

**ORDINANCE NO. 1661**

**AN ORDINANCE RELATING TO THE AMENDMENT OF WEST LINN COMMUNITY DEVELOPMENT CODE SECTION 11.030 TO ALLOW COMMUNITY BUILDING AS A FORM OF PERMITTED USE IN THE SINGLE-FAMILY RESIDENTIAL DETACHED, R-10 ZONE ON THE CITY-OWNED PROPERTY LOCATED AT 3706 CEDAROAK DRIVE, WEST LINN FOR PURPOSES OF PERMITTING USE OF THE ROBINWOOD FIRE STATION AS A COMMUNITY BUILDING**

Annotated to show ~~deletions~~ and additions to the code sections being modified. Deletions are ~~bold lined through~~ and additions are **bold underlined**.

**WHEREAS**, Chapter II, Section 4, of the West Linn City Charter provides:

Powers of the City. The City shall have all powers which the Constitution, statutes and common law of the United States and of this State now or hereafter expressly or implied grant or allow the City, as fully as though this Charter specifically enumerated each of those powers;

**WHEREAS**, the fire station now known as “Robinwood Station” was constructed in 1964 on property which was, at that time, outside of the city limits of the City; and

**WHEREAS**, Clackamas County approved the application for a fire station and meeting room as a conditional use in the R-10, Single Family Residential Detached zone; and

**WHEREAS**, the property was improved with a public building in 1964 and the public use of the property has been maintained until the present; and

**WHEREAS**, use of the building as a fire station ended in 2010 and the building has operated as community center under a series of temporary use permits issued by the City to the Friends of Robinwood Station; and

**WHEREAS**, Friends of Robinwood Station wish to resolve the land use status of the property in order to have certainty as they move forward with the alteration and possible expansion of the building; and

**WHEREAS**, City Council’s legislative intent agrees with the Planning Commission’s CDC-17-03 Recommendation Memo dated August 25, 2017, regarding the definition of “community building” in Section 2.030 of the Community Development Code as it applies to the Robinwood Station; and

**WHEREAS**, adding that use to Community Development Code Section 11.030 implements the City’s Council’s direction that the property be used for a community building; and

**WHEREAS**, the Council’s decision is based on the findings contained in these Whereas Clauses, together with the findings, conclusions, and substantial evidence found in the associated land use record for file CDC 17-03, which is incorporated by this reference.

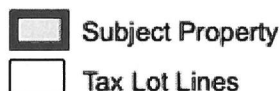
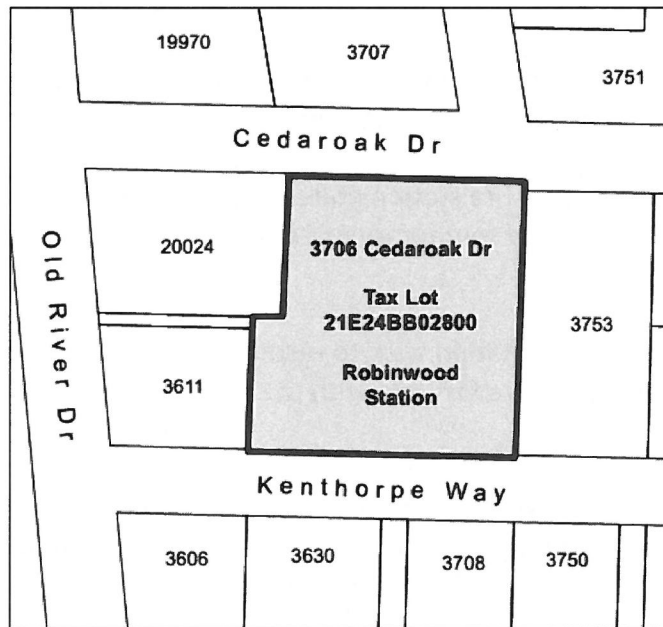
**NOW, THEREFORE, THE CITY OF WEST LINN ORDAINS AS FOLLOWS:**

**SECTION 1. Amendment.** West Linn Community Development Code Section 11.030, Permitted Uses, is amended to read as follows:

***11.030 PERMITTED USES***

The following are uses permitted outright in this zoning district

1. Single-family detached residential unit.
2. Community recreation.
3. Family day care.
4. Residential home.
5. Utilities, minor.
6. Transportation facilities (Type I).
7. Manufactured home.
8. Community building on City-owned property at 3706 Cedar oak Drive and indicated on the map below.



**SECTION 2. Severability.** The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

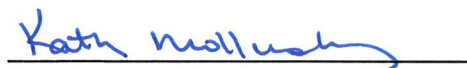
**SECTION 3. Savings.** Notwithstanding this amendment/repeal, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinance(s) or portions of the ordinance were operative. This section simply clarifies the existing situation that nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

**SECTION 4. Codification.** Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 2-5) need not be codified and the City Recorder or his/her designee is authorized to correct any cross-references and any typographical errors.

**SECTION 5. Effective Date.** This ordinance shall take effect on the 30<sup>th</sup> day after its passage.

The foregoing ordinance was first read by title only in accordance with Chapter VIII, Section 33(c) of the City Charter on the 9<sup>th</sup> day of October 2017, and duly PASSED and ADOPTED this 9<sup>th</sup> day of October, 2017.

  
RUSSELL B. AXELROD, MAYOR

  
KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

  
CITY ATTORNEY