extension request.

(2) The applicant has no burden of proof to demonstrate compliance with the original approval criteria. This extension application shall not constitute a re-hearing of the original application.

(2)(3) Where new engineering, environmental, engineering or other regulations approved during the intervening years since the original approval date of the application would result in the loss of lots to meet those regulations, the elimination of those lots shall not render the application invalid.

28.080 TIME LIMIT ON APPROVAL

- A. Approval of a protection area permit shall be void if
1. Substantial work (e.g. piling installation etc) is not completed within three years of the approval date unless an extension is granted per CDC 28.035.

28.085 EXTENSIONS OF APPROVAL

- A. Approvals shall be extended by two years by the Planning Commission after the applicant has submitted a completed application form accompanied by payment of fees and where findings are made by the decision making body that the approval criteria, below, is met. In the

case of a Willamette and Tualatin River protection permit, the applicant must begin substantial work per 28.080 within the two year extension period.

The two-year extension period shall be measured from the date that the original three-year approval lapses.

The applicant has no burden of proof to demonstrate compliance with the original approval criteria. This extension application shall not constitute a re-hearing of the original application.

B. Submittal Requirements:

(1) A Pre-application Conference is required and shall include discussion of any new engineering, environmental and other changes to regulations in the CDC that, if applicable to the applicant's site, could have a significant impact upon the applicant's proposal.

(2) The applicant's submittal shall include:

(a) Completed submittal of application form and payment of fees.

(b) Written request for two year extension to include discussion of whether or not new engineering, environmental and other changes to regulations in the CDC are applicable to the proposal. If there are changes to regulations that are deemed applicable, the applicant shall discuss their impact on the proposal.

Drawings, to scale, shall communicate any changes to the design or layout required by the new regulations.

(c) Electronic or digital copy of the submittal in an acceptable format.

B. Approval Criteria:

(1) The applicant shall demonstrate "just cause" that the two year extension should be allowed. The Planning Commission shall have

reasonable and appropriate latitude to interpret “just cause” to include new engineering, environmental engineering or other regulations approved during the intervening years since the original approval date of the application that apply specifically to this project. If the new regulations would significantly modify the application’s design or layout, the Planning Commission shall have discretion to deny the extension request.

~~(2) The applicant has no burden of proof to demonstrate compliance with the original approval criteria. This extension application shall not constitute a re-hearing of the original application.~~

99.330 REVOCATION OF APPROVALS - FAILURE TO FULFILL CONDITIONS

A. Conditions of approval shall be fulfilled within the time limit set forth in the decision; or, by specific provisions in this code; or, if no time limit is set forth, within three years unless an extension is granted per the provisions of the specific chapters.

99.060 APPROVAL AUTHORITY

This section explains the authority of Planning Director, Planning Commission, City Council, and Historic Review Board as it relates to quasi-judicial and legislative action.

PLANNING COMMISSION AUTHORITY

- B. 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. (ch. 105). (ORD 1568)

- b. A quasi-judicial zone change involving a concurrent application for a quasi-judicial Plan Map amendment as provided by Section 99.030(A) (ch. 35). (ORD 1568)
- 2. Approve, deny, or approve with conditions:

I. Extensions of Approval

HISTORIC REVIEW BOARD AUTHORITY

- D. The Historic Review Board shall have the authority to approve, deny, or approve with conditions, applications for the following development applications. (ORD. 1474)

8. Extensions of Approval

99.080 NOTICE

Land Use Action	Type of Notice
Amendment or Modification of Application or Permit	Same as original application
Appeal or Review of Decision	A
Boundary Change:	Special
Code Interpretation	Notice to parties requesting the interpretation
Comprehensive Plan: Map Amendment	A
Plan/Code Text Amendment (Legislative Action)	A***
Conditional Use	A
Design Review: Class I	B
Class II	A
Determination of Unlisted Use	No Notice
Enlarge or Alter Non-Conforming Use/Structure: Commercial or Industrial	A
Single-Family Residential	B
Erosion and Sediment Control Permit	No Notice
Expedited Land Division	per state statute requirements
Flood Management Area	B**
Final Plat and Partition Plat	No Notice
Historic District: Amendments	A
Demolition	A

New Home Construction	B
Major Renovations or Additions	B
Minor Renovations or Additions	B
Construction of non-exempt accessory structures/ garages	B
Home Occupation:	No Notice
Lot Line Adjustment	No Notice
Minor Partition	A
Planned Unit Development	A
Revocation of Approval	A
Sidewalk Use Permit	No Notice
Sign Permit	No Notice
Subdivision	A
Temporary Use Permit:	
60 days or less; 60-day extension	No Notice
Over 60 days, up to 1 year	A
Tualatin River Setback:	
Uses permitted outright & not subject to design review	No Notice
Uses permitted outright & subject to design review	B
Uses requiring conditional use permit & design review	A
Street Vacations	(per state statute requirements)
Variances:	
Class I (involves a small change with minor or no effect)	B
Class II (involves a significant change from code requirements)	A
Water Resource Area Permit (NDW)	A**
Willamette River Greenway:	
Development Permit	A**
Uses requiring conditional use permit & design review	A**
Zone Change	A

Extensions of Approval same notice as original application

**Plus COE/DSL is notified

***Plus DLCD notice (ORD. 1474, ORD.1545,ORD.1547,ORD.1565, ORD 1568)

Exhibits Public Comments

Begin forwarded message:

> From: Jeanette Henning <ajhenning4@comcast.net>
> Date: September 17, 2009 10:09:01 PM PDT
> To: pgalle@westlinnoregon.gov
> Subject: "NO" on 2 yr extension to land use approval please!
>
> Hello West Linn City Council members-
> Unfortunately I'll be working during the City Council meeting 9/28
> but I would like you vote "NO" on the proposal to allow a two-year
> extension of land use approvals. Five years is time enough, and NO
> preferential treatment should be allowed. Thanks for allowing me to
> submit my opinion and I hope you'll consider it-
> Sincerely,
> Jeanette Henning
>

-----Original Message-----

From: Alison Steinberg [mailto:alison@steinbergs.net]

Sent: Sat 9/19/2009 7:52 AM

To: Galle, Patti

Subject: Teresa's Vineyard

Mayor Galle,

Thank you for your service to West Linn. I have lived here for 4 years, and prefer it to anywhere I've ever lived. My kids are happy in the schools, and I also work for West Linn-Wilsonville school district.

I live on Vista Ridge, just above "Teresa's Vineyard", and am very worried about how the development of this area will negatively affect our city. Traffic has worsened in our area, and the eventual building and developing of this property will be a nightmare for all of us in the surrounding area. Does West Linn really need more housing? There are empty houses on the market everywhere I look. The vineyard is a much more attractive and unique use of this land. I also wonder about his "extension deal". This seems a little unfair to other tax payers

and citizens that Jeff Smith should be treated so preferentially.

Surely, having Mr. Smith reapply for his land use application in a few years would be in the best interests of the city and neighbors. I believe he should go through the application process again, so that the reality of the decision can be assessed more accurately.

Thank you,
Alison Steinberg

Zak, Teresa

From: Jordan, Chris
Sent: Monday, September 21, 2009 8:26 AM
To: Zak, Teresa; Lynch, Tina; Spir, Peter
Cc: Sonnen, John
Subject: FW: Teresa's Vineyard

For the record...

Chris Jordan, City Manager
Administration, #1422

West Linn Sustainability Please consider the impact on the environment before printing a paper copy of this email.

Public Records Law Disclosure This e-mail is subject to the State Retention Schedule and may be made available to the public.

-----Original Message-----

From: Galle, Patti
Sent: Saturday, September 19, 2009 4:13 PM
To: Alison Steinberg
Cc: City Council
Subject: RE: Teresa's Vineyard

Dear Alison,

Thanks for writing. I always appreciate hearing from citizens on issues that concern them. On the Aquatic center, the council is committed to putting this on the ballot sometime in 2010 for voters to approve. I will pass on your suggestion of Sunset School to them.

On the issue of the 2 year extension, it has been taken off our agenda and I am not sure exactly when it will come before us. Your concerns are duly noted and I have cc'd the council on this email so they have them also.

Thanks again and if you need anything in the future, please contact me.

Patti Galle
Mayor, City of West Linn

22500 Salamo Rd
West Linn, Or 97068
503-657-0331 office
503-636-0714 home

Zak, Teresa

From: Jordan, Chris
Sent: Monday, September 21, 2009 8:26 AM
To: Zak, Teresa; Lynch, Tina; Spir, Peter
Cc: Sonnen, John
Subject: FW: vineyard property

For the record...

Chris Jordan, City Manager
Administration, #1422

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-----Original Message-----

From: Burgess, Scott
Sent: Sunday, September 20, 2009 6:46 PM
To: Alison Steinberg
Cc: Jordan, Chris; City Council
Subject: RE: vineyard property

Ms. Steinberg:

A development has been approved for the vineyard property. Whether it is built is a financial issue for Mr. Smith until his approval expires. The extension issue has not come to the Council from the Planning Commission. I suggest you contact the Planning Department or the city's website to find out the process and get involved at this level first.

I am forwarding this response to Chris Jordan, the City Manager, for staff's information.

Thank you,

Scott

Councilor Scott Burgess
<mailto:sburgess@westlinnoregon.gov>
West Linn City Councilor
22500 Salamo Road
West Linn, Oregon, 97068
P: (503) 657-0331
F: (503) 650-9041