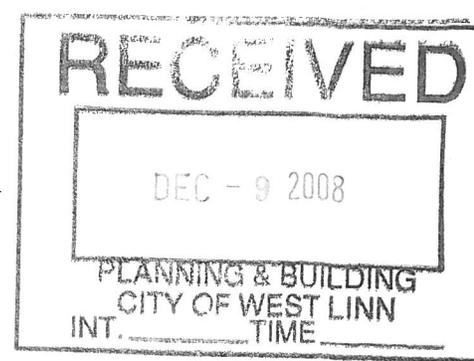


WEST LINN PLANNING COMMISSION
DECISION NOTICE
ZC-08-03



**IN THE MATTER OF A PROPOSED ZONE CHANGE FROM LOW
DENSITY RESIDENTIAL R-10 (10,000 SQUARE FOOT MINIMUM
LOT SIZE) TO R-7 (7,000 SQUARE FOOT MINIMUM LOT SIZE) AT
1095 DOLLAR STREET**

At a regular hearing date of December 3, 2008, the West Linn Planning Commission held a public hearing to rezone a 16,553 square foot parcel at the southwest corner of Dollar Street and Ostman Road from R-10 to R-7. R-7 is in the same low density residential category so no Comprehensive Plan Amendment was required. The zone change criteria are found in CDC Chapter 105. The hearing was conducted pursuant to the provisions of CDC Chapter 99.

The hearing was opened by Chair Babbitt and commenced with a staff report presented by Peter Spir, Associate Planner. Public testimony for and against the application was heard. Midge Pierce found that demonstration of change or mistake in the original zoning was not made per CDC 105.050(B)(1). She found that whereas there are some non-conforming lots next to the site and some other zones are nearby, the majority of the zoning in the environs of this site and indeed the majority of the Willamette neighborhood is, and continues to be, R-10. She also found that the rezone could adversely affect the health, safety and welfare of the community per CDC 105.050(C)(3) since the increased density would add more traffic to the area in general. Also, she noted that this is a bad intersection with inadequate line of sight. If another house is built at that corner then the safety of the intersection would be diminished.

Buffalo Zobel testified in support of Mrs. Pierce's findings stating that the intersection was hazardous and a house at that corner with ingress/egress requirements would worsen intersection conditions. He also saw this as creating a negative precedent to allow more zone changes in the area. Elizabeth Kieres, Fred Hall and Danette Nielsen also testified making similar findings. Alice Richmond spoke in favor of the zone change.

After applicant rebuttal the hearing was closed. Planning Commissioners found that:

1. The majority of the zoning in the environs of this site and indeed the majority of the Willamette neighborhood is, and continues to be, R-10. The burden of proof is on the applicant and there was no clear demonstration of a change in the area or mistake in the original zoning substantive enough to justify the zone change. They noted that although there are 6,000 square foot lots to the south, that property is zoned R-10. They found also that to the east, north and west is R-10 zoning and all lots are over 10,000 square feet.

2. The rezone could adversely affect the health, safety and welfare of the community per CDC 105.050(C)(3) since the increased density would add more traffic to the area in general. It was found that this is a bad intersection with inadequate line of sight. If another house is built at that corner then the safety of the intersection would be diminished. The Commissioners were also concerned that future zone changes could have an adverse cumulative effect on intersection safety.
3. The rezone could set a precedent in future cases which might be used to bypass or distract decision makers from the approval criteria of CDC 105.050.

The motion by Vice Chair Commissioner Kovash was made to deny the requested zone change based on the findings heard in oral testimony and the Planning Commission findings stated above. Commissioner Wood seconded. The vote in favor of the motion was three to two. The application to rezone to R-10 is denied.

This decision will become effective 14 days from the date of mailing of this notice as identified below. Those parties with standing (i.e., those individuals who submitted letters into the record, or provided oral or written testimony during the course of the hearing, or signed in on the attendance sheet at the hearing, or who have contacted City Planning staff and made their identities known to staff) may appeal this decision to the City Council.



Michael Babbitt
Chair, West Linn Planning Commission

12-8-08

Date of signing

This decision was mailed on 12-10-08, 2008.

Therefore, this decision becomes final at 5 p.m., 12-24-08,
2008.